LEABHARLANN CHOLÁISTE NA TRÍONÓIDE, BAILE ÁTHA CLIATH | TRINITY COLLEGE LIBRARY DUBLIN
Ollscoil Átha Cliath | The University of Dublin

Terms and Conditions of Use of Digitised Theses from Trinity College Library Dublin

Copyright statement

All material supplied by Trinity College Library is protected by copyright (under the Copyright and Related Rights Act, 2000 as amended) and other relevant Intellectual Property Rights. By accessing and using a Digitised Thesis from Trinity College Library you acknowledge that all Intellectual Property Rights in any Works supplied are the sole and exclusive property of the copyright and/or other IPR holder. Specific copyright holders may not be explicitly identified. Use of materials from other sources within a thesis should not be construed as a claim over them.

A non-exclusive, non-transferable licence is hereby granted to those using or reproducing, in whole or in part, the material for valid purposes, providing the copyright owners are acknowledged using the normal conventions. Where specific permission to use material is required, this is identified and such permission must be sought from the copyright holder or agency cited.

Liability statement

By using a Digitised Thesis, I accept that Trinity College Dublin bears no legal responsibility for the accuracy, legality or comprehensiveness of materials contained within the thesis, and that Trinity College Dublin accepts no liability for indirect, consequential, or incidental, damages or losses arising from use of the thesis for whatever reason. Information located in a thesis may be subject to specific use constraints, details of which may not be explicitly described. It is the responsibility of potential and actual users to be aware of such constraints and to abide by them. By making use of material from a digitised thesis, you accept these copyright and disclaimer provisions. Where it is brought to the attention of Trinity College Library that there may be a breach of copyright or other restraint, it is the policy to withdraw or take down access to a thesis while the issue is being resolved.

Access Agreement

By using a Digitised Thesis from Trinity College Library you are bound by the following Terms & Conditions. Please read them carefully.

I have read and I understand the following statement: All material supplied via a Digitised Thesis from Trinity College Library is protected by copyright and other intellectual property rights, and duplication or sale of all or part of any of a thesis is not permitted, except that material may be duplicated by you for your research use or for educational purposes in electronic or print form providing the copyright owners are acknowledged using the normal conventions. You must obtain permission for any other use. Electronic or print copies may not be offered, whether for sale or otherwise to anyone. This copy has been supplied on the understanding that it is copyright material and that no quotation from the thesis may be published without proper acknowledgement.

FROM CORPORATIONS TO COMMISSIONERS - MUNICIPAL GOVERNMENT AND URBAN CHANGE IN LEINSTER, 1835-65

Patrick J. Hester, B.A (Mod)

Thesis Submitted to the University of Dublin, Trinity College, for the Degree of Doctor of Philosophy

Department of Geography

The University of Dublin

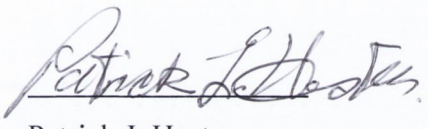
Trinity College

October 2008

TRINITY COLLEGE
10 AUG 2009
LIBRARY DUBLIN
THESIS
8776

DECLARATION

I hereby declare that this thesis has not been submitted as an exercise for a degree at this or any other university. Except where otherwise acknowledged, it is entirely my own work. The library of Trinity College may lend or copy this thesis upon request.



Patrick J. Hester
Trinity College, Dublin
October, 2008

ACKNOWLEDGEMENTS

I wish to thank my supervisor, Dr. Mark Hennessy, for all his assistance, guidance and encouragement. Without his patient support, generosity with his time and sense of humor it is highly doubtful if this thesis would ever have been completed.

I am also extremely grateful to my friends, colleagues and staff at the Department of Geography, Trinity College, particularly Terry Dunne, Sheila McMurrow, Arlene Crampsey, Francis Ludlow, Gillian Marron, Catherine Byrne and Claire Downes. Particular thanks to Arlene, Catherine and Claire for proof-reading the chapters and to Dr. Joseph Horan for his generosity, expertise and time in assisting with the intricacies of Word Office formatting.

My thanks are also due to the helpful staff of the various libraries and archives I visited: The National Archives of Ireland, the National Library of Ireland, Trinity College Library, Dublin City Library and Archive and the county libraries at Newbridge, Carlow, Portlaoise, Mullingar, Navan and Dundalk. I am particularly indebted to Mario Corrigan at the Local History section of Kildare Co. Library and to Archivist Cecile Chemin at Navan for assistance and guidance above and beyond the call of duty. Also to Paddy Behan, former Naas Town clerk, for his assistance and welcoming access to his personal archives.

Finally, I wish to say a heartfelt thank you to my wife Carmel. Without her encouragement, love and support this study would not have commenced in the first place. Finally, to our son Colin and daughters Niamh and Orla for their steadfast love, patience and encouragement, I send my love and most grateful thanks.

SUMMARY

Following an 1835 report, a process of reform of Irish town government took place. This thesis examines the process and the major shift which occurred in the government of market towns in Leinster between 1835 and 1865. It also examines the parallel increase in the interest of central government in Irish urban administration.

As a consequence of the Act of Union, the corporations responsible for the administration of these towns, made up of sectarian, often absentee, protestant elites, became almost totally moribund. Neglect and corruption became the rule. These corporations were allowed to continue in existence for many decades without any vestige of state control or accountability. Their members were usually made up of the families and agents of the local landlord who acted as patron of the town and appointed either himself or his agent as its 'sovereign' or 'burgomaster'.

At a time when emancipation had been recently granted to the Irish catholic majority and repeal of the Act of Union was being actively sought, Whitehall realized the inherent danger of allowing an administrative vacuum to develop within Irish towns. Bills were introduced which sought to wind up the old discredited municipal corporations and introduce new commissioner bodies democratically elected by urban ratepayers to administer their towns. This thesis examines the process of this major shift in eleven Leinster market towns.

Though bills to parliament were contested, obstructed and delayed, principally by Irish aristocratic influence and, though most of the discredited corporations were officially disbanded in 1840, it took another fourteen years before locally elected commissioners effectively took over the administration of Irish towns.

Research of parliamentary papers, official reports, town commissioners' and corporations' minutes as well as local newspapers are utilized to provide empirical evidence. In order to place the subject of this study in a wider context, the social theories of Foucault, Bourdieu and Bellamy are utilized. This thesis analyzes who these new commissioners were and contrasts their place in local society with those of the old corporations. It also addresses the question of what these new commissioners achieved by examining their work in the following areas: fairs, markets, tolls and customs; judiciary and local policing; public health, sanitation and water supply; public lighting and gasworks,

paving streets and footpaths. It also examines the extent to which religion played a part in the process of change.

TABLE OF CONTENTS

DECLARATION i
ACKNOWLEDGEMENTS ii
SUMMARY iii
TABLE OF CONTENTS v
LIST OF FIGURES x
LIST OF PLATES xii

Chapter 1: Introduction 1
1.1 Aims 2
1.2 Historical Context 3
1.2.1 Early Emergence of Increasing State Assertiveness 3
1.3 Research on Irish Towns in the Nineteenth-Century 10
1.3.1 Case Studies and Morphogenesis 10
1.3.2 Ownership and Patronage 11
1.3.3 Culture, Society and Politics 12
1.3.4 The Urban Economy 14
1.3.5 Urban Government 15
1.4 The State, Power and Change in Nineteenth–Century Ireland: Theoretical Approaches 16
1.4.2 Governmentality, Discourse and Knowledge: Michel Foucault 17
1.4.3 Social Groups, *Habitus, Field, Capital,* and the State: Pierre Bourdieu 18
1.4.4 Central – Local Relations: C. Bellamy 21
1.5 Research Questions 24
1.6 Study Area 25
1.7 Sources 28
1.7.1 Local Archives 29
1.7.2 Parliamentary papers 32
1.7.3 Ordnance Survey maps and Griffith's Valuation 33
1.7.4 Census Records 34
1.7.5 Directories 35
1.7.6 Travel-Writing of Contemporary Foreign Travellers to Ireland 35
1.7.7 Some Considerations 36
1.8 Layout 36

Chapter 2: Process of the Establishment of Town Commissions 38
2.1. Background to the Need for Change 38
2.2 Act of Union of Ireland and Britain 39
2.3 Act to make Provision for the Lighting, Cleansing and Watching of Cities and Towns Corporate and Market Towns in Ireland in Certain Cases (9 Geo 1V C. 82) 1828 41
2.4 Royal Commission Appointed to Enquire into the Municipal Corporations of Ireland (1833) 43
2.4.1 Commission of Inquiry's General Tenor 45
2.4.2 Corporation Membership - Exclusivity and Sectarianism 46
2.4.3 Infrastructure 48
2.4.4 Corporate Property 51

2.4.5 Future Prospects 54
2.4.6 Heritage and Patronage 57
2.5 Municipal Corporation Boundaries (Ireland) 1836 60
2.6 The Municipal Corporations (Ireland) Act (1840) 63
2.6.1 End of 'Nests of Corruption' Heralded 65
2.7 The Encumbered Estates Act, 1849 70
2.8 The Towns Improvement (Ireland) Act, 1854. 73
2.9 Methods of Adoption of the 1854 Act 75
2.9.1 Dundalk 76
2.9.2 Ardee 79
2.9.3 Kells 80
2.9.4 Naas 81
2.9.5 Maryborough (Portlaoise) 82
2.9.6 Athy 83
2.9.7 Carlow 84
2.9.8 Trim 89
2.9.9 Navan 91
2.10 Late Adopters of the Towns' Improvement (Ireland) Act, 1854 93
2.11 Conclusion 95

Chapter 3: Who Were the New Commissioners? 100
3.1 Aspects of New Town Commissioners' Professions / Occupations, Ages, and Rateable Valuations 100
3.1.1 Commissioners' Professions/Occupations 101
3.1.2 Commissioners' Age Profile 103
3.1.3 Commissioners' Property Holdings 104
3.1.4 Commissioners' Professions/Occupations: Rateable Valuations 105
3.1.5 Commissioners Ages: Rateable Valuation 107
3.1.4 Local Variations 108
3.2 'Fit and Proper Persons' 113
3.3 Naas and Trim; A Comparison 116
3.3.1 Comparison: Naas Sovereign v Naas Commissioners' Chairman 122
3.4 Religion 124
3.5 Conclusion 125

Chapter 4: Fairs, Markets, Tolls and Customs 129
4.1 Condition of Fairs and Markets in 1835 130
4.1.1 Examples of Corporations' Poor Market Government in Various Towns 131
4.2 Contestation for Control and Regulation 135
4.2.2 Impact of the New Commissioners 136
4.3 Evolving Improvements versus Traditional Legacies 140
4.3.1 Maximising Economic Advantage 140
4.3.1 Assistance of New Legislation – The 1854 Act 140
4.3.2 Establishment of Extra Fairs 143
4.3.4 Lingering 'Noblesse Oblige' 144
4.3.5 Odious Comparisons 145
4.3.6 Painful Birth of New Regulatory Organ 147
4.4 Growing Impact of New Government 150
4.4.1 Early Successes 150

4.4.2 Gradual Improvements Effected by the 1854 Act 152
4.4.3. The 'Carlow Influence' 153
4.5 Changes to Towns' Morphology 155
4.6 Conclusion 157

Chapter 5: Policing and Local Judiciary 159
5.1. Policing 'Under or in Connection with Corporate Authority' 160
5.1.1 Policing in Irish Towns as seen by the 1835 Commission of Inquiry 160
5.1.2 Local Urban Watch Systems 161
5.1.3 Reform 164
5.1.5 Town Policing Reformed by the 1854 Act 168
5.1.6 Inspector of Nuisance as Moral Guardian 170
5.1.7 Mixed Blessing of Towns' Garrisons 172
5.2 Local Magistracy 175
5.2.1 Magisterial Magistracy 176
5.2.2 Town Commissioners' Local Courts 179
5.2.3 Commissioners' Local Magistrate as Town Fund Faiser 182
5.2.4 Hackney Car Regulations 185
5.3 The Army...State's Second Law Enforcement Agency 186
5.3.1 The Military's Urban Economic Significance 188
5.3.2 Town Commissioners' Celebrate Military Iconography 192
5.3.3 Social Considerations 194
5.4 Conclusion 196

Chapter 6: Public Health: Water Supply, Lodging-House Regulation and Nuisance Removal 199
6.1 Early Nineteenth Century Urban Public Health Conditions 199
6.2 Pre-Famine Conditions 202
6.3 Public Water Supply 204
6.3.1 Improvement...the 1854 Act 205
6.4 Lodging Houses 212
6.5 The Value of Street Manure 219
6.5.1 Duties of the Inspector of Nuisances 222
6.5.2 Assistance to the Impoverished 225
6.6 Comparisons with Contemporary English Urban Sanitary Reform 226
6.7 Conclusion 228

Chapter 7: Improving and Adorning the Streets: Public Lighting and Street Paving 231
7.1 Public Lighting - Gasworks 231
7.1.1 New Lighting Technology 232
7.1.2 The Cost of Gas-Lighting in Irish Market Towns 236
7.1.3 Patronal Dependency 240
7.1.4 Variations in Adaptation 243
7.1.5 Mullingar Turf Gas – State of the Art! 245
7.1.6 The Late Conversion of Naas to Gas 246
7.1.7 Mid-Century Comparison with the Rest of Britain 250
7.2 Paving Streets and Footpaths 251
7.2.1 Surface Materials 251

7.2.2 Paving Conditions During 1830s 252
7.2.3 Delegation of Financial Responsibility 253
7.2.4 Paving Issues Following from the Adaptation of the 1854 Act 254
7.2.5 Naas 255
7.2.6 Athy 257
7.2.7 Maryborough (Portlaoise) 258
7.2.8 Mullingar 259
7.2.9 Carlow 262
7.2.10 Athlone 263
7.3 Conclusion 265

Chapter 8: Religion and Sectarianism 268
8.1 The Rise of the Catholic Clergy in Local Politics 268
8.2 Religious Makeup of Irish Urban Corporations in 1835 272
8.3 Reform Delayed = Reform Denied 274
8.4 Irish Religious Divisive Atmosphere of the 1840s and 50s 275
8.4.1 'Cribbing' in Carlow 275
8.4.2 Orange Sectarianism Intensifies 276
8.4.3 Dundalk's 'Ranter' Invasion 277
8.5 Naas - A Case Study 278
8.5.1 Naas Adopts the 1854 Act - An Opportunity for Religious Co-Operation? 280
8.5.2 Three Years Later...the Bubble Bursts 282
8.6 Conclusion 288

Chapter 9: Conclusion 290
9.1 Urban Conditions in 1835 290
9.2 Process of Establishing New Governing Bodies 292
9.3 Who were the new commissioners? 296
9.4 Fairs, Markets, Tolls and Customs 298
9.5 Policing and Local Judiciary 300
9.6 Public Health 303
9.7 Improvement and Adornment of the Streets 304
9.8 Religion 306
9.11 Conclusion 307

Appendices 310
Appendix I: Letter to *Carlow Post* from Mr. Hancock Seeking to Delay the Establishment of a Town Commission 310
Appendix II: Return showing towns in Ireland that have elected Town Commissioners under the provisions of the Towns' Improvement Act A.II.I Portlaoise (Maryborough) Town Commissioners' Official Return 311
The official returns of 1855 of the Irish towns having elected town commissioners give the following details concerning the town of Portlaoise (Maryborough). 311
A.II.II Trim Commissioners' Official Return 312
This table is compiled from the official return for the town of Trim which gave the following details of the commissioners elected there: 312
A.II.III Naas Commissioners' Official Return 313
A.II.IV Ardee Commissioners' Official Return 314
A.II.V Kells Commissioners' Official Return 315

A.II.VI Dundalk Commissioners' Official Return 316
A.II.VII Athlone Commissioners' Official Return 317
A.II.VIII Navan Commissioners' Official Return 318
A.II.IX Carlow Commissioners' Official Return 319
A.II.X Athy Commissioners' Official Return 320
Appendix III: Letter from Under-Secretary Thomas Drumond to Captain Jones, Royal Corps of Engineers Commanding his Service in Establishing Municipal Boundaries .. 321
Appendix IV: Towns' Improvement (Ireland) Act Clauses Deemed Pertinent to Deciding whether to Adopt the Act, as Outlined in the *Leinster Express* 322
Appendix V: Minutes of First Meeting to Elect Town Commissioners at Kells and Naas 324
A.V.I Minutes of First Meeting to Elect Town Commissioners at Kells, 3 May, 1855 324
A.V.II Minutes of first meeting to elect commissioners for Naas: 325
Appendix VI: Urban Heritage of Eleven Leinster Market Towns 327

BIBLIOGRAPHY 331

LIST OF FIGURES

Figure 1.1:	The eleven Leinster market towns of this study	27
Figure 1.2:	Table of town commissioners minute books currently availability for the towns of this study	30
Figure 1.3:	Table of available newspapers published in the area of the towns of this study	32
Figure 2.1:	Table of towns' patrons and populations in 1831	58
Figure 2.2:	Dates of adoption of 1828 and 1854 acts	93
Figure 3.1:	Eight most usual professions/occupations of new commissioners	102
Figure 3.2:	Age-groups of new commissioners	103
Figure 3.3:	Rateable valuations of new commissioners	104
Figure 3.4:	Rateable valuations of various professions/occupations	106
Figure 3.5:	Rateable valuations of various age-groups	107
Figure 3.6:	Details of Naas Town Commissioners (Source: Return showing towns in Ireland that have elected Town Commissioners under the provisions of the Towns' Improvement Act of last session, Vol.XLV11, 4 June 1855)	121
Figure 3.7:	Details of Trim Town Commissioners (Source: Return showing towns in Ireland that have elected Town Commissioners under the provisions of the Towns' Improvement Act of last session, Vol.XLV11, 4 June 1855)	122
Figure 4.1:	OS map of Naas. Arrow 4.01 denotes site at South Main Street where original market house stood prior to being demolished and replaced by a market house at Arrow 4.02 (Source: OS map of county Kildare, sheet 19, surveyed, 1937, Map Library, TCD Library)	133

Figure 7.1:	Pointer 7.01 indicates the location of Ardee gasworks located between the railway station and the river (Source: OS Sheet 17, surveyed 1908, scale 1:10,560, Map Library - Trinity College Library, Dublin,)	244
Figure 7.2:	The railway had arrived and made a significant impact on the 'footprint' of Mullingar when the new commissioners became established in 1856 (Source: Map Library – Trinity College Library, Dublin; Sheet 19; Surveyed 1875; Scale: 1:10,560)	260
Figure 7.3:	OS map of Carlow. The urban area west of the river Barrow was the responsibility of Queen's County (Co. Laoise). (Source: OS map of County Carlow, sheet 7, revised 1874. Map Library, TCD Library)	263
Figure 8.1:	Number of parochial clergymen and ratio to Catholic population, 1800-1861.	269

LIST OF PLATES

Plate 2.1:	Athy town boundary as reconfigured by the military surveyors in 1837	62
Plate 3.1:	An entry in Athy town commissioners' minute book indicating the names, professions and rateable valuations of the Athy town commissioners, dated 14 July, 1856 (Photo: Patrick Hester, March 2008)	112
Plate 4.1:	The weigh-master's facility, built in 1855 by Naas town commissioners on the traditional market area of South Main Street	147
Plate 4.2:	Mullingar market house, c. 1867 was built on the site of an earlier (c. 1730) market house and incorporates some of its fabric(Source: Irish National Archaeological Archive)	150
Plate 4.3:	Town Hall, Castle St. Trim, built in 1850s, was remodeled in 1925 and today retains little of its original appearance(Source: Irish National Archaeological Archive)	155
Plate 5.1:	Carlow courthouse: Even today this early nineteenth-century neo-classical building dominates its urban environs (Photo: Patrick Hester, March, 2008)	177
Plate 5.2:	Local grandees escort a judge of the assizes into town (Source: A drawing from 'The Pageantry of Assize time' in Country Life, Sept 25, 1980,Vol. clxvii, No.4336)	179
Plate 5.3:	Army barracks at Athlone, c.1810, still survives with its original form, character and massing intact (Source: Irish National Archaeological Archive)	187
Plate 5.4:	Russian cannon captured in the Crimea still occupies a dominant site at the courthouse, Carlow (Photo: Patrick Hester, March, 2008)	193

Plate 7.1:	The public stares in wonder at the first public gas-lights erected at Pall-Mall, London, in 1807 (Source: E.G. Stewart, Town Gas; Its Manufacture and Distribution)	234
Plate 7.2:	Naas gasworks, was sited beside the Grand Canal, half a mile from the centre of the town. Today the gasworks building and the manager's house have been converted into a modern home (Photo: Patrick Hester, March, 2008)	248
Plate 7.3:	At Moore Abbey, Monastrevin, one the few mid-nineteenth century local gasworks buildings still standing. It was erected c.1845. Though now converted to a retail outlet, the building still retains most of its original form and character (Source: Irish National Archaeological Archive)	249
Plate 7.4:	Last surviving portion of 'flagged' footpath laid by Naas town commissioners in 1856, beside the Presbyterian Church at South Main St., Naas (Photo: Patrick Hester, March, 2008)	256
Plate 8.1:	Convent of Mercy at Ardee, Co. Louth, built c.1855. Designed by John Neville in the Gothic Revival style, with its tall stepped tower it exemplifies the Catholic 'triumphalism' of the period (Source: Irish National Inventory of Architecture)	271

CHAPTER 1

INTRODUCTION

In 1835 a royal commission of inquiry into the urban corporations of Ireland submitted its report to the Whitehall government.[1] Beginning in 1833, members of this inquiry team had visited all the Irish cities and towns then being administered by urban corporations. At Carlow they found that its corporation 'having, in consequence of the departure from the spirit of the charters by the exclusion of inhabitants, dwindled to a few, chiefly non-resident, nominees of the patron, without any functions to perform, or privileges to enjoy, do not continue to exist for any beneficial public purpose'.[2] At Trim they declared that 'in reference to the population at large, (this corporation) is exclusive and intolerant, and therefore obnoxious to them'.[3] Having examined the corporation of Kells, they concluded that:

> The Corporation is complained of as being exclusive and intolerant, and the almost total exclusion of Roman Catholics in a district where they are numerically to all other sects in the proportion of ten to one, has afforded just cause of complaint to the inhabitants. As an instrument of local government, it is, as at present constituted, utterly inefficient, and the public derive no advantage from its existence except such as results from the superintendence of a local magistrate.[4]

These were examples of the general tenor of their findings as they progressed from town to town. Descriptions such as 'injurious, 'insufficient' 'inadequate' peppered the findings in this damming indictment of the Irish urban corporations. The final lines of its concluding chapter bluntly stated:

> .....we feel it to be our duty humbly to represent to Your Majesty, the early and effectual correction of the existing evils and the prevention of future mischief are anxiously desired, and essentially requisite; and that these benefits can be attained, only, by means of a general and complete Reform of the Constitutions of the Municipal Corporations of Ireland.[5]

---

[1] *First Report of the Commissioners appointed to inquire into the Municipal Corporations in Ireland,* H.C.1835. (23) xxvii
[2] Ibid, p.187
[3] Ibid, pp 186-7
[4] Ibid, pp 186-187
[5] Ibid, General Report, p.40

The report led to a process of reform of municipal government which manifested itself in the towns of Ireland in three distinct ways. Firstly, it broke the stranglehold of the self-electing, protestant-dominated elites by the winding up of the dysfunctional corporations. Secondly, it led to the establishment of a new franchise that allowed others to take part in municipal government and administration. Thirdly, state monitoring and control of municipal government, which had been totally absent during the administration of the corporations, commenced and steadily increased as the century progressed.

This chapter will outline the aims of the thesis. It will set the study of this reform process and the increasing role of the state in its historical and theoretical context. Through an examination of the relevant literature it will outline the present state of research regarding Irish towns in the nineteenth century. The objectives through which this thesis hopes to achieve its aims will be laid out together with an outline of the themes that will emerge in the course of the study. Both the date and spatial boundaries of the study will be outlined and discussed as will the sources that have been utilized in order to investigate the work of various town administrators. A description of the format to be used in the remainder of the thesis will end the chapter.

1.1 Aims

The process of Irish municipal reform in the early and mid-nineteenth century had consequences for administration, economy, urban form and social control of market towns in mid-nineteenth century Ireland. This study aims firstly, to examine the impact of the municipal reform process on the administration of eleven market towns in Leinster from 1835-1865. It will chart and discuss how the government and governors of these towns evolved from the final years of the old corporations to when new town commissioners were established on the adaptation of the Towns' Improvement (Ireland) act, 1854. The question of who the new town commissioners were will be addressed.

Secondly, it aims to examine what impact the municipal reform process had on the economy, social control and urban form of the selected Leinster market towns. The ways by which changing administrations affected fairs and markets, policing and local judiciary, clean water provision, nuisance disposal and lodging-house regulation, improvement and adornment of the streets, will be charted and discussed. The confessional atmosphere, within which the actors involved in changing municipal government operated, will also be examined and discussed.

Thirdly, it aims to examine the wider issue of the dramatically increasing role of the state and how that impacted on the changing geographies of nineteenth-century towns in Ireland. To frame this analysis of municipal change in Irish towns and the increasing role of the state as a driver of this change, within a wider context, it aims to utilise theoretical perspectives, particularly those of Foucault, Bourdieu and Bellamy.

1.2 Historical Context

The nineteenth century was a period of major development in the historical geography of Ireland. A wide panorama of events such as the granting of Catholic emancipation in its early decades, the cathartic affects of the famine in mid-century and in its final decades the land war are among those which immediately come to mind and which created a lasting social, economic and indeed morphologic impression on the Irish landscape. These events created major shifts in the power structure within the population.

At the highest political and administrative level, major changes in the government and administration of the country began at the turn of the century. The passing of the Act of Union may be seen as a momentous punctuation mark. From 1801, what formerly were Dublin Castle's problems became Whitehall's problems. Over the following decades a decisive change and increase in government policy can be detected.

1.2.1 Early Emergence of Increasing State Assertiveness

Once the Napoleonic wars were safely over, as Prendiville describes 'a colossal re-alignment of power structures and the emergence of immensely powerful forms of governmentality' asserted itself and continued to increase over the following decades. While the 'divine right of parliaments' became the guiding principle of democracy, the relationship between bureaucracy and colonial expansion also became increasingly complex and significant. One form of this which in Ireland became of primary concern to central government was the implementation of specific coercion, or 'police' governmentality.[6]

The consistently occurring agrarian, political and economic disturbances and also a continuing increase in the country's population, lent itself towards the implementation of this 'police' governmentality. It manifested itself not just in the legislature, but in the built

[6] Garry Prendiville, 'Correspondence, Power and the state: an historical geography of the postal service, 1784-1831 (Unpublished Ph.D. thesis, University of Dublin, 2006), p.8

environment. State funded-buildings such as prisons, army installations and police barracks became some of the key architectural features of Irish towns.

Major national administrative events such as the establishment of poor law unions and boards of guardians, and a catastrophic event - the great famine - are subjects which can not be dealt with in any detail in this study. However, inasmuch as they occurred during the time period being examined here, reference will be made to them and to their interaction with the subject under examination as the need arises.

The various forms of town government co-existed with and were generally seen in rural parts of Ireland as inferior to the grand juries which ruled over the counties at large. It is not within the scope of this study to deal with grand juries in any detail. The following is intended solely to contextualise their interaction with urban administrations within the counties of Leinster.

Grand juries had existed in Ireland since Norman times and they carried out the administrative, legal and financial duties of a county local authority and a local court. They were not a permanent body. A group of usually twenty-three of the largest landowners in each county, some being local magistrates or justices of the peace, were summoned by the County Sheriff to attend biannual meetings referred to as assizes. Prior to these assizes, what were called 'presentment sessions' were held at each barony within the county, at which local infrastructural and other improvement works were debated. Those considered feasible were then submitted to the assizes for ratification. Services provided by these grand juries were financed by a rate known as 'county cess', payable by land and property holders. Such services included the construction and repair of roads, footpaths and bridges; the financial support of county infirmaries, asylums, schools, courthouses, gaols and bridewells as well as construction and repair of harbours and piers in coastal areas.[7]

In a recent study of Irish rural district councils, Crampsie described the grand juries as autonomous bodies being dominated by Protestants of the landlord class who had total control over county government. Their decision making and spending went unchecked so, almost inevitably, allegations of their corrupt practices became rife.[8]

By the nineteenth-century, in common with the gradual increase in governmentality, the long-held local power of the grand juries and the allegations of their corruption came

[7] Arlene Crampsie, 'Governmentality and Locality: An Historical Geography of Rural District Councils in Ireland, 1898-1925' unpublished PhD Thesis, University of Dublin, 2007, p.11
[8] Ibid, p.11

under scrutiny by central government.[9] Reforms were introduced by an 1833 act[10] which empowered the Lord Lieutenant to appoint a county surveyor who would advise the grand jury on planning and public works. Appointed through public examination by military engineers and listed in order of merit, then appointed by the Lord Lieutenant from an order of rank, these county surveyors were commissioned through an equitable appointment system which removed the power of appointment from the grand juries. These surveyors were to ensure only the necessary public works were carried out and prevented the former practice of concentrating such works near the estates of the chief landlords and justices of the peace. A further reforming act of 1836 created baronial committees, made up of cess-payers and justices of the peace to sanction plans for public works prior to their being voted on at assizes.[11] This 1836 reform also required the opening of the accounts of the grand juries to public audit and removed from them control over the police.

These legislative imperatives of central government led to some curtailment of self-serving landlords' activities and allowed, for the first time, some participation in the internal decisions of local government by central government appointees. But local magistrates still retained much autonomy, which in turn ensured that a high proportion of power in localities remained in the hands of the landed gentry, and, as will be later seen, allowed grand juries the power to administer local towns in the absence of recognized urban administrative bodies.

The population increase and the consequent desire of the Whitehall government to obtain an information-based control of what was seen as its potential economic 'capital' led to the creation of a new series of state-financed agencies and structures.

The state also began to invest in its 'educational capital' at this time and the first attempt to provide a system of education throughout Ireland was instituted by the National Boards of Education in 1824.

Financial expediencies, as ever close to the heart of state administrations, were deployed as early as 1817 when the British and Irish Treasuries were merged. This was followed by the merging of both Boards of Customs and Excise in 1823 and in 1825 a

---

[9] P.J.Meghen, 'The development of Irish Local Government', in *Administration,* 8, 1960, pp 335-339.
[10] 3&4 William 1V c.78
[11] R. B. McDowell, 'Administration and the public services, 1800-70' in W.E.Vaughan, (ed), *A New History of Ireland V, Ireland under the Union, 1, 1801-70* (Oxford, 1989), p.553

Currency Act assimilated both British and Irish currencies.[12] According to R.B. McDowell 'the Irish financial departments...were suddenly exposed to the full force of (London) metropolitan administrative idealism'.[13] Irish customs and excise departments were quickly upgraded. By 1827 the Great Britain stamp commissioners were constituted stamp commissioners for Ireland and the land revenues of the crown in Ireland were placed under the management of the British Commissioners of Woods and Forests.

Mc Dowell maintains that 'Irish conditions, it was widely held both in Ireland and Great Britain, demanded an unusual degree of state interference, even in the economic sphere'.[14] The trend toward increasing state centralization received further impetus in 1831 when a reconstituted Board of Works, comprising three commissioners appointed directly by the treasury, was established. Among its many responsibilities, which increased as the century progressed, were the building and maintaining of schools under the national educational system; post offices, inland revenue offices, customs offices and constabulary barracks. It was empowered to provide loans for drainage and land improvement, sanitary improvement and later for laborers cottages and working class dwellings.[15] This board became the instrument by which architectural symbols of the state were spread right across the country. These state-funded buildings thus introduced into Irish towns and villages an awareness of the increasing power of the state and the advantages such power could provide to its loyal subjects.

In order to assist the efficient collection of taxes in the changing demographics of the island, two comprehensive nationwide surveys were instigated by the state. In the 1830s the Ordnance Survey mapped the island better than ever before or since at a scale large enough to show every house and every field[16] and in the 1840s the Griffith Valuation project[17] began its assessment of the gross worth of every property and landholding in the country. When taken together, their findings provided the state with a flow of knowledge

---

[12] C. O'Grada, 'Industry and communications, 1801-45' in W.E. Vaughan (ed.) *A new History of Ireland: Volume V, Ireland under the Union 1801*-70 (Clarendon Press, Oxford, 1989) pp 137-155

[13] R.B.McDowell, 'Administration and the public services, 1800-70' *A new history of Ireland, Ireland under the Union 1801-70,* (Oxford 1985), p.542

[14] Ibid, p.543

[15] R.B. McDowell, *The Irish Administration, 1801-1914* (London, 1964), pp 204-205, 212-213

[16] See J.H. Andrews, *A paper landscape: the Ordnance Survey in nineteenth-century Ireland,* (2nd Ed. Four Courts Press, Dublin, 1965)

[17] Thomas Jones Hughes, 'Society and settlement in nineteenth-century Ireland' in *Irish Geography,* Vol. V, (Dublin, 1965), pp 79-96

and information hitherto not available to it. They provided major assistance in facilitating a network of new state geographies of power and knowledge.

Also in the 1830s and 1840s, what can truly be described as a profusion of government-commissioned reports and enquires were held into various aspects of Irish life which increased the flow of information to Whitehall. Almost immediately, their net result was to make the government aware of two aspects of life in Ireland which urgently required reform and improvement. The first of these was poverty and deprivation.

By the late 1830s, the inescapable fact which many of these royal enquiries made abundantly clear to their Whitehall masters was the widespread poverty that a huge cohort of the population suffered. Unlike the rest of Britain, no poor law existed in Ireland at this time. Central government were now made aware and recognised that purely local resources could not adequately counteract such widespread deprivation. An 'Act for the more effectual relief of the poor in Ireland' was passed in 1838, which aimed to create a national welfare system that would conform to uniform standards.[18] However, unlike the English Act, the Poor Relief (Ireland) Act did not contain a provision of entitlement to the universal 'right of relief'. Consequent to this enactment, between 1838 and 1843 the country was divided into Poor Law Unions, with workhouses were built to assist the destitute. These new territorial administrative units were usually based around a central market town where the workhouse was located. The running of the workhouses was the responsibility of local boards of guardians, answerable to and supervised by the London-based Poor Law Commission. Minutes of all meetings of local boards were forwarded to the central commissioners for approval and every major decision made by the local board required sanction.

The state, in effect, controlled and oversaw this new administrative arm in Irish medical and social affairs. It was a further diminution of the power of the local grand juries. From 1838 onwards, the centrally controlled boards of guardians not only subsumed this role but continued to deprive the grand juries of power and status when subsequently given further powers by state legislation such as the 1851 Medical Charities Act.[19]

Indoor relief was provided by the boards of guardians for the destitute poor who were categorised as the aged, sick, infirm and widows with two or more legitimate children. The workhouses, which were built to admit one percent of the population, were scarcely

[18] *The Poor relief (Ireland) Act, 1838*, 1&2 Vict., c. 56
[19] 14&15 Vict. C.68

adequate for what euphemistically, could be called normally prevailing conditions of poverty. By the second half of the 1840s, they were completely swamped by the great Irish famine. Their almost total inadequacy to deal with the famine catastrophe is now legendary. Nevertheless, in most Irish towns the architectural legacy of the now infamous workhouses is still starkly evident.

Another area which was revealed to Whitehall as being in dire need of reform was the Irish municipal corporations. As was made clear by simultaneous royal enquires in England, Scotland and Wales, a similar need was replicated throughout Britain. In Ireland, the royal commissioners began to enquire into the state of the corporations of every Irish city and town in 1833 and they submitted their final report in 1835. It led directly to a major shift in the structure of municipal government in general and particularly in the way the Irish provincial market towns' government changed.

From a political viewpoint, 'reform' and 'improvement' became the bywords most associated with the political leaders of both Britain and Ireland in the early decades of the nineteenth century. In Britain, seismic reform of local government was the culmination of a struggle between the conservatives (Tories) and the liberals (Whigs) which began in the 1820s. The liberals promised parliamentary reform prior to gaining office and in 1831 they introduced a reform bill in parliament. It was vehemently opposed by the conservatives. The struggle spread outside parliament. There was rioting and much was written and spoken of the revolution which was about to take place. Finally, parliament passed the Reform Act of 1832. It allowed for the redistribution of seats in parliament and it gave the right to vote to most middle-class men. It also diminished sharply the political usefulness of British urban corporations by reducing their former entitlement of forwarding members to parliament. The time had arrived for central government critically to examine the affairs of urban corporations and thus the royal commission of enquiry into both the British and Irish municipal corporations in 1833.

As far as municipal government in Ireland was concerned, the application of reform and improvement was sorely required. Indeed neglect and maladministration had reached such a level that in the mid-nineteenth century the Irish municipal corporations, which at least officially had governed Irish towns until then, were, to a large extent, replaced by a new and more representative governing body of town commissioners.

This change was primarily brought about as a result of the aforementioned damning report on the state of Irish municipal corporations published in 1835 by a government-

established commission of enquiry. It findings presented Whitehall with such unambiguous conclusions as the following:

> The governing bodies of the Irish Corporations are self-elected and irresponsible; yet in such bodies the admission of members, the selection of the local officers, judges, magistrates and police, the administration of the patronage, property and funds of the Corporations and the general conduct and disposition of the affairs of the municipality are absolutely vested.
>
> This serious defect in the constitutions of the Municipal Corporations is aggravated by the fact that the majority of the members are frequently non-residents.[20]

This deplorable state of the Irish municipal corporations had been recognized and treated with opprobrium for many decades prior to this report. General obloquy was evident as far back as 1764, when a correspondent of *The Freeman's Journal* wrote:

> What a melancholy reflection does a view of the present state of the corporations of this kingdom afford us? Except a very few of the great popular cities and you can name the avowed proprietor of the enfranchised beasts, the man who bought them, who feeds them, and who brings them publicly to market.[21]

The men being referred to of course, were the local landlords, patrons or perhaps more correctly, proprietors of many Irish towns during the eighteenth century. As sovereigns of what they considered their property, these local landlords continued to control the corporations of these towns after the Act of Union had removed many of these corporations' previous entitlements to elect members to parliament. Even though this development removed the principal *raison d'etre* of many of these corporations, the local patrons, though often absentee, continued to control the membership and deny local democratic access. So by the 1830s Irish municipal administration was controlled in the main by non-resident, sectarian, exploitative and intolerant elites. It had, in the case of many small provincial towns, ceased to function, in others it had atrophied and in general it was in dire need of reform.

An important shift, both in the type of government and in the type of governors of Irish towns, was about to occur. By 1840 most of these discredited corporations had been wound up, and by 1856, fifty four Irish towns had established a new governing body of commissioners. These changes and the shift in urban government which they brought about will be the focus of this thesis.

---

[20] *First report of Royal Commission to enquire into Municipal Corporations (Ireland)* XXX11 (H.C.1835), p.19

[21] *The Freeman's Journal,* 20 May, 1764

1.3 Research on Irish Towns in the Nineteenth-Century

1.3.1 Case Studies and Morphogenesis

From a time in the not too distant past when literature concerning Irish towns was fairly thin on the ground, urban studies seem to have undergone a quiet revolution in recent years. Today one finds many detailed studies of individual towns almost spanning the country. These works, often by local historians and historical geographers, primarily focus on the town's development, distribution and morphology. They span many centuries and are a continuing source and assistance to researchers. As outlined by Nolan, since Camblin's *The Town in Ulster* started this trend, there have appeared 'Byrne's Tullamore, Hunter's Ballykelly, Mc'Corry's Lurgan, Proudfoot's Dungarvan, Gulliver and Silverman's Thomastown...and O'Connor's overview of the making of towns in Co. Limerick'.[22] This list has recently been augmented by Burke's study of 'Athlone in the Victorian era'.[23]

Irish urban historical geography has only recently received sustained attention with the inauguration of the *Irish Historic Towns Atlas* series. From modest beginnings in 1981, it has grown over the years into a major project under the auspices of the Royal Irish Academy. As part of a series initiated by the International Commission for the History of Towns, that body's recommendations have been largely followed. Detailed information on many Irish towns' development in chronological form, particularly, the way the towns' morphology evolved over time is illustrated by maps, sketches and essays. Three key maps are specified by the International Commission - a regional map at a scale of 1:50,000, a colored map depicting the town in the early nineteenth century at 1:2500 and a modern map at 1:5000 - roughly comparable for all towns. Though there has been some latitude, particularly with in the case of the second of these maps, the number and quality of the

---

[22] William Nolan, 'A public Benefit: Sir Vere Hunt, Bart and the Town of New Birmingham, Co Tipperary, 1800- 18' in Clarke Howard, Prunty Jacinta and Hennessy Mark (eds.), *Surveying Ireland's Past: Multidisciplinary Essays in Honour of Anngret Simms* (Geography Publications, Dublin, 2004) p.415.See also: Gilbert Camblin, *Thetown in Ulster: an account of the origin and building of the towns of the province and the development of their rural setting* (Belfast, 1951); Michael Byrne, 'Tullamore: the growth process, 1785-1841' in William Nolan and T.P.O'Neill (eds), *Offally: history and society: interdisciplinary essays on the history of the Irish county* (Dublin, 1998) pp 569-626; R.J.Hunter, 'The Fishmonger's Company of London' in Gerard O'Brian (ed), *Derry and Londonderry: history and society: interdisciplinary essays on the history of an Irish county* (Dublin, 1999), pp 205-58; F.X. McCorry, *Lurgan: an Irish provincial town, 1610-1970* (Lurgan, 1993); L.J. Proudfoot, *Urban Patronage and social authority: the management of the Duke of Devonshire's towns in Ireland, 1768-1891* (Washington D.C. 1995); P.H.Gulliver and Marilyn Silverman, *Merchants and shopkeepers; a historical anthropology of an Irish market town, 1200-1991* (Toronto, 1995); P.J. O'Connor, *Exploring Limerick's past: an historical geography of urban development in county and city* (Newcastle West, 1987)

[23] John Burke, *Athlone in the Victorian Era*(The Old Athlone Society, Athlone, 2007)

cartographic input has been of major assistance to this study. Aspects of the towns' social, political and cultural history are addressed in the accompanying text. To date there are sixteen published in this series and many more in the process of gestation .[24]

A radio series of Thomas Davis lectures on Irish country towns is now available in print.[25]

Works by Kevin Whelan, Lindsay Proudfoot and Thomas Jones Hughes also portray the morphological evolution of these towns during the period under study here.[26] The work of Hugh Mason, whose definition of settlements as places of five hundred or more inhabitants (in the Irish context), is more useful to this study than the census commissioners' category of a 'civic district' of two thousand or over.[27]

1.3.2 Ownership and Patronage

A clear example of one specific line of change in Irish urban centres during the eighteenth and nineteenth centuries is provided in a study by Graham and Proudfoot. They examined ownership issues as they impacted on urban improvement over two centuries. Motivations for proprietorial investment in urban improvement, together with landowner-tenant relationships are explored. They suggest that urban improvement was not necessarily in the best interests of landowners, as it promoted the growth of an urban, often catholic, middle class which succeeded to the economic and political control of towns during the nineteenth century.[28] An example of how landowner-tenant relationship impacted on the town of Castlecomer has been examined by Nolan. Here middlemen gained such wealth and status that the local landlord's attempt to eradicate them led to many of Castlecomer's town houses being unoccupied by the end of the 1930s.[29]

---

[24] See J.H. Andrews with K.M. Davies, *Mullingar No.5. Irish Historic Towns Atlas* (Dublin 1992); Mark Hennessy, *Trim, No.14. Irish Historic Atlas* (Dublin, 2004); Harman Murtagh, *Athlone No. 6. Irish Historic Towns Atlas* (Dublin 1994) and Anngret Simms with Catherine Simms, *Kells, No4. Irish Historic Towns Atlas* (Dublin,1990)

[25] See Anngret Simms and J.H.Andrews (eds), *Irish Country towns* (Cork 1994)

[26] See Thomas Jones Hughes, 'Village and town in mid-nineteenth century Ireland' *Irish Geography* Volume 14, (Dublin 1981); Lindsay Proudfoot *Urban Patronage and Social Authority: The management of the Duke of Devonshires' Towns in Ireland 1764-1891* (Catholic University of America Press 1995); Brian J. Graham and Lindsay J. Proudfoot 'Landlords, planning and urban growth in eighteenth and early nineteenth century Ireland' *Journal of Urban History* Volume 18, No. 3 May 1992 (London 1992); and Kevin Whelan, 'The Catholic parish, the Catholic chapel and village development in Ireland' *Irish Geography* Volume XV1, (Dublin 1983) pp 1-15

[27] See Hugh Mason, 'The development of the urban pattern in Ireland 1841-1881', 3 vols. (University of Wales, Ph.D. unpublished thesis, 1969)

[28] B.J. Graham and L.J. Proudfoot, *Urban Improvement in provential Ireland 1700-1840* (Athlone, 1994)

[29] See W. Nolan, *Fassadinin:Land, settlement and society in south-east Ireland 1600-1850* (Dublin, 1979)

Proudfoot has charted both the early rapprochement and later hostility towards aristocratic patronage in many Irish towns, culminating in its eventual decline toward the end of this period. This work explored the patronage of one of Britain's wealthiest landlords, the Duke of Devonshire, and his associations with the towns of Dungarvan and Bandon. Proudfoot sees as a generality, that the major landowners' earlier important role as agents of urban innovation effectively ended with the famine. There evolved a 'gradual but inexorable displacement' of aristocratic patrons as figures of real urban authority by 'the rising and politically assertive middle-class elites'. He also states that rural challenge to their authority was paralleled in the towns as further erosion of their residual patronal authority there was effected by 'various municipal institutions'. The authority of these new institutions was sanctioned by the state.[30]

Further insights into this aspect of Irish urban property and ownership influences are to be found in the work of Kevin Whelan, particularly in studies of the development of Catholic 'quarters' in towns, post Catholic Emancipation.[31] In fact most of the towns examined here had, during the early decades of the nineteenth century, acquired a distinctive Catholic quarter, where a particular area within the urban boundary became the site of Catholic churches, convents and catholic schools as well as priests' residences and residences of Catholic nuns and brothers.

1.3.3 Culture, Society and Politics

Comerford has commented on the extent to which English culture and its attendant values were absorbed by the Irish in the mid-nineteenth century. For example, the Irish followed the English in modifying or suppressing many older forms of communal entertainment in an effort to reduce occasions of disorder, drunkenness, casual violence and debauchery. Particularly during the decades between the famine and the land war 'new levels of decorum was taking hold in public and in private life'.[32]

Themes in the ordering of society and culture with regard to Irish urban administration have been researched by Jacinta Prunty in her work urban slums, health,

---

[30] Lindsay J.Proudfoot *Urban Patronage and Social Authority: The management of the Duke of Devonshires' Towns in Ireland 1764-1891* (Catholic University of America Press 1995), p.12

[31] See Kevin Whelan, 'The Catholic parish, the Catholic chapel and village development in Ireland' *Irish Geography* Volume XV1, (Dublin 1983), pp 1-15; , Kevin Whelan 'The regional impact of Irish Catholicism 1700-1850' in Smith and Whelan (eds), *Common Ground* (Dublin, 1988), pp 129-70; Kevin Whelan, 'The catholic church in County Tipperary 1700-1900' in Nolan W.(ed), (Dublin, 191985), pp 215-55

[32] R.V. Comerford, 'Ireland, 1850-70: post-famine and mid-Victorian' in W.E. Vaughan (ed), *A new history of Ireland V, Ireland under the Union, 1, 1801-70* (Oxford, 1989), p.373

charitable institutions and their patrons.[33] Her work on the military and their installations and cultural input in Irish towns is also significant.[34] The army in their aid to the civil power became almost a second police force during the period of this study and their presence in most of the towns being studied here was often welcomed by the new administrators because of their economic and, indeed,social input. In association with this, Palmer's major work on the centralising and improvement of the police service portrays the speedy establishment of the constabulary throughout the towns of Ireland during this time and provides an insight into their operation here compared with the police system in England.[35]

Many analysts have identified the struggle between entrenched Protestant interests and a rising Catholic middle class as among the dominant issues in early nineteenth century urban history. The Catholic Church and its community became major agents for change in nineteenth-century Irish towns. Here, Kevin Whelan's work on the pattern of church building and the attendant building of Catholic residential and educational 'enclaves' in the post-emancipation decades illustrates the way the bulk of the population received central-place services on a regular basis for the first time[36]. However, the Catholic majority lacked anything like a proportionate influence in the membership of local authorities. Protestants retained a near monopoly of the Grand Juries, who retained power until 1898, and they dominated the magistracy for even longer.[37]

In the political arena, Kenneth Hoppen, whose monograph *Elections, Politics and society in Ireland 1832-1875* covers the period being focused on in this thesis, declares that the constituencies most fiercely contested in the 1850s and 1860s were the boroughs, which returned thirty-nine members or nearly two-fifths of Ireland's representation.[38] Elizabeth Malcolm's paper offers a fascinating insight into Whig v Tory rivalry at local small-town level. During an election campaign in Carlow, a local Tory magistrate and the town's Inspector of Police (a Whig supporter) came to blows on the courthouse steps. Malcolm

---

[33] See Jacinta Prunty, *Margaret Aylward, 1810-1889: Lady of Charity, Sister of Faith* (Dublin Fourcourts press 1999)

[34] Jacinta Prunty, 'Military Barracks and Mapping in the Nineteenth-century: Sources and Issues for Irish Urban History' in Clarke, Prunty and Hennessy (eds) *Surveying Ireland's Past* (Geography Publications, Dublin, 2004), pp 477-534

[35] See Stanley H. Palmer, *Police and Protest in England and Ireland 1780-1850* (Cambridge, 1988)

[36] Kevin Whelan, 'The Catholic parish, the Catholic chapel and village development in Ireland' *Irish Geography* Volume XV1, (Dublin 1983), pp 1-15

[37] See Oliver Macdonagh 'Ireland and the union 1801-70' in in Moody T. W. (ed), *Studies in Irish History Vol.5* (Westport, Connecticut, 1975)

[38] See K.Theodore Hoppen *Elections, Politics and society in Ireland 1832-1875* (Oxford 1984)

posits such urban tensions as an example of Irish towns being used as a testing ground by both main political parties to try out policing policies in Ireland which they were loath to try closer to Whitehall.[39]

Generally in the area of the social, cultural and political life of the country during the middle decades of the nineteenth-century, recent Irish scholarship, while recognizing that there was indeed much to be gloomy about, has tended towards a more positive depiction of the era.[40]

1.3.4 The Urban Economy

While population declined dramatically in the countryside as a result of the famine, this decline was much less in the towns. This reflects an intensification of commercial activity. Wholesale and retail operations thrived resulting in numerous towns assuming the character of market centers primarily serving the needs of the agricultural community. This role was comparatively more beneficial to small towns than to larger ones. Thus, towns were becoming economically more important. Successive censuses demonstrate the pace of urbanization, which was generally uninterrupted and sometimes spectacular between 1841 and 1881. Though the upheaval and distress of the famine had accentuated economic factors, Hugh Mason maintains the famine affected urban development by causing the movement of people to the towns for sustenance and it also accentuated and accelerated the changes that were already latent in the economy.[41]

While pre-famine increases in urban populations consisted mostly of beggars and farm laborers looking for work and food; at another level, urban affairs were becoming dominated by an increasingly prosperous new middle class of mostly Catholic merchants and professionals. Irish scholars have of late tended to provide evidence of some of the more positive economic aspects of these decades.[42] Particularly in the post-famine urban economy, K.Theodore Hoppen holds that shopkeepers began to replace artisans and

---

[39] Elizabeth Malcolm 'The reign of terror in Carlow: the politics of policing Ireland in the 1830s' in *Irish Historical Studies* Vol. Xxxii, No.1259 (May 2000), pp 59-74

[40] Works which provide an appreciation of the positive aspects of the post-famine decades include the following: J.J.Lee, *The Modernisation of Irish Society, 1848-1914* (Dublin, 1973); W.E.Vaughan, *Landlords and Tenants in Ireland, 1848-1904* (Dublin, 1984); Samuel Clark, *Social origins of the Irish land war* (Princeton, 1979)

[41] Hugh Mason 'The Development of the urban pattern of Ireland 1841-1881 (Unpublished thesis at the University of Wales,1969)

[42] Positive aspects of the post-famine decades are provided in the following studies: L.M.Cullen, *An economic history of Ireland since 1660* (London, 1972); Mary Daly, *Social and economic history of Ireland since 1800* (Dublin, 1981)

became a highly effective electoral force in borough constituencies in the second half of the century.[43]

1.3.5 Urban Government

Research to date has established that studies of aspects of society, culture and politics in Irish towns in the nineteenth century in areas associated with the economy, landlords, ownership and the Roman Catholic Church have been carried out. The area of morphogenesis has also received some academic examination. However, in the area of nineteenth-century market town government and the role of the state, there are significant gaps to be explored.

Writing in 1986, Daly maintained that as towns previously had been seen by some scholars as having little to contribute to analysis of mainstream political history, a somewhat myopic concentration on rural society resulted.[44] While today this may no longer be the case, it may to some degree, explain the continuing dearth of academic interest in the government of Irish towns or the shift which occurred in their administration and administrators following the winding up of the old corporations and the establishment of town commissioners.

While the work of Prunty on army installations and the Irish Historical Towns' Atlas during the 1835-65 period provides pointers, and recent studies by Potter and O'Maitiu, the former on the government of Limerick from 1197-2006 and the latter on Dublin's suburban townships, provide excellent scholarship on these particular areas,[45] little work has been carried out on the role of the state *per se.* Perhaps because Irish historical geographers have traditionally focused on the role of the local landlord as the ruling figure in a locality, they have tended to discard the role of the state. While this emphasis may well be justified in the eighteenth and early nineteenth centuries, from the 1820s onwards the role of the state can be seen to increase progressively in tandem with the diminution of the status of local patrons and landed gentry.

---

[43] K.Theodore Hoppen, Ireland *since 1800; Conflict and conformity* (Pearson Education Limited, London 1999), Chapter V

[44] Mary E. Daly, 'Irish Urban History: A survey' in *Urban History Yearbook 1986* (Leicester University Press 1986), pp 61-71

[45] See Mathew Potter, *The government and people of Limerick: The History of Limerick Corporation and City Council, 1197-2006* (Limerick, 2006); Seamus O'Maithiu, *Dublin's Suburban Towns, 1834-1930: Governing Clontarf, Drumcondra, Dalkey, Kiliney,Kilmainham,Pemproke,Kingstown,Blackrock,Rathmines and Rathgar* (Dublin, 2003)

Proudfoot acknowledges the lack of academic research on municipal government in Ireland during the nineteenth century. For an urban comparison in his work he looked for antecedents in English rather than Irish scholarship. While he acknowledged Daly's work in this area regarding Belfast, Dublin and Cork, he stresses his belief that much exploration has yet to be undertaken 'for the much larger number of small market towns that constituted the bulk of the Irish urban network at this time'.[46]

Lack of research has resulted in quite a gap in our understanding of the changing geographies of power which occurred and in the role of the state in Irish local government during the nineteenth century. There is a lack of research in particular, into the role of the state in the way it controlled the controllers of Irish market towns from the period beginning with the Reform Act in 1832 and continuing past the adoption of the Towns' Improvement (Ireland) Act in 1854. This thesis will attempt to reduce this gap.

1.4 The State, Power and Change in Nineteenth–Century Ireland: Theoretical Approaches

Historical geographers have of late, been employing theoretical perspectives in order to locate and contextualize their studies. With a similar end in view, it is intended to utilise appropriate social theories in this thesis. The role of the state in driving changes in Irish urban government can be placed in a wider and more useful framework by such theoretical utilization. The significance and implications of the major shift which occurred in the administration of Irish town government in the mid-nineteenth century allow for considerable theoretical analyses both of the relationship between the principal actors involved (central government, Irish urban corporations, local landlords and an emerging Catholic middle-class), and as a vehicle to assist in placing the limited area of this study in a wider context.

As the reigns of municipal power were gradually removed from the hands of the old social elites, on the emergence of new powerful groups in urban business and administration, the state's involvement in the supervision and direction of the new men coming to the fore in local town administration grew, a theoretical perspective aids in an understanding of the complex choreography which occurred through the ensuing changing power structures. To provide a theoretical background to the examination of this shift in

[46] Lindsay J. Proudfoot, *Urban Patronage and Social Society: The Management of the Duke of Devonshire's Towns in Ireland, 1764-1891* (Washington, 1995), p.12

Irish urban government this thesis will utilise Bourdieu's theory of 'capital', 'field' and 'habitus' and also Foucault's theory of 'governmentality'. Bellamy's insights into central-local relations will also be explored.

1.4.2 Governmentality, Discourse and Knowledge: Michel Foucault

Governmentality, a neologism coined by the French philosopher Michel Foucault (1926-84) to describe, amongst other things, a distinctly 'governmental form of rationality' which emerged in Europe between the fifteenth and eighteenth centuries, was central to the development of biopower and the human sciences.[47] Foucault himself explained this word 'governmentality' to mean three things:

> 1. The ensemble formed by the institutions, procedures, analyses, and reflections, the calculations and tactics that allow the exercise of this very specific albeit complex form of power, which has as its target population, as its principal form of knowledge political economy and as its essential technical means apparatuses of security.
> 2. The tendency that, over a long period and throughout the West, has steadily led towards the preeminence over all other forms (sovereignty, discipline, and so on) of this type of power – which may be termed "government" – resulting on the one hand, in the formation of a whole series of specific governmental apparatuses, and on the other, in the development of a whole complex of knowledges (*saviors*).
> 3. The process or, rather the result of the process through which the state of justice of the Middle Ages transformed into the administrative state during the fifteenth and sixteenth centuries and gradually becomes "governmentalized".[48]

This explanation emerged in a lecture series given by Foucault and originally entitled *Security, Territory and Population,* but which he wished to rename *A History of Governmentality* at the end of the lecture series. Unfortunately his death in 1984 ended any further elaboration on the theory of governmentality by the author himself.

There is now an extensive literature within geography which applies Foucault's theories to many areas of the discipline. Particularly, because his theories on forms of power gives the aspect of space a vital role both as a field of social control and also as a tool of this control, his work and thought is now of major interest to historical geographers.[49]

---

[47] R. J. Johnson et al (eds) *The Dictionary of Human Geography, 4th edition* (Malden USA, 2000), p.318
[48] Michael Foucault, *Power*, Vol. 3. (Pinguin Press, London, 1994), pp 219-220
[49] See M. Hannah, *Governmentality and the mastery of territory in nineteenth-century America* (Cambridge University Press, 2000)

Foucault's theory of 'governmentality' has significant reference in the area of this study. In particular, how he deals with the notion of power versus freedom in the populations being governed has relevance to the changes which took place in Irish municipal government during the nineteenth-century as local urban administrators interacted with central government. The ways in which space and environment can be seen as rationalities of government have recently been explored.[50] Foucault saw the state expand its influence into more and more areas of life over the centuries, so much so that by the nineteenth-century this 'governmentalisation' could be detected in the proliferation of 'apparatuses...institutions, procedures, analyses and calculations' that were both internal and external to the state, and that regarded 'economy' and 'population' as autonomous levels of reality.[51] As explained by Gordon, '...the notion of government encapsulated the key insight that power, understood as a form of action on the actions of others, only works where there is some freedom' and that for Foucault , government meant "the conduct of others' conduct".[52]

Critics such as Hannah have been dismissive of the inaccurate over-utilization and elaboration of Faucault's theories, particularly when some Anglophone academics redefine governmentality to suit their own ends.[53] In being concerned solely with governmentality as it impacts on tensions between central government and local town administrators in mid nineteenth-century Ireland, it is hoped in this thesis, to avoid this criticism.

1.4.3 Social Groups, *Habitus, Field, Capital,* and the State: Pierre Bourdieu

The works of Pierre Bourdieu, particularly in relation to 'habitus', 'field' and 'capital' have relevance here. These theories are relevant in the study of the Irish contestation for power between social groups, such as that between the old elites and the emerging Catholic middle-class. In his study of individual human behavior and his concern with what individuals can achieve in their lives, Bourdieu became convinced that the total aggregate of this individual behavior did not make up 'social life'. He uses the notion of 'habitus' to explain this gap. While this Latin word literally refers to the 'habitual or typical condition, state or appearance, particularly of the body', and Bourdieu retains some of the concept's

---

[50] Margo Huxley, 'Geographies of Governmentality' in Crampton and Elden (eds) *Space, Knowledge and Power; Foucault and Geography* (Aldershot, 2007), pp 185-204

[51] R. J. Johnson et al (eds) *The Dictionary of Human Geography, 4th edition* (Malden USA, 2000), p. 318

[52] See Colin Gordon, 'Introduction' in Michael Foucault, *Power*, Vol. 3 (Penguin Press, London, 1994)

[53] M.G. Hannah, *Governmentality and the Mastery of Territory in Nineteenth-Century America* (Cambridge, 2000), pp 4-5

original meaning, Jenkins believes he appropriates the word to have three meanings. First, perhaps trivially, habitus only exists inasmuch as it is 'inside the head' of 'actors'. Second, the habitus exists 'in, through and because of the practices of actors and their interaction with each other and their environment'. Thus individual ways of walking, talking, making things etc., are not just manifest in behavior but are an integral part of behavior. Thirdly, 'practical taxonomies' at the heart of generative schemes of the habitus are rooted in the body.[54]

Alongside habitus, Bourdieu makes use of the Greek word "hexis" to signify deportment, or the manner and style with which actors carry themselves in their 'stance, gait, gestures etc'.[55] For Bourdieu therefore, the body is a mnemonic device upon and in which the very basics of culture are imprinted and encoded in a socializing or learning process which commences during early childhood and suggests that habitus is inculcated more by experience than by teaching. Could such 'habitus' help explain how townsmen of modest means, heretofore inexperienced in local administration, found themselves interested and indeed suited to this role when it became vacant on the abolition of the old urban corporations?

The metaphor 'field' or 'social field' as conceptualized by Bourdieu is of importance to this research. He defines it as a structural system of positions within society within which the agents in this field contest and maneuver to take advantage of and control resources and their access to them. Jenkins succinctly explains that 'a field, in Bourdieu's sense, is a social arena within which struggles or maneuvers take place over specific resources or stakes and access to them'.[56] The 'fields' are defined by the prizes at stake such as goods, lifestyle, housing education, employment, land, power, social class, prestige etc. Thus a 'field' is a 'structured system of social positions – occupied either by individuals or institutions – the nature of which defines the situation of their occupants'.[57]

When the theory of 'habitus is combined with his appropriation of the word 'field or 'social field', Bourdieu's use of these metaphors can contribute to our understanding of how the shift in the social structure of the government of market towns of Leinster in the mid-nineteenth century came about. It can help explain how a distinct social class, hitherto marginalized and excluded from the governance of their local towns, became within quite a

[54] Richard Jenkins, *Pierre Bourdieu,* revised edition (London 2002), pp 74-75
[55] Ibid, pp 74-75
[56] Ibid, pp 84-85
[57] Ibid, pp 84-87

short period of time, not just contributors but in many cases commanding 'actors' in its government.

From the signing of the Act of Union in 1800, Bourdieu's theory of the state gathering onto itself dominant powers over 'capital'; be it the capital of violence or coercion, economic capital, informational or cultural capital or symbolic capital, was practically implemented in Ireland. Particularly after Napoleon had been dealt with in 1815, central government could finally concentrate on this task. A raft of legislation was enacted more effectively and efficiently to gather up these forms of 'capital'. Bourdieu's theory of the state dominating violence and coercive 'capital' obtained practical implementation in the legislation regarding law and order of the early nineteenth century. The enforcement of these new laws entailed the building of numerous police barracks and prisons in many towns across the land. McDowell maintains that the Irish Prisons Act of 1826 resulted in the jail being often one of the most impressive architectural features of an Irish town.[58] These buildings were the first real appearance of state 'coercive capital' onto the urban landscape.

Similarly, informational and cultural capital was more effectively and efficiently gathered in by the state following the first comprehensive mapping of the country by the Ordnance Survey in the 1830s and by Griffiths *Valuations of Tenements*. Both of these state-sponsored commissions successfully provided the state with an accurate map of every plot of land, every building, its ownership and monetary valuation, in the country. Having exclusive possession of this knowledge gave the state a major advantage in the administration of what Bourdieu calls "appropriate agents; judges, notaries, bailiffs, officers of *etat cival*".[59] It was now, for the first time, equipped with a profusion of information on the population. This information became the basis with which the state could expand its 'economic capital' by more effectively and efficiently taxing the population.

The officers (police constables, prison officers, postmen, bailiffs, customs officers) in the direct employ of central government, were now, for the first time in Ireland, wearing a uniform provided by the state and were thus recognizable as and representative of, the 'symbolic capital' of the state. The regularity of their state-provided salaries provided impetus to local towns' economies. They constituted a new group amid the inhabitants of

---

[58] Ibid, p.546

[59] Pierre Bourdieu, *Practical Reason; on the theory of action* (Polity Press, Cambridge, 1998), p.52

Irish towns and a new constituent which forced both recognition and interaction in the urban administration.

Bourdeiu's impact on geographical thought and research continues to grow.[60] It is contended that it is highly relevant both to central government's accumulation of intelligence and to the shifts and transference of power which occurred in Ireland during the period of this study.

1.4.4 Central – Local Relations: C. Bellamy

Bellamy's theory on central-local relations, as it examines the extent to which a check can be placed on the intentions of state government by local possessive pluralism as central plans and directions are played out on local stages, has relevance to this thesis. In her work on the English local government board during the period 1871-1919 and her examination of how central government attempted to exert control over it, she arrived at some interesting conclusions. In the context of the fiscal relations between central government and local authorities, she dismissed claims that as the dependency of local authorities on central grants is increased, the ability of central government to control local authorities is also increased.[61] Instead she proposed that a mediating factor, which she terms 'local possessive pluralism', came into play. Bellamy's study highlights the negotiations that occurred between the centre and the local as the state attempted to impose its rules and regulations on un-cooperative local authorities. She concluded that local boards believed themselves to be the state's representatives at local level and were therefore entitled to some discretionary powers of their own. Thus, many state dictums and legislation were significantly modified, with the final implementation falling somewhere between what the state demanded and what the local was prepared to accept.

Local possessive pluralism, she believed, assumed that within any given locality existed a structure of interests 'defined by relations to its real or immovable property' and that these relations ' reflect its economic and social structures and determine the nature of its politics'.[62] So, local boards could, by virtue of their own composition and the composition of their electorate, be viewed as having a natural affinity towards the local population who were responsible for their re-election and not merely as agents of the

---

[60] T. Butler and G.Robson, 'Plotting the middle classes: gentrification and circuits of education in London' in *Housing Studies, Vol. 18* (London, 2003), pp 5-28

[61] C. Bellamy, *Administering central-local relations, 1871-1919: The Local Government Board in its fiscal and cultural Context* (Manchester, 1988), p.2

[62] Ibid, p.12

state.[63] Such local possessive pluralism created conditions for increased central-local debate and conflict and created a check to what local bodies saw as the ravages of central state control. Bellamy found that such a diplomatic-political model of relations allowed local boards to utilise their discretion in how far state aims were enacted. Crampsie has discussed how central government dictums to local-government agencies across the country, took on a lag period as differing levels of coercion and/or persuasion were required prior their implementation taking place in any given locality.[64]

Central-local relations and the examination of how impositions of state authority are reacted to and modified by local bodies, have been studied both in modern and historical contexts. Hennock described the diversity that existed during the nineteenth century as 'local provision, for local wants, locally identified', despite the superficial uniformity associated with county, borough or parish administrations in England.[65] Scholars such as Ogborn, while utilising aspects of Bellamy's theories, argue that central-local relations need to be investigated in the context of territory, state power and surveillance 'in terms of the administrative power of the special state apparatus and the strategic negotiation between central and local agencies which that involved'.[66] The usefulness of examining central-local relations purely in terms of centralisation is questioned by Ogborn. This he describes as a 'zero-sum game' which may lead to an over-simplistic assumption that any increase in state power may automatically lead to a decrease in local autonomy and provide only a 'thin' history of central-local relations.[67] In governmental techniques laid down by legislation and mediated by local actors in differing localities, he sees many layers of interaction taking place. Adjustment of governmental policies to suit specific local conditions often came about, he believes, because governmental apparatuses relied more and more on information in the nineteenth century. Lines of communication between the centre and the periphery were becoming established and the development of infrastructure to facilitate the relay of this information speedily and efficiently was being developed.

---

[63] Arlene Crampsie, 'Governmentality and Locality: An Historical Geography of Rural District Councils in Ireland, 1898-1925', unpublished thesis, Trinity College, Dublin, 2007, pp 19-25

[64] Arlene Crampsie, 'Governmentality and Locality: An Historical Geography of Rural District Councils in Ireland, 1898-1925', unpublished thesis, Trinity College, Dublin, 2007, pp 19-25

[65] E.P.Hennock, 'Central/Local Government Relations in England: An Outline 1800-1950' *Urban History Yearbook* (1982) p.39

[66] Miles Ogborn, 'Local power and state regulation in nineteenth century Britain, in *Transactions of the Institute of British Geographers* New Series, 17 (2), 1992, pp 215-226

[67] Ibid, p.216

This trend became increasingly apparent in the Ireland of the nineteenth century and often centred on the local towns. The development of canals, railways, roads, the post and telegraph systems continued apace as communication between most urban centres was improved.[68] The theme of central-local relations will be explored in this thesis in the context of contestations of power between central government at Whitehall and local authorities – landlords, as patrons and proprietors of local towns. Its relevance will be tested regarding the emerging power of town commissioners as they took control over the local government of their towns from the old corporations and sought to modify the deployment of central government dictums.

The possibility of drawing discussions of central-local relations and governmentality into a form of circular reasoning will be explored, as it can be argued that the state, in allowing its directives to be modified according to specific local circumstances is itself a technique of governmentality.[69] Articles already cited at 1.2.2 relating to governmentality also include central-local relations. Specifically, MacKinnon and Jones have examined the conflict between central government and local bodies as the state attempts to increase power over local authorities in previously un-governed territories.[70] In a recent study of Irish rural district councils, Crampsie also discusses governmentality and central-local relations as a form of circular reasoning.[71]

While use of theory has its attractions as an enablement, to site in this case, the study of a local Irish phenomenon in a wider international context, one should avoid the temptation of endeavoring to force theoretical interpretations onto areas which do not fit or indeed warrant such explanations. It is intended to heed the advice of Cole Harris and to work with the theories of Bourdieu, Bellamy and Foucault 'suggestively' rather than as 'candidates for laws'.[72]

---

[68] T.W Freeman, 'Land and People, c. 1841', in W.E.Vaughan (ed) *A new History of Ireland V. Ireland Under the Union, 1. 1801-70* (Oxford, 1989), p.236; see also Garry Prendiville, 'Correspondence, Power and the state: an historical geography of the postal service, 1784-1831 (Unpublished Ph.D. thesis, University of Dublin, 2006)

[69] Arlene Crampsie, 'Governmentality and Locality: An Historical Geography of Rural District Councils in Ireland, 1898-1925', unpublished thesis, Trinity College, Dublin, 2008, pp 19-25

[70] R, Jones, 'Practicing state consolidation in early modern England and Wales', in *Political Geography,* 23(5), 2004, pp597-624; D. MacKinnon, 'Rural governance and Local involvement: assessing state-community relations in the Scottish Highlands', in *Journal of Rural Studies*, 18(3), 2002, pp 307-324

[71] See Arlene Crampsie, 'Governmentality and Locality: An Historical Geography of Rural District Councils in Ireland, 1898-1925', unpublished thesis, Trinity College, Dublin, 2008, pp 19-25

[72] R.Cole Harris, 'Power, Modernity and Historical Geography', in *Annals of the Association of American Geographers,* (81)4, 1991, p.671

1.5 Research Questions

The royal commission of enquiry report into the condition of Irish municipal corporations in 1835 provided Whitehall with more than sufficient informational capital to encourage its advance in influencing a shift in Irish town administration. The enquiry found that Irish towns had been mal-administered and neglected by the old corporations for many decades. This thesis will examine the state of Irish municipal government as revealed by the 1835 report and other sources in eleven Leinster market towns. Thus, the first question which this study seeks to address is: what was general state of the municipal corporations of these towns and in what state was the fabric and functions of these towns by 1835?

This thesis will also examine how the composition of Irish municipal governing bodies was changed by the process of reform. As actors of different religion, class and politics arrived to take their place as local controllers, how was the field of local urban government transformed? It will also analyze how the state for the first time progressively became involved in controlling the controllers of local Irish town government. While examining associated themes in traditional historical geography it will utilise the Foucaudian theory of governmentality and Bourdieu's theory of 'capital' 'field' and 'habitus'in order to place this study in a wider context. It will also examine the extent to which Bellamy's theory of central-local relations is relevant. Since the 1970s, theoretical approaches to historical geography have continued to develop.[73] It is a trend which has led to the location of 'local studies within broader processes operating at wider spatial scales'.[74] The traditional methodology of empirically-based study has progressed over time. Crampsie has referred to theories such as colonialism, post-colonialism, Marxism, post-Marxism, structuralism, post-structuralism, feminism – to name but a few[75] – which have been examined by many international historical geographers.[76] The range and scope of such approaches to new areas dealing with the interconnected nature of historical geography to

---

[73] See A.R.H. Baker, *Geography and History: Bridging the Divide* (Cambridge, 2003); C. Harris, 'Theory and Synthesis in Historical Geography' in *Canadian Geography,* 15 (3), 1971, pp 157-172

[74] C. Nash and B.Graham, 'The making of modern historical geographies' in C. Nash and C.Graham (eds) *Modern Historical Geographies* (Essex, 2000), p.1

[75] Arlene Crampsie, 'Governmentality and Locality: An Historical Geography of Rural District Councils in Ireland, 1898-1925' unpublished PhD Thesis, University of Dublin, 2007, p.11

[76] For example, A.R.H. Baker, *Geography and History: Bridging the Devide* (Cambridge, 2003) p 212, argues that 'the best work in historical geography has been theoretically informed and [is] as a by-product theoretically informative'

the politics of past and present and 'differential experiences of modernity'[77] has paved the way to allow for an examination of the geographies of power. Thus, such theoretical approaches have come to be viewed as 'a legitimate and important part of historical geography'.[78]

On the adaptation of the 1854 act the personalities which made up the new town commissioners will be examined. Their ages, professions and property ownership will be examined in order to answer the vital question: who were these new commissioners?

How the process of administrative change impacted on Irish towns in five main areas will be examined. Firstly, on the towns' economy; its rating system, fairs, markets, tolls and customs. Secondly, on society within the towns; social control and regulation by local judiciary, constabulary, the army and nuisance inspectors, getting to grips with state imperatives in such areas as lodging-houses and hackney-car regulations. Thirdly, the process of provision of a clean water supply and the efficient disposal of nuisance and sewage will be examined and discussed. Fourthly, the towns' form, fabric and adornment, particularly with regard to paving of streets and lanes and establishing a public lighting system with gas will be analised. Finally, the part played in the process by religious affiliations and divisiveness will be examined and discussed.

The question of what the process tells us about the concept of governmentality and the changing socio-spatial structures will be addressed as well as examining how the process relates to ideas regarding the nature of centre-local relations. In an attempt to examine how unique the Irish experience was in this area of urban administrative change, some comparative perspectives with English experiences will be examined.

1.6 Study Area

As the cities and some eleven large towns were legislatively allowed to retain their corporations beyond this period, these will not be included in this study. It is intended to concentrate on the government of market towns in the Leinster countryside during the mid-nineteenth century. This thesis intends to chart the evolving changes as legislative imperatives modified the municipal government and governors of the following market towns in Leinster during the period from 1835 to 1865: Naas, Athy, Carlow, Portlaoise

[77] C. Nash, Historical Geographies of Modernity' in C. Nash and C.Graham (eds) *Modern Historical Geographies* (Essex, 2000), p.27
[78] R.A.Butlin, *Historical Geography: Through the gates of space and time* (London, 1993), p.147

(Maryborough), Mullingar, Athlone, Trim, Navan, Kells, Ardee and Dundalk. Lack of extant archives and primary documentation together with time considerations renders the examination all Leinster towns impossible within the limitations of this study.

Many aspects of this study, both spatially and temporally, could easily form a thesis in their own right. Each of the eleven towns chosen for this case study could stand alone as subjects for such a study. Equally, numerous time periods between 1835 and 1865 could also be chosen. However, the lack of any general historical geography of how the government of Irish market towns evolved during the nineteenth century necessitates that a broad overview be taken of the subject area.

In reaching a decision on the period and choice of towns, one acknowledges the wisdom of Baker's contention that 'delimiting a study in Historical Geography both in time and space is often difficult and sometimes arbitrary'.[79]

It has not been easy to reach a determination of the spatial boundaries of this study. It was decided at an early stage in this research that a thorough examination of all Irish market towns would not be feasible due to both the number of such towns and quantity of records which their administrators produced. Of the market towns of Leinster, eleven have been chosen as the subjects of this study. There are others, but during early research it was found to be impossible to include all of them within the limits of a study such as this. It was also found that most of their town commissioners' archives are now missing and that there was limited documentation available. The eleven Leinster market towns which have been chosen are towns containing populations between 3,000 and 11,000 persons. The varying administrative experiences of these eleven towns during the 1835-60 period could be said to reflect that of most Irish provincial market towns. Their geographical layout is significant in that these eleven towns are almost evenly spread across an area of Leinster and have, over centuries, become the natural trading centres for the produce of some of the best agricultural land in the country.

The date boundaries of this thesis also required careful consideration. While the roots of Irish urban mal-administration go back many decades prior to the 1830s, the publication of the official report of the royal enquiry into Irish urban corporations in 1835 was so timely and comprehensive, it seemed eminently suitable for the position of a base-line for this thesis. However, the date on which to conclude the study of the consequent

[79] A. Baker, *Geography and History, Bridging the Divide* (Cambridge, 2003), p.177

evolution and shift in Irish town government during the nineteenth century was less easily defined. The new town commissioner bodies established consequent to the 1854 act, continued in office until 1898. However, from 1865 onwards their operations were progressively interwoven with and affected by political and often subversive influences, such as the land war and national or republican movements. By comparison, the first decade of their administration, from 1855-65, allows examination of their early enthusiastic endeavours, relatively free from such distractions. Thus it was decided to examine the first decade of their operations and to conclude the time period of this thesis in 1865.

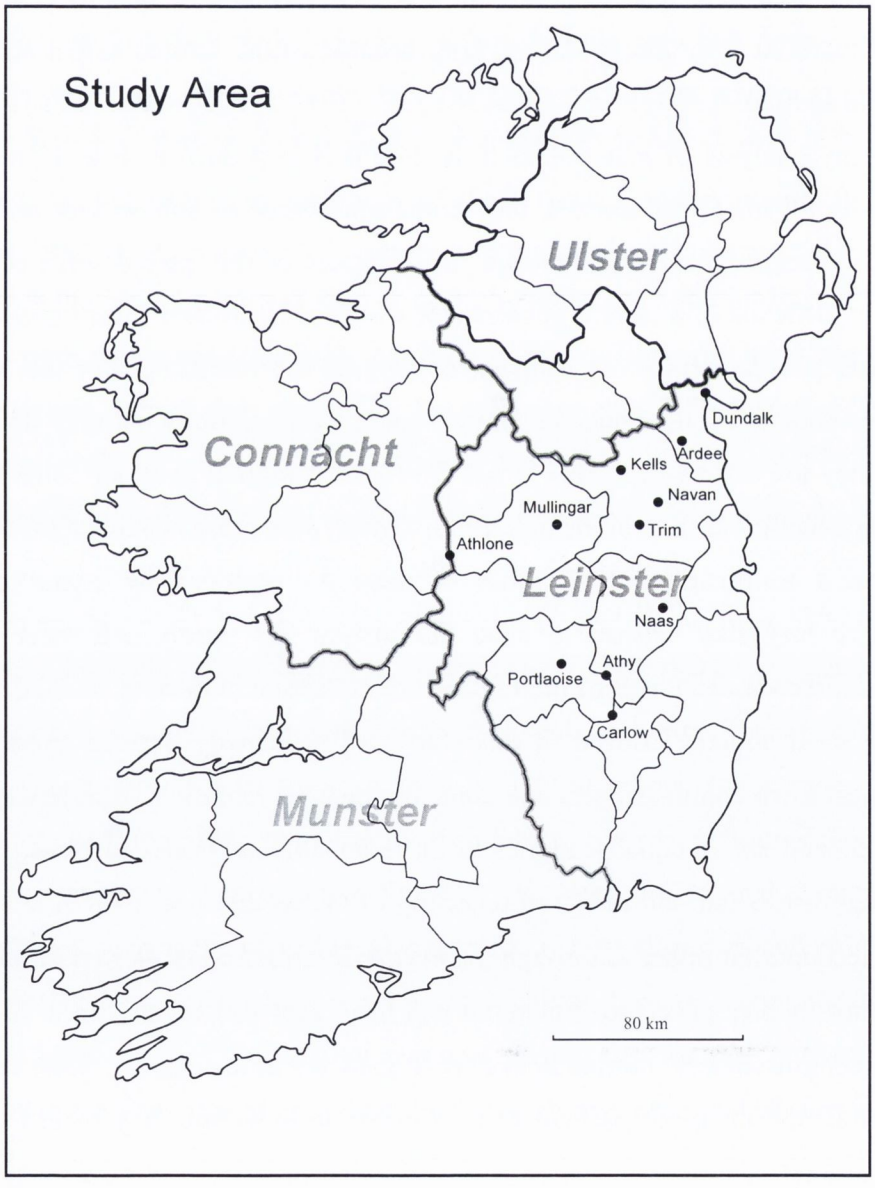


Figure 1.1: Eleven Leinster market towns examined in this study

1.7 Sources

The research material utilised in this thesis is principally drawn from governmental and local primary sources. As the subject of this thesis has to date received little academic attention, initial research to establish whether local archives contained any or sufficient archival material, required significant investigation. The quest involved repeated visits to local libraries and county archives as well as to town council offices and county council offices throughout Leinster. In many cases the search of local archival material which related to this study was difficult and time-consuming. Evaluation of discovered materials' extent and comprehensiveness was also protracted and difficult. Frequently examinations of discovered material were disappointing, both because of the limited extent and quality of the available archive.

In any analysis of material such as this, it is important to bear in mind that, in common with all historical sources, they contain a degree of subjectivity and often bias which the researcher must acknowledge. State papers of this period were collected and annotated by officials of a central government which ruled Ireland from London. Reliance on their data possesses inherent dangers. It behoves the researcher not just to read and analyse the contents of these sources, but to work at finding out what they do not contain and what they are not saying. This is not overly to denigrate material collected by state agencies; in general the state in the nineteenth century was most assiduous in its collection, tabulation and codification of all kinds of data. As adjudged by some scholars, the nineteenth century state wished to make its society less unruly and more productive, leading to unprecedented levels of inquiry and the collection of data on social questions.[80]

The local sources utilised in this study are principally derived from the minute books of local town commissioners and contemporaneous reports in local newspapers. The caveat mentioned above equally applies to these documents. Issues of class, religion and politics often distort fair and unbiased reporting of events and one is often left with a less than clear account, but rather as through the events described were viewed through a prism. No doubt most bodies of recorded material will have gaps and silences in it. In the case of Irish town commissioners' minute books these gaps are unfortunately, quite extensive. In some cases all the towns of particular counties are now without any record of the early

[80] See P. Corrigan and D. Sayer, *The Great Arch: English state formation as cultural revolution* (Blackwell Press, Oxford, 1985); F.Driver, *Power and pauperism: the workhouse system, 1834-1884* (Cambridge University Press, 1993)

establishment and/or subsequent decades of their town commissioners. This absence in certain areas had a significant bearing on the towns eventually chosen as subjects in this study.

1.7.1 Local Archives

Some Irish towns still retain minute books and ledgers of the administration of the Corporations up to the 1830s and of the Town Commissioners, in some cases after 1840 and in others after 1855, in their local council offices, libraries and archives. However, as stated at the outset, there are many gaps and during the course of this study all too many times in response to queries regarding accessibility to town commissioners' minute books one was informed that they were 'missing'. Often it is the case that towns have retained these records only from 1899 onwards. In some cases part of the archive is available and some (often because of the need for proper conservation) is not accessible. For example, Cashel town council retain four volumes of their Town Commissioners' minute books covering the 1840-1892 periods. Their condition is poor and only two are made available to the public. Similar situations of varying accessibility pertain in other towns.

This unfortunate state of affairs, particularly at local authority level, has been raised by local historians and scholars over many years. For example, Athy historian Frank Taaffe describes how while attending a local meeting he was presented an original minute book of the committee of the Athy technical institute in the 1840s, by a local man who had found it in his attic when moving house.[81] The carelessness and lack of security with which our precious primary historical documents are sometimes treated almost beggars belief.

In the 1990s, the Department of the Environment came under increasing pressure to instigate improvement and a 'Steering Group on Local Authority Records and Archives' was set up. This group made its report in 1996. Its first recommendation stated: 'Given the generally poor condition of the surviving local authority archives, measures should be taken as soon as possible to secure their future'.[82] It went on to make many laudable recommendations such as the role of local authorities in providing care and public access to archival material; how to deal with records and archives; how to accommodate and store this material correctly and the staffing required specifically for that purpose. However, when it came to the vital area of providing the finance to meet the cost of carrying out these

---

[81] Frank Taaffe, *An eye on the past* (Athy, 2001), p.73

[82] *Report of the Steering Committee on Local Authority Records and Archives* (Dept' of Environment, (Customs House, Dublin, 1996), p. 2

recommendations, only one anaemic line was provided in the summary which stated: 'Options for financing the required work in relation to records and archives should be explored by local authorities and the Department of the Environment'.[83] Unsurprisingly then, in the course of carrying out research for this thesis at various locations, the result of inadequate financing in the area of local archival conservation became all too evident.[84] The time involved in researching if any local archive on the subject of this study existed and if so, where and how extensive it was, became quite considerable.

Towns	Location of Pre-1840 Town Corporation Minute Books	Location of Post-1840 Town Commissioners minutes	Years covered
Navan		Meath Co. library and archive, Navan	1864-1880
Ardee		Local authority archive, Dundalk.	1843-1872
Athy		Kildare Co. Library, Newbridge- Local history section	1855-1870
Carlow	Do	Do	
Dundalk	Local Authority Archive service, Dundalk.	Local Authority archive, Dundalk.	1832-1841 1840-1864
Kells		Meath Co. Library and archive, Navan	1843-1880
Mullingar	Do	Do	
Naas	Trinity College	Naas Town Clerk's office	1645-1840 1855-1890
Portlaoise (Maryborough)	Minute books unavailable	Minute books unavailable	
Trim	National Library of Ireland	National Library of Ireland	1830-1880

Figure 1.2: Table of town commissioners' minute books currently available for the towns of this study

[83] Ibid, p.3

[84] This should not be read as a criticism in any way of the work of local librarians or archivists. Far from it, where archival records had survived the staff responsible for their care and provision of access were, in all cases, exemplarily in their efficiency and courtesy, often in spite of the conditions under which they were obliged to operate

Fortunately, most of the towns which this thesis intends to focus on have extant local archives and in particular, Naas, Co. Kildare and Trim, Co. Meath, have extant and accessible records. *The Assembly Book of the Borough of Trim* (ms 2998-2999) is held in the manuscript section of the National Library of Ireland, Kildare Street, Dublin. Three volumes of *The Council Book of Naas* covering periods from the late seventeenth century to 1842 is at present in the manuscript section of Trinity College Library, while Town Commissioner's minute books from 1855 are in the care of the Town Clerk of Naas Urban Council.

The archival records pertaining to other nine towns being examined here, though not as comprehensive as those of Naas and Trim, are sufficient in extent to obtain quite a body of evidence regarding the change in their respective town's government during this period. The towns of Mullingar, Portlaoise and Carlow, whose commissioners minutes are not extant, had significant contemporaneous coverage of their commissioners meetings in local newspapers.

Local newspapers are a useful source of information. Local editors were aware of the pressing claim which local politics had on the attention of their readers. As a result their journalists provided accounts of town commissioners' meetings. In many cases the reporters' notes fleshed out the commissioners' discussions and decisions to a much greater extent than the more anodyne and sparse information recorded in the actual minute books.

In 1852, almost one hundred newspapers were being published in Ireland once a week or more frequently. By 1871, the national total was well over one hundred and forty. They penetrated new zones of Irish life, both geographical and social. Photography, invented in 1835, added a new dimension to human experience and to communications. Though surviving photographs of outdoor scenes during the 1840s are rare, subsequent decades have left a sufficiently plentiful supply to become a historical source in their own right.[85]

Notwithstanding the usefulness of these regional newspapers as source material, it bears re-iteration how necessary it is to be wary and to take account of their political and sometimes religious bias. For example, the *Leinster Express* in its editorials was stridently anti-nationalist, often flagrantly critical of O'Connell's efforts towards repeal and frequently hagiographic of Tory politics and Protestant activities.

---

[85] R.V.Commerford ' Ireland 1850-70: post –famine and mid-Victorian' in *A new History of Ireland, V. Ireland Under the Union, 1801070* (Clarendon press, Dublin , 1989), pp 374-375

Title	Towns Covered	Years Covered
Athlone Conservative Advocate.	Athlone	1837
Athlone Independent.	Athlone	1833-1836
Athlone Sentinal.	Athlone	1834-1873
Carlow Morning Post.	Carlow	1818-1835
Carlow Sentinal.	Carlow	1832-1854
Drogheda Argus.	Drogheda, Dundalk, Ardee.	1859-1913
Drogheda Conservative Journal.		1837-1848
Meath Herald	Navan, Trim, Kells	1845-1896
Midlands County Gazette	Longford, Mullingar.	1853-1863
Kings County Chronicle.	Birr, Tullamore.	1845-1919
Kilkenny Moderator.	Kilkenny	1828-1903
Kilkenny Journal.	Dito	1830-1902
Wexford Conservative.	Wexford, Enniscorthy.	1832-1846
Wexford Independent.	Dito	1830-1906
The Leinster Express and General Advertiser for the Queen's and King's Counties and the County of Kildare	Maryborough (Portlaoise), Athy, Naas.	1832-1887

Figure 1.3: Table of newspapers published in the area of the towns examined in this study

1.7.2 Parliamentary papers

A plethora of royal commissions of enquiry and parliamentary enquiries were instituted from the early nineteenth century onwards to investigate a variety of subjects in both Britain and Ireland. Vital to this thesis is the information contained in one of these royal commissions of enquiry, the *First Report of the Commissioners appointed to inquire into the Municipal Corporations in Ireland.* It has been used extensively to detail local government in the eighteenth and early nineteenth centuries by scholars such as Kenneth

Milne.[86] Separate accounts on the then current state of the corporations of each Irish town were reported on, together with the history of each corporate body, noting the date of its first charter, the rights it held regarding fairs, markets, tolls and customs, names of the corporation officers in office in 1835 - Sovereigns, Burgesses and Freemen and their rights and privileges and the date of their admission to the franchise. The holding of common and corporation land and properties is outlined and the population of each town in both 1821 and 1831 is given. A summation is added of each corporation's efficacy and shortcomings. As may be seen from the examples already quoted, its conclusions pulled no punches in vilifying the state of affairs which pertained in Irish municipal government in 1835. It became the primary instrument in forcing the reform which came about over the subsequent decades.

Other records of importance for nineteenth-century Irish urban studies include a three-volume report on the conditions of the poor in Ireland, with answers to questionnaires on local government, wages, rents, clothing, housing and emigration.[87] A report on Irish fairs and markets, which included interviews with weigh masters and other Town Commissioner's officials,[88] gave a vital insight into this economically significant aspect of urban economy. Also, a report on municipal boundaries,[89] gave both a written description and a detailed coloured map of Irish town boundaries at a significant period in the shift in Irish town government.

1.7.3 Ordnance Survey maps and Griffith's Valuation

During the mid-nineteenth century Ireland was mapped, using the scale six inches to one mile. The magnitude of this endeavour was unprecedented and remains to this day one of the most comprehensive mapping projects ever carried out in the state. When seeking answers to how the form and footprint of Irish towns changed subsequent to the election of the new Town Commissioners a useful comparison can be made of the first edition maps of the late 1830s and revised early 1870s Ordnance Survey maps.

Contemporaneously, the *Primary Valuation of Tenements* under the direction of Richard Griffith, assessed both the net and gross worth of each piece of property and every

---

[86] See Kenneth Milne, 'The Irish Municipal Corporations in the Eighteenth Century', Unpublished PhD thesis (TCD, 1962-1963)

[87] *Report of the commissioners for inquiry into the condition of the poorer classes in Ireland,* 1835 (H.C. 1836),XXX1-XXX111

[88] *Report on the fairs and markets of Ireland,* (H.C. 1852-3) Xl1: *Minutes of evidence,* (H.C.,1854-55)X1X,

[89] *Municipal Corporation Boundaries* (H.C. 1835, XX1X .3)

landholding, no matter how minute, in the country. Commerford describes it as a 'cadastral survey of the entire country'.[90] In its attempt to arrive at the fiscal value of the entire island it was extraordinarily successful. Urban valuations are summarised by street. Major landlords can be identified and their urban holdings located. Indeed as Nolan described it, 'the valuation's searchlight picks out the urban rentiers and rural industrialists and the hitherto hidden residents of the mean urban laneways'. He sees it as 'revolutionary' in that by documenting the 'glaring inequalities' in the distribution of wealth and indeed the 'colonial origins' of the great majority of the landlords, this *valuation* can be seen as 'one of the most subversive publications' in the second half of the nineteenth century.[91] Be that as it may, the view of Ireland from Whitehall became much more precise and finely focussed when provided with this piece of intelligence. It provided the finance department with a basis for taxation for over a century and it became a frame of reference for numerous other purposes over shorter periods.

When placed alongside the extraordinary ordnance survey mapping project which preceded it, the state was provided with informational capital of such quality and detail never before or indeed since, equalled. Both of these 'grids of specification'[92] were spread across the material and metaphysical Irish landscape. They not only 'assisted in the reinvention of what constituted Ireland's national space',[93] they delineated the extent and monetary hierarchy of towns and villages, allowing for a reconstruction of their social geography.

1.7.4 Census Records

The collection of census of population was one of the state activities began in the nineteenth century to provide it with 'informational capital'. It is generally accepted that the first reliable census of population of Ireland was taken in 1841. Earlier official census of 1821 grossly underestimated population numbers, while the 1831 effort is also unreliable and must be used with caution.

Amongst the information gathered was an interesting section on housing quality which can be used to help portray a picture of the general social and economic structure of

---

[90] R. V. Commerford, 'Ireland 1850-70: post-famine and mid-Victorian' in W.E. Vaughan (ed), *A New History of Ireland V: Ireland under the Union: 1801-70'* (Oxford, 1989), pp 374- 401

[91] William Nolan 'The land of Kildare: Valuation, Ownership and Occupation 1850-1906' in Wm Nolan and T. McGrath (eds), *Kildare History and Society* (Geography Publications, Dublin, 2006), p.549

[92] See Michael Foucault, translated by A.M.Sheridan Smith, *The Archaeology of Knowledge* (London 2000)

[93] Garry Pendiville 'The social magic of correspondence: conceptions of the mails in nineteenth century Ireland' in *Journal of Historical Geography* No.31 (2005), p.462

an urban area. The enumerator's abstract for street or townland (Form N) recorded whether buildings were inhabited, the number of households, of persons per house, the number of males and females per house and their religious affiliations.

1.7.5 Directories

Nineteenth century commercial directories were detailed and accurate to a large degree. Information as to the numbers employed in the various trades and professions as well as the rank of the various state and local officials operating in Irish towns during this period can be ascertained from them.[94]

1.7.6 Travel-Writing of Contemporary Foreign Travellers to Ireland

In 1835, as the royal commissioners were making their report on the state of the corporations in the Irish towns, two young French noblemen arrived in Ireland and began a tour of the country. In July and August, Alexis de Tocqueville (1805-59) and his good friend Gustave de Beaumont (1802-66) spent about six weeks in Ireland and the notes they made regarding what they saw and heard has since been posited as an unbiased account of the pre-famine condition of the towns and countryside. Both were experienced travelers and observers with considerable scholarly and literary reputations. Their interviews, particularly with the clergy of both Catholic and Protestant persuasion, is most insightful. This Irish trip influenced the minds and work of both men; de Beaumont became so fascinated with Ireland that he returned again in 1837 to finish collecting material for what was to become his most enduring work, *Ireland: social, political and religious.* It was published in 1839. Tocqueville's notes are interesting in what they reveal about him as a moralist as distinguished from a social scientist.[95]

Another impression, somewhat at odds to that of de Tocqueville and de Beaumount has been left to us in the reminiscences of William Makepeace Thackeray. His focus was on a different class of Irish society to that of the Frenchmen. In particular, his description of an agricultural show at Naas portrayed a scene of upper and middle class comfort and pleasure.[96]

---

[94] Amongst the most useful in this area are: Samuel Lewis, *Topographical Dictionary* (Dublin 1837) and Thom's Irish Almanac and official directory of the United Kingdom of Great Britain and Ireland, (Alexander Thom, Printer and Publisher, Dublin 1865)

[95] Emmet Larkin, (edited and translated) *Alexis de Tocqueville's Journey in Ireland July-August 1835* (Wolfehound Press, Dublin, 1990), pp 1-3

[96] Con Costello, *A Class Apart: The great families of County Kildare* (Nonsuch Publishing, Dublin, 2005), pp 17-18

1.7.7 Some Considerations

This thesis adopts the hypothesis put forward by Dennis in his discussion of sources in the reproduction of past urban geographies in which he subscribes to the view that historical geographers should be 'eclectic in the sources they use and the approaches they adopt'. Both qualitative and quantitative sources are essential and that 'every source, literary or numerical is a socially constructed representation'.[97] One is ever mindful that with most historical sources, the powerful are represented while the powerless are underrepresented or silent and that bias is always present in primary sources. In order to provide as accurate an account as possible of administrative operation, one must be constantly aware of the unavoidably one-sided nature of administrative sources and of the absence of contributions from significant cohorts of the population such as females and the poor. A vital part of this research has been the analysis of the bias contained in the sources examined in an attempt to present an as objective as possible account of the shift in the administration of Irish provincial market towns in the mid-nineteenth century.

1.8 Layout

The remainder of this thesis deals directly with how the government of these Leinster market towns evolved from 1835 until 1865. Chapter two deals with the process of establishment of town commissioners, examining the background to the need for change from the discredited municipal corporations, the findings of the royal commission of enquiry into these corporations and a critique of legislative imperatives which were associated with the process from the Act of Union in 1800 to the Towns' Improvement (Ireland) Act in 1854. The various methods by which the 1854 act was adopted in each of the eleven towns are also examined.

Chapter three investigates who the new town commissioners were and provides a detailed analysis of the personnel which made up the town commissioner bodies in each of the towns, their age, occupations, valuations and general status. Chapter four examines how the main providers of finance for the towns' governors, the fairs and markets with their associated tolls and customs, were administered over the period of this study. The next three chapters deal with the day-to-day operation of the various urban governing bodies in the areas of policing and local judicary, public health, water supply, sanitation and lodging-

[97] R. Dennis, 'Historical Geographies of Urbanism' in B.Graham and C.Nash (eds) *Modern Historical Geographies* (Essex, 2000), p.242

house regulations, street paving and public lighting. Chapter eight deals with how the religious upheavals of the period impacted on the urban governors, including a case study of the effects of religious dissention on the Naas town commissioners. Chapter nine offers a summary, draws together the main themes, arguments, results and concludes the thesis.

CHAPTER 2

PROCESS OF THE ESTABLISHMENT OF TOWN COMMISSIONS

While it is generally recognised that the Great Reform Act set in motion a revolution in British parliamentary government, it is perhaps less well recognised that the setting up by the Whig government in 1833 of a royal commission to enquire into the existing state of municipal corporations in England and Wales led to as remarkable a revolution in British urban government. These enquiry commissioners produced a report which accused the boroughs' corporations of municipal inefficiency and malpractice. They bluntly stated 'that the corporate bodies existed independently of the communities among which they are found. The Corporations look after themselves and are considered by the inhabitants as separate and exclusive bodies ... in most places all identity of interest between the Corporation and the inhabitants had disappeared'.[98]

The Melbourne government reacted quickly. It introduced the Municipal Corporations Bill which became law in 1835. This bill evinced the government's determination not just to remedy the defects disclosed by the commissioners, but to demonstrate its ability to wrest power over urban administration from the local landlords. It was a significant demonstration of a more assertive state and of a determination by central government to increase its control over local controllers.

Similar royal commissions of enquiry were set up for Scotland and Ireland in the same year (1833) as the English commission was established. The report of the Scottish commissioners led to a series of statutes dealing with different aspects of the question rather than a single reforming measure, Ireland followed a more similar course to England, but with much more delay and contestation.

2.1. Background to the Need for Change

The Irish situation regarding local urban government, where whole towns were and continued to be the property of local landlords who held power of administration over their

[98] *First report of the commissioners appointed to inquire into the municipal corporations in England and Wales,* H.C. 1835 xxiii, p.32

inhabitants, was by the early 1830s, anathema to a Whitehall administration now anxious to assert its increasing power and influence.

A number of legislative reforms were enacted in the early decades of the nineteenth century and they are seen as having had significant and lasting importance. The poor relief system and the police were reshaped by these enactments and municipal government acquired legal structures which were to survive for the remainder of the century. Crossman contends that 'underlying these reforms was a desire to improve the quality of local administration and to make it more acceptable to the mass of the population'. She holds that for this to come about it was necessary 'to loosen the stranglehold which Protestant landowners exercised over local government'.[99] The contestation between the new town commissioners being examined in this study and these landowners and patrons could be said to have had little chance of loosening this 'stranglehold' were it not for these pieces of legislation. There ensued a tension and contestation between the central government at Whitehall and the local town patrons- local landlords. These tensions and contestations are evident in the parliamentary struggles which, over the first half of the nineteenth century brought forward legislative imperatives to assist the process of reform and improvement.

2.2 Act of Union of Ireland and Britain

Whitehall's legislation began to impact on the government of Irish towns at the beginning of the nineteenth century with the Act of Union.[100] It marked the beginning of a new epoch in Irish administrative history.[101] Prior to this enactment the Irish House of Commons had consisted of three hundred members, of whom two hundred and thirty eight were returned by the boroughs, sixty-four by the counties and two by Trinity College. As was the case with the British House of Commons, the majority of M.P.s were returned by the boroughs, but this balance between borough and county was reversed by the terms of the Union. Its consequence was that of the one hundred Irish M.P.s elected to Westminster, sixty-four were returned by the counties, one by Trinity College and only thirty-five by the thirty-three retained boroughs.[102] Thus a very significant eighty-four boroughs were totally

---

[99] Virginia Crossman, *Local Government in Nineteenth Century Ireland* (Institute of Irish Studies, The Queen's University of Belfast, 1994), p.38

[100] *Act of Union, 1800, 39&40 Geo. 111 c.67*

[101] R.B.McDowell, *The Irish Administration, 1801-1914* (Routledge and Kegan Paul, London, 1964), p.19

[102] Peter Jupp, 'Urban politics in Ireland, 1801-1831' in David Harkness and Mary O'Dowd (eds) *The Town in Ireland* (Belfast, 1981), p.103

disenfranchised and thirty-one of the retained boroughs became single-member constituencies.

For over a century one of the chief duties of Irish municipal corporations was the creation a body of members in the Irish House of Commons. Most Irish town corporations - some with populations of less than five hundred - were permitted to forward two members to the Irish Parliament. For example, Harristown, a landed estate near Kilcullen, County Kildare, with a population of about two hundred, had a similar electoral entitlement as a large town. At the time of the Act of Union there were one hundred and seventeen corporate boroughs of varying size; some were cities, like Dublin; others hardly existed except as legal entities.[103] The effect of the Act of Union upon these corporations was that a large number of them no longer had the privilege of forwarding members to parliament. Their *reason d'etre* had ceased to be and, as John Webb maintains, they were allowed to disappear with little regard for the interests of the towns inhabitants.[104]

At the national political level, no sooner had the Act of Union come into force than an active movement began in Ireland to affect its repeal. Though this study will not deal in any detail with this O'Connell-led repeal movement or indeed the contemporaneous movement for Catholic emancipation, it should be recognised that for central government both movements had serious implications for the future pacification of Ireland. While the war with Napoleon continued, Whitehall could devote little time or effort to these Irish issues. However, after 1815, central government came to realise their importance and particularly the need to silence calls for the re-establishment of a Dublin parliament.

For many decades the view had been held by Irish lords that most disaffection and insurrectional tendencies grew within the urban population. They believed that nationalism with all its 'sharp operators' was a 'thoroughly greasy and urban phenomenon'.[105] It would be natural therefore, for central government to examine the administration of Irish towns in order to discover much of the root cause of their grievances against the state.

Great hardships were inflicted upon the inhabitants of many Irish towns when their corporations became moribund as a direct result of the Act of Union. Neglect became the rule. Services such as watching, cleansing, lighting and paving in many cases ceased to

---

[103] D.George Boyce, *Nineteenth –Century Ireland: The Search for Stability* (Dublin, 1990), p.68

[104] John J. Webb, *Municipal Government in Ireland –Medieval and Modern* (The Talbot Press, Dublin 1918), p.179

[105] K.Theodore Hoppen, *Elections, Politics and Society in Ireland; 1832-1885* (Clarendon Press, Oxford, 1984), pp 116-7

exist. In many towns, corporate properties and revenues disappeared and no account of them was rendered to those for whom they should have been held in trust. Whitehall became aware of the danger of this administrative vacuum and the need for some local participation by towns' inhabitants in their own urban administrative affairs. By the early 1820s, bills were being introduced to parliament to make some provision for the administration of basic urban services and for the establishment of commissioners elected by town's rate-paying inhabitants.

2.3 Act to make Provision for the Lighting, Cleansing and Watching of Cities and Towns Corporate and Market Towns in Ireland in Certain Cases (9 Geo 1V C. 82) 1828

In 1826, following a number of failed attempts, a bill to make provision for basic services in Irish towns was introduced to parliament. By now, both the repeal movement and the fight for Catholic emancipation had gained strength and were high on the agenda of central government. It was realised in Whitehall that some appeasement of the Irish population at local urban level would go some way in pacifying the situation and thus, despite much misgiving by the House of Lords in particular, the above act was finally passed by the Whitehall government in July 1828.[106] It was the first tangible evidence of an increase in governmentality.

This Act empowered the election of town commissioners in any borough where services such as lighting, watching, cleansing and paving were not provided. The power of deciding whether to adopt the Act, or any particular part of it, was given to all inhabitants of a borough rated at £5 or more within the town or within one mile of its boundaries. Interestingly, it was decided in later acts to limit this franchise even further. These ratepayers were entitled to vote at a public meeting. If they decided to adopt the Act or any part of it, they could then vote to elect commissioners numbering not less than nine or more than twenty-one, depending on the population of the town. To be eligible, these commissioners were required to be resident in the borough and rated at £20 or more. They were to resign their office every three years, though they could, as individuals, stand for re-election. The Act required them to meet at noon on the first Monday of every month and to keep minutes of their meetings.

---

[106] 9 Geo 1V C. 82, 1828

Of the towns being examined here, Dundalk's inhabitants decided to adopt the provisions of this Act while the old corporation was still legislatively in operation. This decision by the ratepayers of this town speaks volumes regarding the non-effectiveness of its old corporation. It is intended here to outline the method of adoption of this act in Dundalk in January 1832. The minutes made at their first meeting record a letter to the Lord Lieutenant as follows:

> Pursuant to the directions of the Act... entitled 'An Act to make provisions foe the lighting, cleansing and watching of cities, towns corporate and market towns in Ireland in certain cases' ...we, the undersigned householders of the town of Dundalk occupying houses of the value of twenty pounds annually, request Your Excellency will direct the Bailiff of Dundalk to convene a meeting of the inhabitants for the purpose of considering the expediency of carrying into effect in this town, one or more of the provisions of the Act...

The letter was signed by thirty–one householders and qualified ratepayers.[107] The town bailiff subsequently received the permission of the Lord Lieutenant and duly convened a meeting of Dundalk's qualified householders, at which fifteen were elected as town commissioners. These were named in the minutes of a meeting held at the Court of the Bailiff, Market House, Dundalk, on 6 February 1832 as follows:

> Alexander Shekleton, Chairman.
> Thomas Coleman
> Thomas Chambers
> John Martin
> John Boyle
> James Parkes
> James McAlister
> James Knowles
> Patrick O'Hare
> George Shekleton
> Patrick Connick
> John Townsley
> Robert Godley
> Michael Kelly
> Patrick Wynne[108]

All town commissioners thus elected were allowed to levy a rate on all property of more than £5 poor law yearly value and were required to keep yearly accounts available to

---

[107] Minutes of Dundalk Town Commissioners, DMC/MB/1, 13 January, 1832
[108] Ibid, 6 February, 1832

be perused by any resident ratepayer. The funds thus collected were to provide the services or provisions of the Act which the ratepayers saw fit. These could include digging wells and providing water pumps, constructing storm drains and sewers, and/or lighting, paving and cleansing the streets. Three years was the longest period by which a contract made by the commissioners was valid and none of them were allowed to have any commercial interest in such contracts.

Although the 1828 act came to be adopted to some degree, in a total of sixty-six towns over the succeeding decades, Webb maintains it still left 'the old Common Councils with many possibilities for evil'.[109] The old corporations were not officially disbanded until after 1840 and even after their disbandment the county grand juries, whose membership often included some members of the old corporations, continued to govern many towns. In the towns examined in this study, Naas and Carlow were examples of where this occurred. The 1828 act's effectiveness was primarily constrained by the limitations it imposed on town commissioners regarding finance and many towns adopted only a limited portion of its provisions in order to reduce the burden on ratepayers. The funds collected were barely sufficient for ordinary purposes but, for example, under clause 54 of the Act, the cost of construction of sewers and drains could only be met from these same funds. Thus commissioners who tried to take an active role in town improvement found themselves severely hampered.

2.4 Royal Commission Appointed to Enquire into the Municipal Corporations of Ireland (1833)

In Britain, the Reform Act of 1832 not only severely limited the power of urban corporations in the electoral process; it also highlighted their corrupt practices and general shortcomings. In establishing a royal commission of enquiry into the municipal corporations of Britain in 1833, the Whig government also took the timely opportunity to have the same type of enquiry carried out in Ireland. It set about this task in a purposeful way, when, as described by Boyce, 'a group of thirteen young liberal barristers were let loose in the Augean stables...'[110] It is interesting to note that this was also the year when a

[109] John J. Webb, *Municipal Government in Ireland –Medieval and Modern* (The Talbot Press, Dublin, 1918), p.182

[110] D.George Boyce, *Nineteenth –Century Ireland: The Search for Stability* (Dublin, 1990), p.68

poor-law enquiry was commissioned. Central government had begun in earnest to collect 'knowledge' and increase its 'governmentality'.

This commission of inquiry into the Irish municipal corporations appointed by central government in 1833 was comprised of one sergeant-at-law (Louis Perrin), and twelve barristers. One of these barristers later became Lord Chancellor (Maziere Brady) and another became a high court judge (D.R.Pigot).[111] A third, Louis Perrin, became Attorney General for Ireland in 1835. They were young men on the legal ladder to success and, as will become clear, were efficiently expeditious in pursuit of their objectives. They divided the country, with the exception of Dublin, into six circuits, 'allotting two Commissioners to each, to visit, in person, the places comprised in it, and there to make enquiry into the several matters of examination pointed out by Your Majesty's Commission'.[112] The towns examined in this study fell chiefly within the Midland and North-eastern Circuits, for which Messrs Colhoun and Baldwin Messrs Hudson and Sausse were, respectively, responsible.

The arrival of these enquiry commissioners into the relatively small market towns of Leinster caused some considerable excitement. The *Carlow Sentinel* reported on this event when it was Carlow's turn to be examined on 30 September and the 1-3 October, 1833, as follows:

> On Tuesday last Messers Colhoun and Baldwin, Commissioners appointed to enquire into Municipal Corporations, accompanied by their Register (sic), Mr Hughes, opened at the courthouse of this town, which in a few minutes was crowded to excess, such was the anxiety evinced to witness the proceedings. Mr Wallace (attended by Tom Bunbury of Russellstown and Samuel Eves) took his seat with the Commissioners, and appeared to conduct the entire proceedings. To the right and left of the bench were arranged the selected 'batches of those electioneering ragamuffins, who call themselves 'public men', suggesting questions to the 'mimber'.[113]

The *Carlow Sentinel,* in keeping with its usual pro-Tory stance, was not overly enamoured by this turn of events and had little time for such liberal manifestations. It must have seemed unseemly to its Tory sensibilities when local personages such as William Fishbourne Senior, (former Sovereign) was called as the first witness, followed by Edward Butler, (Burgess) and Mr Brown, (Town Clerk). Also examined was the town surveyor, Mr

---

[111] Cornelius O'Leary, 'Belfast Urban Government in the Age of Reform' in David Harkness and Mary O'Dowd (eds) *The Town in Ireland* (Belfast, 1981), p.190

[112] *First report of the commissioners appointed to inquire into the municipal corporations in England and Wales,* H.C. 1835 xxiii, p.1

[113] *Carlow Sentinel,* 5 October, 1833

Gibbs and the weighmaster, Daniel O'Meara. The town's highest personages were called before the commissioners; the then current sovereign, William Fishbourne Junior and the local patron and landlord, Benedict Hamilton Esq.[114] Had the *Sentinel* any fore-knowledge of the eventual findings of the examiners regarding the mal-administration of its town, it may have had a somewhat different tone to its report.

2.4.1 Commission of Inquiry's General Tenor

The twelve commissioners carried out their examination of the sixty corporations then existing. While in general they reported a readiness by the corporate officers to comply and to assist in the enquiries of the commissioners, they encountered 'some individuals (who) evinced a contrary disposition, chiefly on investigations into the management and appropriation of Corporate property and revenues...' In many cases the corporations were 'found not to be in possession of their charters, in several no books or records were extant and in several those extant were irregularly kept and in a very imperfect state of preservation'. They complained that the 'defective state of the Corporate muniments has tended much to obstruct the Inquiry, which in some towns yet remains so imperfect and unsatisfactory'. They also had particular difficulty regarding their inquiry 'which relate to the original extent and subsequent disposal of Corporate property'.[115]

With regard to the mode of admission of the inhabitants of towns into their corporations the commissioners of inquiry found that the governing bodies used their powers 'without scruple, not as trusts to be exercised for the benefit of the community, but as the means of attaining for themselves an exclusive dominion over the general inhabitancy and political influence in the election of Members of Parliament'.[116] They also found the general exclusion of Roman Catholics deserving of special mention, commenting that while the 'laws which for a series of years operated to exclude those professing the Roman Catholic religion from Corporations was repealed in the year 1793...but the Roman Catholics have hitherto derived little practical advantage from the change'. Forthrightly they state: 'We feel bound to submit to Your Majesty that a system of municipal polity which excludes such a class of Your Majesty's subjects from all substantial corporate privilege and power must be essentially defective in its structure'.[117]

---

[114] Sean O'Shea, 'Carlow Corporation' in *Carloviana,* no 48 (Carlow Nationalist, December 2000), pp 28-29
[115] *First Report of the Commissioners appointed to inquire into the Municipal Corporations in Ireland, Pt 1.* H.C.1835 (23) xxvii, General Report, p.3
[116] Ibid, p.13
[117] Ibid, p.16

In general the tone of the commissions' report was equally as pessimistic as the report of their English and Welsh counterparts. They stated that:

> The Corporations have long been unpopular, and objects of suspicion. As at present constituted they are, in many instances, of no service to the community; in others, injurious; in all, insufficient and inadequate to the proper purposes and ends of such institutions. The public distrust in them attaches on their officers and nominees; and the result is a failure of that respect for, and confidence in, the ministers of justice and police, which aught to subsist in well regulated communities, which, where they do exist, conduce so much to the peace and good order of society, and without which the authority of the law may be dreaded, but cannot be respected of effective.

Such confident and forceful recommendations were obviously made in the full expectation of the total backing of central government. The report as a whole could be seen as Whitehall flexing its muscles and almost deliberately defying the authority of these heretofore grandiose local urban patrons.

Regarding the towns examined in this study, the closing comments by the inquiry commissioners give a cogent summary of the state into which the corporations of each of these towns had fallen. These comments were usually entered under the heading 'State and Prospects' or 'General Observations' on the final page of the report on each town. They are posited here in thematic form as a pithy synopsis of each town corporation's features and failings in the eyes of the inquiry commissioners when they visited and carried out their enquiries in 1833.

2.4.2 Corporation Membership - Exclusivity and Sectarianism

Regarding the Dundalk corporation, the enquiry commissioners found that 'the exclusive and sectarian character of this body' had rendered it so unpopular amongst the great majority of the inhabitants that the possession of the franchise has not been sought for, and when recently offered by the 'patron' to respectable merchants it has been refused, upon the ground that 'any connection with the Corporation would be prejudicial to their mercantile connection with the public'. They further found that 'the effect of the present condition of the corporation has been to constitute 19 of Lord Roden's nominees electors of the borough'. They also noted that the town's inhabitants 'express a desire for a £10 household franchise, as the basis of a new constituency, from which efficient boards would be elected for the protection and management of the interests of the town and harbour'. They could hardly be more forthright when thy concluded: 'We are unable to discover any benefit

which the borough has derived from the possession of a corporation as at present constituted'.

With regard to the neighbouring town of Ardee the enquiry commissioners were also 'unable to discover any benefit which the borough had derived from the possession of a corporation as at present constituted'. They saw that 'the exclusive and sectarian character of this body has rendered it so unpopular amongst the great majority of the inhabitants that the possession of the franchise has not been sought for'. Proof, if proof were needed that this body was odious to the inhabitants, was made clear when the franchise was 'recently offered by the Patron, (Lord Roden) to respectable merchants it has been refused, upon the ground that any connection with the Corporation would be prejudicial to their mercantile connection with the public'.[118]

When conducting their enquiries in Kells, the commissioners concluded that:

> The Corporation is complained of as being exclusive and intolerant, and the almost total exclusion of Roman Catholics in a district where they are numerically to all other sects in the proportion of ten to one, has afforded just cause of complaint to the inhabitants. As an instrument of local government, it is, as at present constituted, utterly inefficient, and the public derive no advantage from its existence except such as results from the superintendence of a local magistrate.[119]

However, at the neighbouring town of Trim the enquiry commissioner found some improvement. He noted that 'this Corporation is peculiar, in being, as at present constituted, perfectly democratic, and consisting of a far greater number of persons than any Corporation in the district I visited'. But lest the body be mollified by this faint praise, he went on boldly to state: 'However, in reference to the population at large, (it is) exclusive and intolerant, and therefore obnoxious to them'.[120]

Speaking of Carlow the commissioners had this to say: 'The Corporation having, in consequence of the departure from the spirit of the charters by the exclusion of inhabitants, dwindled to a few, chiefly non-resident, nominees of the patron, without any functions to perform, or privileges to enjoy, do not continue to exist for any beneficial public purpose'. From the size of the town and its importance as a commercial place, they were convinced that a municipal body, 'comprising the principal inhabitants, is desired as an instrument of

---

[118] *First Report of the Commissioners appointed to inquire into the Municipal Corporations in Ireland. Pt 1.* H.C.1835. (23) xxvii. p.906

[119] *First Report of the Commissioners appointed to inquire into the Municipal Corporations in Ireland, Pt 1* H.C.1835. (23) xxvii, pp 186-187

[120] Ibid, p.187

local government'. They stated their belief that the existing members of the Corporation 'would not be injured by being deprived of offices, from which they derive but little benefit; and being mostly non-resident, the incorporation of them in any new body would be attended with no advantage to the public'.[121]

At Naas the commissioners found much to be concerned about. Here the family of the Earl of Mayo and their agents had made up the total membership of the corporation for many decades. As the commissioners stated, 'that the Corporation is now virtually confined to one family, and at the disposal of an individual, is a subject of very general complaint amongst the inhabitants; and the attempted appropriation of its estates has excited a strong feeling of indignation in the town'. This referred to what can only be described as a land grab by the Earl of Mayo prior to the arrival of the enquiry commissioners. Their final summation on the state of the corporation was nothing if not forthright: 'This Corporation is most unpopular, and, as at present constituted does not exist for any useful public purpose.[122]

At Athlone the enquiry commissioners were convinced that 'its corporation have at no time contributed' to the prosperity of Athlone, nor was it likely that 'at present constituted, they ever will'. They detected that the 'strongest feeling of hostility exists between the inhabitants and its members'. The inhabitants complained that the revenues of the corporation have been applied, contrary to the express provisions of the charter, to the payment of municipal officers, 'who render no service to the community, and they exclaim against the selection for corporate offices, and particularly of the appointment of the present vice-sovereign, who appears ill-suited for the government of an important place'. The consequences resulting from such a state of things was distrust in the administration of justice, and 'a spirit of resistance to constituted authority'. They predicted that the corporation 'will not be efficient as an instrument of local government until its officers are properly chosen'.[123]

2.4.3 Infrastructure

This aspect of local maladministration was, to varying degrees, common to the towns being studied here. One of the worst offenders, according to the enquiry commissioners was the town of Naas. Here they discovered that the state of the town had not improved within the

[121] Ibid, p.170
[122] Ibid, p.222
[123] Ibid, p.210

ten preceding years. Naas was but fifteen miles from Dublin, with which it then had a water communication by means of a branch of the Grand Canal, and it was the first significant town from Dublin on the road south to Cork, yet with these local advantages it presented 'a poor and neglected appearance'. The enquiry commissioners criticised the condition of the street surfaces, which were found to be in a bad state of repair, although they formed portions of the county roads, and should be kept in order by the trustees of the turnpikes. They were not often cleansed by the authorities, who at the same time prevented the inhabitants from doing so. One of the portreeves claimed the sweepings, which were valuable as manure. The enquirers noted that:

> To such a length has this been carried, that persons have been fined for removing heaps of filth which had remained for days opposite their houses.
>
> No attempt has been made has been made to introduce the provisions of 9 Geo. 1V. c.82, for the purposes of paving and lighting the town.[124]

This was quite an indictment of the corporation of Naas and also by implication of the local patron, the Earl of Mayo's neglectful stewardship. The Earl had been sovereign of Naas on an almost continuous basis for many decades, and was sovereign at the time of this enquiry.

At Maryborough (Portlaoise) the enquiry commissioners found that 'the internal regulations of the town are deplorably bad. False weights and measures are in general use, by which all classes, and particularly the poor, suffer severely'. This was the subject of well founded and very general complaint by the local inhabitants. Furthermore, they observed that 'the town is not lighted, and the Act of 9 Geo.IV. c.82, has not been put in operation here.[125]

On concluding their visit to Trim, the enquiry commissioners were left with the impression that for several years the town had been declining and presented a very impoverished appearance. It had no extensive trade or manufacture. The markets had improved somewhat, a circumstance which the inhabitants ascribed to the discontinuance of tolls and customs. The Borough Court had fallen into disuse and the corporation had ceased to exercise any municipal functions. The only way in which the public were affected by it, was that it supplied a resident local magistrate in the person of the portreeve. This however, was not of much consequence as there was a resident stipendiary magistrate in the town, and there were several county justices in its neighbourhood. It was also noted that:

---

[124] Ibid, p.222

[125] *First Report of the Commissioners appointed to inquire into the Municipal Corporations in Ireland.* Pt 1. H.C.1835. (23) xxvii, p.210

> From the present disposition of the corporate lands, an inconsiderable benefit results to about 60 individuals; by the application of their produce to public purposes, substantial advantages might be conferred upon the entire district.[126]

Of the corporation of Kells, the commissioners found that 'no attempt has been made to put into force the provisions of the 9 George 1V. c.82, for lighting and improving the town'.[127]

At Athlone the commissioners also found much neglect and mal-administration of its infrastructure. They laid the blame squarely on the corporation and described the internal regulations of the town as 'deplorably bad'. In the markets, false weights and measures were in general use, 'by which all classes, and particularly the poor, suffer severely'. This was a subject which they found to be 'of well founded and very general complaint'. They were highly critical of the condition of the streets and lanes, noting that 'the town is not lighted, and the Act of 9 Geo.1V. c.82, has not been put in operation here'.[128]

In the town of Navan the commissioners discovered that 'this town is neither lighted nor watched. They established that some time prior to their arrival some of the inhabitants endeavoured to procure the introduction of the Act of the 9 Geo.1V. c.82, for those purposes, but the portreeve successfully resisted the attempt. He assigned as his reason for having done so that proper persons could not be had to fill the situation of commissioners under the Act. However, the enquiry commissioners noted that 'many of the persons to be rated think otherwise'. They advised that 'for the state of the streets the adoption of this Act would appear useful'. The main streets were being regarded as portions of the county roads, and as such were kept in repair by county presentments, for which the town was assessed as a portion of the county. The lanes and smaller streets had not been repaired for several years. These streets and the bridges were in a much neglected state, and there was no fund to repair them.[129]

At Carlow there was also much to criticise. The town was not lighted, and the Act of 9 Geo. 1V. c.84, had not been adopted. All the streets were repaired by county presentment, the two principal streets at the expense of the county at large, the others by the barony in which the town was situate, but the side streets and lanes were seen as being in a

---

[126] Ibid, p. 271
[127] Ibid, p. 187
[128] *First Report of the Commissioners appointed to inquire into the Municipal Corporations in Ireland.* Pt 1. H.C.1835. (23) xxvii, p.210
[129] Ibid, p.232

dreadful condition. There was no public scavenger; the town was poorly supplied with water by public pumps.

At Athy, the enquiry commissioners found that there was no public lighting and no effort had been made to introduce the provisions of 9 Geo. 1V. c.82, for the purposes of paving and lighting.[130]

However, there were elements of appreciation in the enquiry commissioners' conclusions. Of the condition of Kells they noted that 'although it has not preserved its relative importance, Kells is still a town of considerable note. Its principle street is very broad, and, to the width of 21 feet, is repaired by the county presentment, as a public road'. The remainder was formerly kept in order out of the receipts of the tolls and customs, and 'is latterly at the private expense of the Marquis of Headfort. His lordship is the proprietor of the town'. They described the streets as being generally well kept, and 'the town presents an appearance of cleanliness and comfort beyond what is generally met with in country towns'.[131]

2.4.4 Corporate Property

The abuse and mis-appropriation of corporate lands and property by town patrons and/or members of the corporations gave rise to recurring criticism in this report. In many cases these historic towns' 'commons' was found to have been encroached upon over the years, usually by adjoining landlords. Consequently, at towns such as Carlow the enquiry commissioners could only state: 'The Corporation have not any landed property'.[132]

At Kells the corporation was found to hold 312 acres divided into six fields. As each field came into use, the members of the corporation 'repaired to it, and marked it out in equal lots, according to the existing number of resident members of the body'. Each freeman received one lot, each portreeve and burgess two lots and the deputy sovereign five lots. It was found to be the case that having 'the quantity of land in each lot regulated by the numbers in the corporation, affords a strong inducement by the members to struggle against an extension of the body'.[133] The Kells corporation members were exceptionally fortunate, when compared to the corporations of other towns in this study. Somehow they had managed still to hold possession of a significant quantity of corporate land. However,

---

[130] *First Report of the Commissioners appointed to inquire into the Municipal Corporations in Ireland,* Pt 1. H.C.1835(23), xxvii. p.146
[131] Ibid, p.154
[132] Ibid, p.164
[133] Ibid, p.184

the use of this land, which should have been accessible to the general inhabitants, was discovered to have been restricted to the corporation members themselves. Naturally, the fewer these members were, the more personal value each derived from this corporate land.

At Navan it was estimated that its commons or corporate land once comprised about 1,200 acres. The enquiry commissioners discovered that it was from time to time encroached upon and the greater part had passed 'several years ago into the possession of the adjoining landlords, and in particular to the Tara and Ludlow families, so that less than 150 acres remained to the corporation'.[134]

The 'commons of Trim' was alleged to have 'formally been much more extensive than it is at present, and reached from Dunderry Bridge to Castlerickard and that portions had been taken from it from time to time by neighbouring landlords'. Nonetheless, it was held to be 'a remarkable fact, considering the fate of corporate property in other places that this corporation are now in possession of the same quantity of land as they held 84 years ago'.[135]

Perhaps the enquiry commissioners were thinking of Naas in referring to the fate of other corporate property. Of all the towns' corporate property examined, the fate of property at Naas received particular criticism. It was noted by the enquiry commissioners that the land agent of the corporation was also the land agent to Lord Mayo. When questioned, this land agent stated that he credited Lord Mayo with the sum of £55 7s. 9d., annually, which was received from government as the rent of a barrack in the town. It was alleged that this barrack was the property of the corporation and that the corporation and not Lord Mayo should be credited with this rent. Also, a farm of 21 acres at Maudlands came under scrutiny by the enquiry team. They concluded: 'it is plain that this property was formally much more extensive than it is at present; and that the portions of it which have passed from the corporation have got into the possession of Lord Mayo.[136] Further, they discovered that in 1832, 'it seems to have been arranged between Lord Mayo and some of his family, who are members of the corporation, that the residue of the corporate property should be conveyed to his lordship'. Evidence was given by Mr Payne, Lord Mayo's land agent, that in 1832 he met Lord Mayo and his brothers, the Bishop of Waterford and the Dean of Ossory, at Lord Mayo's house. He was given instructions by them to 'apprise the

---

[134] Ibid, p.229
[135] Ibid, p.269
[136] *First Report of the Commissioners appointed to inquire into the Municipal Corporations in Ireland; Pt 1.* H.C.1835 (23) xxvii, p.219

other members of the corporation by notice, that at the approaching Michaelmas meeting a resolution would be proposed to convey the remaining property to Lord Mayo'. Mr Payne stated he conveyed this notice to seven persons, namely: Lord Mayo's two brothers, George J.Bourke and the Dean of Ossory; his two nephews, Sackville Bourke and John Bourke; Mr Connor, Mr Uniacke and Mr John Rutherford, a freeman. (Subsequently it emerged that John Rutherford was not notified, thus absenting the one member not closely related to the Bourke family). It was stated that 'on the morning of 29 September, 1832, Lord Mayo's law-agent, at his lordship's house, by the direction of the Dean of Ossory', entered in the corporation book the following resolutions:

> Resolved that a feefarm grant for ever of the several lands and premises comprised in certain patent of King James 1., bearing date the 2nd of May, 1609...be executed and perfected by this corporation unto the Earl of Mayo, his heirs and assigns, subject to a yearly rent of £12 sterling.
>
> Resolved that a feefarm grant for ever of the markets and several fairs of Naas, including the Tipper fair, with the tolls and customs, and other profits, perquisites and emoluments thereto belonging, be executed and perfected by this corporation onto the Right Honourable John Earl of Mayo, at the yearly rent of £9 15s. 5d. sterling.[137]

These resolutions 'having been entered at Lord Mayo's residence, the party proceeded to the town (of Naas) for the purpose of having them passed by the corporate assembly'. The meeting was held, the resolutions 'were read aloud, and passed without objection' and were signed by all seven members. The Earl of Mayo had thus endeavoured to give a veneer of legality to what in effect was a mis-appropriation of corporate property.

The evidence of John Rutherford, in the opinion of the enquiry commissioners, deserved 'particular observation'. He stated he had 'not received any notice of the intention of voting away the lands of the corporation'. He came late to the meeting and 'entered the room while the others were signing the book'.

> The resolutions relative to the property were on the right-hand page of the book, which had been filled and turned over, and the signatures were upon the other page, so that in signing he had not an opportunity of seeing those resolutions unless he turned back the page; and he alleged that up to the day he was examined (by the enquiry commissioners) he was unapprised of the existence of the above resolutions...He added that he did not consider the corporation had the power of voting away their lands, and that had he known of any resolution to do so being entered on the book, he would have refused to sign it.[138]

---

[137] Ibid, p.219
[138] Ibid, p.220

The enquiry commissioners further discovered that although Lord Mayo's law-agent 'received instructions to prepare Conveyances, pursuant to the (above) resolutions; the draughts were settled but the deeds were not engrossed when the Inquiry was held at Naas on the 16th and 17th September, 1833', as something was stated to be required in order to make a legal conveyance.[139]

In their concluding remarks on the prospects for the town of Naas the enquiry commissioners advised that if the management of what property was still available 'was submitted to an efficient public control, a very considerable fund would be produced from it'. One of the enquiry commissioners, much disturbed by the action of the Earl of Mayo, decided to offer this advice: 'I am not aware whether or not feefarm grants have been executed pursuant to the resolution of 29th September 1832; but even if they have, I apprehend that conveyances made under the circumstances I have detailed, could not be sustained'. It was an expression of hope that the Earl would not be allowed get away with such highhandedness.

Perhaps landed gentry such as the Earl of Mayo, at the time considered it their right to carry on in such manner. After all, most of the other towns in this study had already been similarly striped of their corporate lands by local landlords over the preceding years. What in the final analyses, caused the Earl of Mayo to stand out from other 'patrons' was the unfortunate timing of his efforts. His takeover of this land had taken place just one year prior to the arrival of the enquiry commissioners.

2.4.5 Future Prospects

The enquiry commissioners discovered some aspects of these towns which they believed merited a more optimistic mention. Despite their many criticisms of Dundalk they were appreciative of the fact that the town 'appears to be improving and capable of deriving many advantages from proper care and attention to its port and harbour, which have hitherto been neglected'. They also noted that its export trade 'has much increased, while the imports have diminished'. However, the commissioners heard numerous complaints from inhabitants of the town regarding sharp practices by traders regarding weights and measures to which they had little by way of recompense. The commissioners concluded that 'a local court for the recovery of small debts is considered desirable for the protection and promotion of trade within the district'.

---

[139] Ibid, p.220

At Navan they concluded that 'the markets have improved since the payment of the tolls and customs have been discontinued. The situation of the town, in the centre of a great corn country, produces an excellent corn market; and its abundant supply of water affords great facilities for trading in flower'.[140]

Athy impressed the enquiry commissioners because of its natural advantages. The town being situated upon the banks of the Grand Canal, at its junction with the navigable parts of the river Barrow, possessed the advantage of a water communication both with the capital and other parts of the country. Also of local value was the town's agricultural hinterland. They pointed out that 'there is a very considerable corn market here, and commerce generally is rather improving'.[141]

Carlow was also seen to have some unusual advantages and future prospects. The commissioners advised the corporation of its responsibilities regarding the developing demographic within its inhabitants: 'House-rent is low here. It was stated that the occupants of houses, of the annual value of £10 and upwards, would furnish a respectable class to be admitted as freemen of the Corporation'. They continued to advise that of this class 'there are in the town of Carlow 340, and about 30 in the suburb of Graigue. There were, in October 1833, 275 registered voters; 265 voted at the last election. According to the Parliamentary Returns of 19th May 1829, and 11th June 1830, the number of electors was at those periods 13'. They also noted that the town had a considerable mart for agricultural produce, and vast quantities of corn and butter were sold and transmitted to Waterford, for exportation. It possessed the advantage of water communication. The Barrow is navigable to Athy, where it forms a junction with the Grand Canal. Carlow town had a special issue to which the commissioners alluded in their report. The town is situated on the river Barrow and part of its urban area had extended into county Laois (Queen's County) on the western bank of the river. This area, known as Graigue, had been administered by Queen's county grand jury. The enquiry commissioners concluded that 'it would be most difficult for any municipal authorities to govern the town unless the suburb of Graigue, which is in fact a continuation of the town, be comprised within the jurisdiction'. They pointed out that the limits defined by the Boundary Bill, 'comprehend all that is peculiarly connected with the town, and seem to be those which should regulate the municipal jurisdiction'.[142]

---

[140] Ibid, p.232
[141] Ibid, p.146
[142] Ibid, p.170

They also advised that urgent improvement in the efficient and fair administration of the markets were a priority as they believed the markets were injured by the tolls and customs as then collected. The inhabitants complained, not only of the amount, but 'of the application of them to the benefit of individuals'.[143]

In Portlaoise (Maryborough), there were discovered some reasons to be optimistic regarding its future prospects. The enquiry commissioners noted that the population within the limits of the borough 'was stated to amount to 5,000, the number of houses to be at about 800; the number of £10 householders, about 200; and of £20 householders, nearly 130'. It was also noted that 'the market has improved. Formerly very little wheat was brought to it; at present considerable quantities are sold here'. The fact that several public building have lately been erected, including the county gaol and the district lunatic asylum, and 'much public money has been expended in the borough within the last 10 years' gave the commissioners reason for hope that future prospects for Maryborough were good.[144]

Athlone, despite its many administrative shortcomings had a few redeeming features which gave rise to hopes for better prospects in the future. The visiting commissioners noted that 'the town of Athlone is situate very nearly in the centre of the island and possesses great advantages of water-communication for an inland town'. Its trade was, however, by no means considerable, and it was 'without any extensive manufactories'. They noticed that the Shannon was navigable both above and below the town, and a communication by steam boat between Athlone and Limerick had been recently established, 'which will probably result to the benefit of this town'. Although they considered 'its municipal regulations are implorably bad and tend very much to impede its advancement, this town is certainly improving'. It returned one Member of Parliament; prior to the passing of the Reform Act, the number of electors, according to Parliamentary Returns of 1829 and 1830, were 71; and 'at the last election its registered voters amounted to 243, 86 of whom were resident freemen, the rest £10 householders'. Since that period, the number of registered householders had greatly increased. The commissioners' foresaw that from these electors and other 'respectable inhabitants, might be supplied a class of

[143] *First Report of the Commissioners appointed to inquire into the Municipal Corporations in Ireland;* Pt 1. H.C.1835. (23) xxvii, p.170
[144] Ibid, p.201

persons in every way qualified to regulate the affairs of the borough'. They suggested that a moderate toll and custom would afford sufficient revenue for all municipal purposes.[145]

2.4.6 Heritage and Patronage

The enquiry commissioners described the town of Kells, anciently called Kenlesse, as 'a place of great antiquity'. It had been walled and fortified, and 'appears to have attracted the particular attention of the English settlers from the period of their arrival in this country'. It sent members to the Irish Parliament from the second year of Elizabeth 1 and continued to do so up to the time of the Union. It was then deprived of that privilege, and 'the usual compensation for the loss of the elective franchise, under the 40 Geo.III. c.34, was granted to Thomas Marquis of Headfort, by the style of Earl of Bective, to be paid to the trustees of his marriage settlement'.[146]

Trim was the county town of Meath in 1833 when it was visited by the enquiry commissioners. They recognised that it was a place of great antiquity and was 'formerly of such importance that several of the earlier Irish Parliaments were held in it'. Noting that Trim attracted the attention of the English on their arrival on this island and being made the residence and seat of government of De Lacy, it became, in the language of the charter of Richard II., (1393), the place where all the 'fideles' of the county of Meath congregated. Valuable privileges were granted by several charters to its inhabitants. It returned members to parliament so early as the second year of Queen Elizabeth, 'a circumstance which proves its importance at that date'. It continued to return two members to the Irish Parliament up to the year 1800. It was then deprived of the elective franchise by the Act of Union, and 'the sum of £15,000 was paid as compensation for that loss to the Marquis Wellesley under the 40 Geo.III. c.34'.[147]

The heritage of all eleven towns in this study was of a high standard. All had castles, markets and royal charters going back many centuries. Towns such as Athy, Carlow, Athlone, Navan, and Trim were strategic river-crossing points even prior to medieval times. All of these towns had developed as major local commercial centres worthy of efficient and respected urban administration.

---

[145] Ibid, p.210
[146] Ibid, Part 1, pp 186-187
[147] *First Report of the Commissioners appointed to inquire into the Municipal Corporations in Ireland, Pt 1.* H.C.1835 (23) xxvii, p.271

Town	Patron	Population
Ardee	Lord Roden	3,976
Athlone	The Hancock family	11,406
Athy	Duke of Leinster	4,434
Carlow	Earl of Charleville	9,114
Dundalk	Lord Roden	10,760
Kells	Marquis of Headford	4,392
Mullingar	The Forbes family	4,569[148]
Naas	Earl of Mayo	3,895
Navan	Lord Tara,or,Earl of Ludlow	4,430
Portlaoise (Maryborough)	Parnell and Coote families	3,232
Trim	Marquis of Wellesley	3,282

Figure 2.1: Table of towns' patrons and populations in 1831

It should be pointed out that the town of Mullingar was exceptional amongst the others being examined here. The inquiry commissioners discovered that the town of Mullingar, though possessing a charter empowering it to return members of parliament, 'never, as far as we have been able to trace, possessed the charter of Municipal Corporations'. Mullingar was not unique in this. The towns of Antrim, Doneraile, Lisburn, Randlestown and Rathcormac were also named by the commissioners as being without a Municipal Corporation charter. The Forbes family retained their interest as patrons of the town until they sold it to the Levinge family in 1858.[149] The town was administered by agents of the Forbes family (Earls of Longford) and did not have an official urban corporation established. Thus the report of the enquiry commissioners does not contain any information regarding this town in 1833. In fact, not until the adaptation of the 1854 act was an administrative body elected for Mullingar. It highlights another of the many corrupt practices of the old urban corporate system, where a rural estate such as the aforementioned

[148] Micael o'Conlain, 'Proceedings of the Mullingar town commission, 1856-1899' in *Westmeath Archaeological and History Society* (Mullingar, May, 2006), p.3
[149] Ibid, p.1

Harristown possessed an official corporation, whereas the market town of Mullingar with a population of over 4,000 was left, for good or ill, to the total administrative mercies of its local patronal landlord.

The enquiry commissioners, in their appreciation of the heritage of these towns, were anxious to convey to central government the grievous wrong which had been done to them by allowing deterioration to their sad state in 1833. These towns had charters going back many centuries and had formerly been urban centres of notable heritage. It was evident that the enquiry commissioners believed these towns deserved to have an efficiently functioning and fair administrative body to conduct their affairs. Their history and heritage entitled them to no less.

Patronage of these towns by one or more local landlords, on the other hand, was a relatively new concept with questionable legal or moral authenticity. It established itself principally in the eighteenth century, which was a golden age in the elevation of local landed gentry to the position of major power brokers in their respective localities. As their landed estates grew larger, they came to dominate not only their rural districts but often the local market towns. Those wealthy enough to do so bought significant areas of urban property. Consequently they became, usually because of their economic and political influences, the domineering 'sovereigns' of the corporations of these towns and were often seen by these towns' inhabitants as the owners of their town. However, many of these 'patrons' were absentees, or if not, were resident in their conspicuous 'big houses' many miles from the local town and had little interest in the any improvement of the town's inhabitants' welfare.

Considering the discoveries made evident to central government by the 1835 enquiry report, it might be assumed the Whitehall government, on acceptance of this damning report, was left with little option but to introduce, as they did on receiving such a similar report on the English urban corporations, immediate legislative reform. However, major delay in producing this legislation ensued. Although the English report had been followed by parliamentary action which had legislation passed in the same year, it was not until five years later that similar legislation was enacted for Ireland. In the meantime, an issue which Whitehall considered to be of importance was the determination of the boundaries of Irish towns and they proceeded to address this issue with considerable speed. It was another aspect of a reform process which central government was now determined to pursue.

2.5 Municipal Corporation Boundaries (Ireland) 1836

An example of the state exercising control of populations is evident in Whitehall's determination of the precise boundaries of Irish towns in the late 1830s. Having received the report of the commissioners of enquiry in Irish municipal corporations in 1835, pressure was brought to bear on the government to legislate for the abolition of the discredited corporation bodies and for the reformation and improvement of local Irish urban government in line with the reform and improvement already in train in the rest of Britain. Once a bill to this effect was introduced into parliament one of the first steps the government decided to take was officially to determine the boundaries of each city and town in Ireland. The task of carrying this out was given to the military. A letter was sent from the then Under Secretary, Thomas Drumond, to Captain Jones of the Royal Engineers commanding him to take such personnel as he required in order to superintend the determination of Irish urban boundaries. Jones was given but four weeks to carry out this project.[150]

The letter conveyed the sense of urgency of this assignment which Drummond was anxious to pass on from his masters at Whitehall. The term 'immediate steps' and the time limit imposed, left no room for doubt as to the Whitehall requirement for immediate dispatch. Also the immediate transfer of military personnel from Britain and the authorisation to employ sufficient additional suitable manpower to get the job done, left Captain Jones in no doubt as to the significance which central government attached to this operation. Precise instructions regarding the terms of reference to be used by the 'Gentlemen appointed to propose new boundaries for the Towns...'were given. They included directing the retention of 'Ancient Limits' in cases where they considered sufficient space still existed within these limits 'to allow for any probable increase of the town', but where the town had already extended beyond these 'Ancient Limits' a new boundary should be proposed.[151]

The military carried out their duties as advised and in a commendably short period of time made separate reports and plans of the boundaries which they proposed for sixty four Irish towns and cities. The comments which were made in each case regarding the area being surveyed are of interest to this study as they provide additional information on the

[150] *Municipal Corporation Boundaries (Ireland)* H.C. (301) xxix.3 (1837) p.1 (See appendix for text of this letter)
[151] Ibid, p.5

condition of each town some three years after the municipal corporations' enquiry was made. This additional information was significant in five of the towns in this study and as such, are included below.

For example, at Athlone they found that there were 'no local rates whatever in this town', and that County Cess was levied for the purpose of 'keeping the roads in repair, paying the Constabulary and other public establishments'. However, the amount expended in this area for the last year 'could not be ascertained'.[152]

By contrast, in Athy they discovered a 'Presenting Court' consisting of a jury of twenty-three 'chosen among the most respectable of the inhabitants,' levied an annual tax for the repairs of 'the bye-ways, sewers and public pumps, which varies in amount according to demand'. They ascertained that in 1831 this tax amounted to £28 and that 'its average for the last twenty years has been from £20 to £25'. They commented on how 'judicious encouragement of the Duke of Leinster and the corporation' had led to 'decided improvement in the last few years in the appearance of the town'. Houses had been built, several raised and many rebuilt on the sites or others very inferior'. The streets were well paved and kept 'in good order' and 'during the dark nights of winter, have been for four years lighted by subscription'. This comment on the good urban management of the Duke of Leinster is indicative of this local patron being an exception to the rule. Indeed many such references were made to the duke's efforts in making Athy stand out as a model town, compared to its neighbours, throughout the nineteenth-century. However, a less encouraging comment was made in the surveyors' report to the effect that in the years 1832-33, 'deaths to the amount of 150 took place by the Cholera'.[153] Notwithstanding this calamity, they were at pains to point out that an increase in Athy's population 'of about 250 had taken place since 1831'. Thus Athy was one of the towns which the surveyors observed had extended beyond its 'ancient limits' and accordingly, new extended town boundaries were proposed, as follows:

> From the point (1) at which Woodstock Lane meets the northern angle of Woodstock castle, southward, along Woodstock Lane, to a point (2) at which the same meets Barrack Street, thence in a straight line to the point (3) at which the Kilkenny Road leaves the Queen's County Carlow Road; thence in a straight line to the south-western angle (4) of the enclosure wall of the new gaol; thence, eastward along the said enclosure wall to the south-eastern angle thereof (5); thence in a straight line to the south-eastern angle (6) of James

[152] Ibid, p.7
[153] Ibid, p.9

Kilbride's house, on the Dublin Road, near the point at which the said road leaves the Kildare Road; thence in a straight line to William Lawlor's house (7) on the Kildare Road; thence in a straight line to the northern angle (8) of the Girls' School-house, situated near the Roman Catholic Chapel; thence in a straight line to the northernmost angle (9) of the premises of the Malt-house on the Monastrevin Road; thence in a straight line to the point first described. [154]

The newly recommended boundary of each Irish town was described in similarly precise terms in the report. The text was accompanied by a coloured map drawn up by the military surveyors. The following is a copy of the one drawn for the town of Athy.

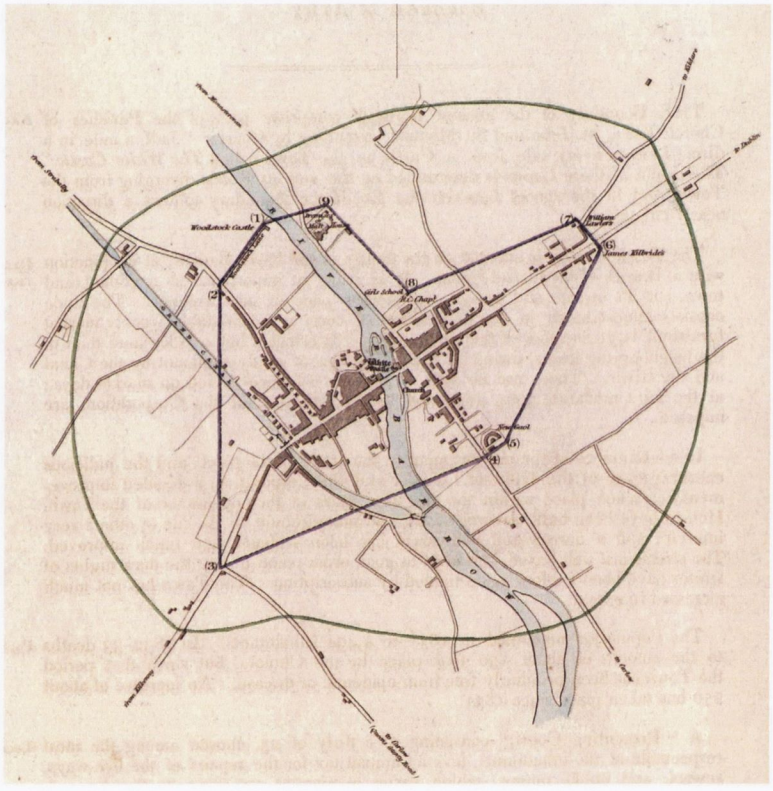


Plate 2.1: Athy town boundary as reconfigured by the military surveyors in 1837; the original limits are delineated by the purple line and the recommended new boundary by the green line (Source: *Municipal Corporation Boundaries {Ireland}* H.C. [301] xxix.3, 1837)

Of Mullingar, the surveyors agreed with the municipal enquiry commissioners' report of 1835 in declaring it 'never was a Corporate Town'. The principal authority of it 'being by Charter vested in a Seneschal possessing considerable legal powers in the Manor', it included an 'extensive jurisdiction, embracing a large rural district'. However,

[154] Ibid, p.10

they concluded that 'no trace of any definite Limits can now be depended upon'. While they saw it as a large market town for agricultural produce, and had been 'increasing of late years', they were disappointed to discover that 'no local rates of any description have ever been levied on the houses'.[155]

In Maryborough (Portlaoise) no local rates were collected, but the surveyors noted that 'considerable sums of public money have been expended within the last five or six years in building the New County Jail and the Lunatic Asylum...' and that the 'number of mechanics employed in erecting the public buildings' had increased the town's population. However, as the old boundary line or 'ancient limits' of the town embraced 'an extensive rural district' a new one closer to the then existing physical town limit was proposed.[156] This decision would later be vehemently opposed by the Maryborough (Portlaoise) town commissioners elected in 1855, when the municipal boundary became a limiting factor in the collection of rates.

'The ancient Limits of the Borough of Carlow are not known' declared the opening line of the report on its municipal boundary. Similar to Maryborough (Portlaoise) there was 'a large influx of mechanics and labourers with their families into the town, who were employed in building the Lunatic Asylum, Court-House and other public buildings' but these had been since dispersed. Again it was discovered that 'there was not any local rates'.[157]

The importance of the newly established state financed public buildings of the early 1830s was evidently of major significance to many towns such as Carlow and Maryborough (Portlaoise), not just architecturally but also socially and financially.

2.6 The Municipal Corporations (Ireland) Act (1840)

The report of 1835 and the recommendations for reform of the Irish municipal corporations led eventually and after much foot-dragging, to the passing of the Municipal Corporations (Ireland) Act in 1840.[158] This Act was five years in gestation. It was first introduced to the House of Commons as The Irish Corporations Bill in July 1835 by one of the commissioners who had carried out the enquiry into the state of Irish corporations, Louis Perrin. He had since become the Irish Attorney-General. His bill, introduced on behalf of

[155] Ibid, p.125
[156] Ibid, p.119
[157] Ibid, p.29
[158] 3&4 Vict. C. 108 (10 August, 1840)

the Whig government, was aimed at granting to the inhabitants of Irish towns the privilege of having their governing bodies elected by popular suffrage. In seven of the largest towns, the electors were to consist of the householders rated at £10 and of the householders rated at £5 in the smaller towns.[159] Daniel O'Connell saw that the bill, in proposing a £5 household franchise and a political objective to damage the power of Tory landlords, as being worthy of his support.

However, by 17 August of that year, having survived its third reading (principally through the force of O'Connell's oratory) it was quietly dropped by the government who considered its chances of success in the Lords so late in the period to be hopeless. It was reintroduced as The Irish Corporations Bill (1836). On the opening day Parliament, 4 February, 1836, the King's speech contained the following paragraph:

> You are already in possession of the report of the commission appointed to inquire into the state of the municipal corporations of Ireland, and I entertain the hope that it will be in your power to apply to any defects which may have been shown to exist in those institutions, a remedy founded upon the same principals as those of the Acts which have already been passed for England and Scotland.[160]

Despite this aspiration, the Tory opposition had decided to resist the Bill in force. It continued on a tortuously slow journey through the Commons and even more slowly through the Lords for a further four years.

The tenor of this opposition may be gauged by quoting a passage from a speech by Lyndhurst, one of the opposing Tories, who urged the government to beware lest they allowed the administration of Irish affairs to fall into the hands of 'aliens in blood, in language and religion' whom he warned 'would never cease agitating till the Protestant church is laid prostate'.[161] Fortunately, O'Connell's able lieutenant, Richard Sheil was present to repudiate Lyndhurst's outburst. In a fine speech in which he recalled the many heroic exploits of Irishmen in the British armed service particularly during its battles against Napoleon, he demanded of Lyndhurst: '...tell me if Catholic Ireland, with less heroic valour than the natives of this your own glorious country, precipitated herself upon the foe? The blood of England, Scotland and of Ireland flowed in the same stream and

---

[159] See chapter VII, 'Municipal Reform Act, 1840' in G. Locker Lampson, *A consideration of the state of Ireland in the nineteenth century,* (Archibald Constable and Co. Ltd, London, 1907), pp 190-199

[160] Quoted in R. Barry O'Brian, *Fifty years of concessions to Ireland, 1831-1885,* (Simpson Low and Co. London, 1956), p.593

[161] Quoted in G. Locker Lampson, *A consideration of the state of Ireland in the nineteenth century,* (Archibald Constable and Co. Ltd, London, 1907), p.193

drenched the same field'.[162] These exchanges give an insight into how highly charged each side of the argument for some reform of Irish municipal administration had become. What its proponents saw as belated redress to the long injustice of the old Irish municipal corporate system, its detractors saw as a snub to the lawful monopoly of Dublin Castle's power in Ireland through its county grand juries, which in practice meant through local landlords.

However, this power was now being inexorably contested by central government. This Act, when eventually passed in 1840, abolished the majority of existing Irish borough corporations, preserving borough councils in the following ten places: Dublin, Cork, Limerick, Belfast, Derry, Drogheda, Kilkenny, Sligo, Waterford and Clonmel. Ratepayers in non-incorporated towns with a population of 3,000 or more could petition the lord lieutenant to be allowed elect a corporation. Wexford was thus incorporated in 1845. In all other towns the commissioners established by the 1828 Act became the town governors. They were recognised legally as the successors to the corporations and were allowed retain corporate property and the municipal coat of arms.

The 1840 Act was extremely limited in many ways. For example unlike the English model, it did not grant the municipal franchise to all ratepayers, but confined it to the £10 householders and it restricted the powers of the corporations and new commissioner bodies set up under the act. However, it legally put an end to most of the dying and discredited old corporations and to all of the old corporations of the Leinster market towns being examined in this study.

2.6.1 End of 'Nests of Corruption' Heralded

At Carlow, one of its local newspapers, which unashamedly espoused the liberal viewpoint, *The Leinster Reformer*, was happy to herald the demise of the old corporations. Its September, 1840 issue announced to its readers how 'a letter was received on Sunday by our excellent secretary, Mr Fitzgerald from Mr Ray of the Corn Exchange, appraising him of a most important fact with regard to the corporation; ...that under the 9th of George 1Vc.82, a speedy end may be put to these nests of corruption...' This report went on to describe how meetings were held and matters were already in train to memorial the Lord Lieutenant in order to have the functions of the old corporation 'vested in a commission' soon to be appointed in Carlow. The order of the Lord Lieutenant was eagerly awaited and

[162] Ibid, p.197

'...within ten days of the receipt of the order here the Sovereign must give notice of a meeting, which will seal the doom of the old Corporation of Carlow...Alas poor Yorick!'.163

As the various meetings to elect a new body of town commissioners got under way, the Tory view of proceedings was forthrightly given by another Carlow newspaper, the *Carlow Sentinel.* Describing this new establishment as 'a transfer of authority to the mob' and warning that 'the people will be overtaxed'. This was immediately countered by the *Leinster Reformer,* pointing out that all five pound householders 'will have the power of taxation in their own hands' and that 'the thirteen burgesses will be nicely laid out for decent burial by the 9th of George 1V'.[164]

Agreement on the makeup of the members of the new body was difficult to achieve in a town so politically divided as Carlow in the 1840s. When the new body was eventually elected in October, 1840, it almost immediately became beset with problems. Many inhabitants objected to the new rate which they were now expected to pay in addition to the grand jury cess. Revised valuations on buildings were also objected to. Litigation ensued when the commissioners began to seize goods for non-payment of rates. In June 1842, following several court orders, the commissioners were unsuccessful in their application to the Chief Secretary to issue a compulsory order in their favour. Though the commissioners lingered as a body for a short period after this rejection, they were virtually extinguished as an administrative force. On their termination the county grand jury granted to a sanitary committee the duty of cleansing the town. Water and public lighting was completely neglected and conditions in the town fell into a pitiable state for a further decade.[165]

Many towns that still had not taken advantage of the provisions of the 1828 act took the opportunity, on the abolition of the old corporations, to elect a body of town commissioners. One which did so was the town of Athlone. Here an example of local parish priests coming to the fore in the civic administration of their local town manifested itself. This occurred in Athy also, where a body of town commissioners were established in February, 1842. Here the local parish priest, Rev. Thomas Lawlor, was elected, topping the

[163] Quoted in Sean O'Shea, 'Carlow's First Town Commission' in *Carloviana*, no 50, (Carlow Nationalist, December, 2001), p.29
[164] Ibid, p.30
[165] Ibid, p.31

poll with 105 votes.[166] It should be remembered that over a decade had passed since Catholic Emancipation had been allowed and by 1840 many towns had seen the establishment of new Catholic enclaves made up of new churches and convents in their built environment. Accordingly the arrival of the parish priest's involvement in local civic administration might have been expected.

At Athlone, the ending of the corporation by the Municipal Corporations Act (1840) coming into effect allowed for the establishment of their first town commissioners, which occurred in October of that year. The inquiry commissioners in 1835 had stated they found 'the common council of Athlone consists of an indefinite numbers of persons, usually, as at present, 20, who are selected out of the burgesses and freemen; the burgesses (12 in number) and the members of the council, are elected by the council itself and all hold for life'.[167] Now, at last, this discredited body had been legally extinguished and a new municipal government was about to become established. The minutes of its first meeting stated that: 'An adjourned meeting of the inhabitants of Athlone was called by Mr Hodson Esq., the Sovereign...having assembled for the purpose of adopting the Act of 9th Geo. Chap. 32. Mr Hodson took the chair and the following resolutions were unanimously adopted:

> That the Act be adopted and acted on in this borough and liberties and suburbs thereof for the purposes of lighting, watching, cleansing and paving and the other purposes of the said Act.
>
> Said Act be adopted for the purposes of cleansing and paving only.
>
> That twenty-one commissioners be elected.
>
> That the following persons be chosen as the twenty-one commissioners: William Sproule, William Foster, Patrick B. Kelly, John Gaynor, John Robinson, Rev. K. Kilroe, Terrence Henry M.D., William H. O'Connell M.D., William English, James McDonnell, John Holton, George Fleming, Henry Nolan, Robert Moore, James Murray, John McDonnell, P.J.Fallon, Joseph M.Fallon, Dennis Kelly, Patrick Keena and Peter Norton.
>
> Signed: Edward Hodson.
>
> Soverign.[168]

Two particularly interesting points are immediately observed in this minute: Firstly, the sovereign of the now disbanded corporation of Athlone is still considered the proper

---

[166] Frank Taffe, 'Thomas Plewman – Town Commissioner and Gentleman' in *Eye on Athy's Past* (Athy, 2000), p.29

[167] [167] *First Report of the Commissioners appointed to inquire into the Municipal Corporations in Ireland.* Pt 1. H.C.1835 (23) xxvii, p.17

[168] Minutes of Athlone Town Commissioners, ATC/1, 22 October, 1840

person to chair this meeting. This does not indicate an acceptance by the qualified inhabitants of the town that the head of the old officially discredited corporation is their favourite candidate for chairman of the new body of commissioners. Despite not being resident within the town limits; Mr Hodson resided at Hodson's Bay in Co. Roscommon, some five miles from the town; he was still accepted to take the chair, at least in the initial stages of the establishment of the new body. As local Justice of the Peace, Mr. Hodson was the official with whom Dublin Castle communicated and a report on the proper establishment of the new body in accordance with government legislation was only acceptable to the Lord Lieutenant from a local Justice of the Peace.

The second point of interest is the inclusion of the parish priest of Athlone among the list of new commissioners. Local historian Brendan O'Brien maintains it was not surprising to see the name of Fr. Kieran Kilroe among the list of new commissioners, since priests from both sides of Athlone had been active in the campaign for reform of municipal government in the town. He also holds that there was little religious bigotry at meetings of the commissioners. This is borne out by research of the minutes, which indicate much more conflict between members from the Connaught and Leinster sides of the town than any rivalry on religious grounds. O'Brien goes on to point out that in 1851 another Athlone priest, Fr. O'Reilly 'was unanimously elected chairman on the proposition of William Sproule, seconded by Netterville E. Abbot, both Protestants'.[169]

In general, however, the abolition of the old corporations did not ensure a trouble-free transition from the old regime to the new. Perhaps the experience of the new town commissioners of Trim is a good and typical example of the less than harmonious transition.

Trim, Co. Meath, became an excellent example of a town where the new commissioners made admirable advances and improvements. Nevertheless on their establishment in 1843, they had a less than friendly experience when endeavouring to attain the office property of the old corporation. They believed that as the legally elected governors of the town they were entitled to the ceremonial artefacts of office which were traditionally used or worn by the defunct corporation members. These artefacts had been removed by the former town clerk, Dr. Clifford, and he failed or refused to hand them over to the new commissioners. Thus, at their meeting in December, 1843, it was 'moved by Mr

[169] Brendan O'Brien, 'Some Aspects of Municipal Government in Athlone' in Marian Keaney and Gearoid O'Brien (eds), *Athlone- Bridging the Centuries* (Westmeath County Council, 1991), p.81

Allen and seconded by Mr Devey' and the commissioners resolved: 'That our clerk do wait on Dr. Clifford and demand from him in our name and by our authority, the maces, apron, cushion and any other property he may have in his possession belonging to us'.[170] But the unfortunate clerk had much difficulty in carrying out this resolution and had to report that when he called to Dr. Clifford's residence he was merely met by Dr. Clifford's servant. He was unable to gain an audience with the former official or to gain possession of the items required.

In many of the other towns the old corporations had little to hand over to the new commissioners as their insignia of office had already been disposed of. In the case of Athlone, the silver maces had been sold to a Dublin firm of jewellers for £29. 9s. and the town clock and bell had been given as presents to Rev'J.R. Moffatt, Rector of St. Marys Protestant church in the town.[171] In Carlow, the assets said to have been taken over from the old borough corporation amounted to eleven water-pumps, four lamps, 14s in cash and a heap of manure, while their liabilities amounted to £170. 9s. 3d.[172]

The 1840 legislation had little impact on actual town improvement. In fact, its shortcomings over the following fourteen years became so apparent that numerous Bills were introduced into parliament to attempt improvement in Irish urban government. In the area of this study continuous calls for such improvement were being made. For example, in February of 1854 under the heading 'Improvement of towns in Ireland' the editor of the *Meath Herald* outlined the shortcomings of the 1840 act and welcomed what he believed would be more robust legislation:

> It is the intention of the government to propose during the present session of parliament a Bill for the improvement of Irish towns. We need hardly say that such a measure will, if passed, be one of the most useful of the session; and it is to be hoped that no untoward accident may prevent its being carried to perfection and made the law of the land.

He saw that small Irish towns of five or six thousand inhabitants were in need of such a measure to improve their external appearance and remove obstructions to progress. The powers entrusted to the Commissioners under the 9th Geo 1V., where they existed, were not sufficient to enable them to accomplish all that was necessary for the permanent improvement of the towns. They could not deal with the markets - the weights and

---

[170] Minutes of Trim Town Commissioners,Ms 5819, 6 December, 1843

[171] Brendan O'Brien, 'Some aspects of municipal government in Athlone' in Marian Keaney and Gearoid O'Brien (eds), *Athlone – Bridging the centuries,* (Westmeath Co. Council H.Q. Mullingar, 1991), p.81

[172] John Ellis, 'Water supplies in Carlow' in *Carloviana; Journal of the Old Carlow Society* (1) 2 (Nationalist, Carlow, January, 1948), p.62

measures, and several other departments in which abuses prevailed. These abuses were either altogether overlooked or dealt with by a powerless hand. Frauds were practised in the markets with impunity, because there was no authority to see that the sellers' practices were properly supervised.

With reference to the external appearance of Irish towns, he believed that any stranger who passed through them was struck with the air of desolation and decay that pervaded them, 'the general want of uniformity and taste displayed in the streets and buildings and the ragged looking inhabitants, torn with wind and weather, that everywhere meet the eye'...Their condition was much the fault of the respective owners, who took no pains to give their towns a respectable appearance, 'but are content that they shall grow or fall to pieces just as they please'. He ended by holding out some hope:

> The Improvement of Towns Bill will, we have no doubt, go far towards enabling public bodies to bestow some care and money in removing dilapidated buildings, making new streets and closing up useless ones, erecting public establishments and doing many other things of the kind, the want of which is now so generally felt'.[173]

The letter paints a depressing picture of the condition of many of the towns being examined here in the spring of 1854. No doubt the degradation suffered by the famine in the latter half of the 1840s had exacerbated this situation. But the attempts to legislate for town improvement during this period had been stymied primarily by the influence of local landlords who were members of the House of Lords. Central government may have initiated the process of furthering 'governmentality' by its endeavours to 'control the controllers' but local 'controllers' still retained much influence and were proving reluctant to relinquish it.

2.7 The Encumbered Estates Act, 1849

By 1848, the effects of the famine not just on the Irish poor, but also on many of the Irish gentry was being recognized by Whitehall. It is estimated that the decline in rents during the famine bankrupted over ten per cent of landlords.[174] That a greater percentage came close to bankruptcy is highly credible as many of these landlords, through their lifestyles of conspicuous consumption were, even prior to the famine, living beyond the means that their estates could provide. Much indebtedness was also caused by mortgages often incurred to

---

[173] *Meath Herald*, 18 February 1854

[174] Joseph Lee, *The Modernisation of Irish Society, 1848-1918* (Dublin, 1989), p.36

pay jointures to widows, sisters and cousins 'with whom most landlords were bountifully endowed'.[175]

The Whig government led by Lord John Russell saw the developing Irish situation as an opportunity to revitalise Irish agriculture by encouraging what they hoped would be a new breed of landlords to purchase these now financially encumbered estates. After an abortive attempt in 1848, they passed the Encumbered Estates Act the following year. In essence this Act simplified procedures by which purchasers might acquire the forfeited Irish estates. It provided that where any land, or lease of such, was subject to encumbrances the value of which exceeded half the net rent, 'it would be lawful for any encumbrancer on such land or lease to apply to the commissioners for the sale of such land or lease for the purpose of discharging the encumbrances thereon'.[176] Every creditor was thus allowed to bid for the encumbered property and 'to become its owner with indefeasible title'.[177]

However, if the government hoped that this measure would result in experienced English farmers flocking across the Irish Sea to invest in and improve Irish land, they were to be disappointed. While there were many eager buyers at early bargain prices and about one-seventh of the country changed hands within a decade, the purchasers were not the capitalists hoped for by the Whitehall administration. Instead, over ninety-five per cent of the five thousand purchasers were Irish, principally solicitors, shopkeepers and farmers who 'had done well out of the famine'.[178] Of course it should be remembered that this Act also facilitated some financially well-endowed Irish landlords to increase their holdings and to provide estates at bargain prices for their sons. But now for the first time this Act, perhaps inadvertently, encouraged and provided the incentive for the social and financial advancement of many of the inhabitants of Irish towns. People of 'trade' who had quietly accumulated sufficient wealth could now acquire land and property and so gain entry into a higher social standing in their community.

The importance of land and property ownership can hardly be overemphasised in an era where such phrases of disapprobation as 'without one penny in property' or 'does not possess as much land as would supply a sod for a lark' or 'a man without a foot of property', were common put-downs of persons endeavouring to rise 'above their station',

---

[175] K. T. Hoppen, *Elections, Politics and Society in Ireland 1832-1885* (Oxford, 1984), p.114
[176] J.C.Brady, 'Legal developments, 1801-79' in W.E.Vaughan (ed), *A New History of Ireland, V: Ireland under the Union, 1801-70* (Oxford, 1989), pp 456-7
[177] D. George Boyce, *Nineteenth-century Ireland; The search for Stability* (1990), p.121
[178] Joseph Lee, *The Modernisation of Irish Society, 1848-1918* (Dublin, 1989), p.37

used throughout the country during these years.[179] The accepted social distinctions of society then, placed the landless and impoverished labouring class at the bottom. Next above them were the different grades of farmers. On a higher plane, landowners were stratified by their acreage. At the top were the major landlords who were rated by breeding and the titles they held. Even at this level the degree of respect which such 'gentlemen' considered themselves entitled was also stratified. Perhaps Costello's categorisation is better than most. At least in Co. Kildare, this stratification was usually accepted thus:

1. Half-mounted gentlemen: descendants of small grantees of Queen Elizabeth, Cromwell and King William.
2. Gentlemen, every inch of them: old families whose finances were not in good order.
3. Gentlemen to the backbone: of the oldest families and settlers respected and idolized by the peasantry.[180]

This landed aristocracy generally regarded people of the city and town as 'trade' and socially unacceptable at any of their stratified levels. It is somewhat ironic then, that an often overlooked outcome of the great famine led to this act of parliament providing these heretofore socially unacceptable townsmen with an opportunity to become property owners. Lee saw the famine years as 'pregnant with the possibilities of long-term improvement'. He points to the farcical situation of the 1848 rebellion in Ireland where, while much of Europe was convulsed by insurrections, 'James Fintan Lawler's rebellion in Waterford in 1849 failed so farcically that few realised that there had even been a movement to abolish landlordism...' the Irish were much more 'preoccupied with the problem of the encumbered estates'.[181] By 1854, just five years after the encumbered estates act became law, a sizeable cohort of the shopkeepers, millers, publicans, solicitors and merchants in Irish market towns had increased their status, to such an extent as to be in position to replace the agents of financially less secure local landed gentry in local municipal administration. A shift in the social hierarchy of urban as well as rural populations had been facilitated by central government.

---

[179] K. T. Hoppen, *Elections, Politics and Society in Ireland 1832-1885* (Oxford, 1984), p.118
[180] Quoted in Con Costello, *A Class Apart; the gentry families of County Kildare* (Nonsuch publishing, Dublin, 2005), p.15
[181] Joseph Lee, *The modernisation of Irish Society, 1848-1918* (Dublin, 1973), p.36

2.8 The Towns Improvement (Ireland) Act, 1854.

Irish landlords in the House of Lords had ensured the Municipal Corporations Act of 1840 concerned itself chiefly with the constitution of municipal bodies and left in doubt their actual powers and duties.[182] Consequently, by the mid 1850s many Irish towns still had not instituted a functioning body of commissioners to administer urban affairs and in many cases towns such as Naas were still being mal-administered by these same patrons in the guise of the grand juries.

In February of 1854, Sir John Young, M.P. for County Cavan and patron of the town of Bailliborough, moved to bring in 'a bill to make better provision for the paving, lighting and rating of towns in Ireland...' This bill was in fact an amalgam of sections of previous bills which had failed at various levels on their way through parliament.[183] The less contentious sections so presented in this *Bill to make better provision for Paving, Lighting, Cleansing, Supplying with Water, and Regulation of Towns in Ireland,* was considered by Sir John as innocuous enough to succeed, but it was again amended twice by select committee before getting through. Introducing this bill he stated that 'the necessities of the country had quite outgrown (the Act of 9th of Geo.1V. c. 82). The present Bill would do away with many of the difficulties which now existed in consequence of the state of things'.[184]

The Towns Improvement (Ireland) Act, which became law in 1854, prescribed the number of commissioners for each town, their method of election and length of their term of office. The decision of the majority of qualified voters would now be binding on the whole body. Any town could adopt the Act at a public meeting of ratepayers with property on which they paid a poor law valuation of £8 and over, subject to the lord lieutenant's approval. Towns which already had either a recently reformed municipal corporation or town commissioners under the 1828 Act could avail themselves of the new Act's provisions. The Act allowed for an electorate more broadly based than the 1828 Act,

---

[182] G. Locker Lampson, *A consideration of the state of Ireland in the nineteenth century* (Archibald Constable and Co. Ltd, London, 1907), p.252

[183] *Bill to make better provision for Paving, Lighting, Cleansing, Supplying with Water, and Regulation of Towns in Ireland*, 1851 (30); *Bill to make better provision for Paving, Lighting, Cleansing, Supplying with Water, and Regulation of Towns in Ireland, amended by select committee,* 1851 (207); *Bill to make better provision for Paving, Lighting, Cleansing, Supplying with Water, and Regulation of Towns in Ireland, amended by select committee,* 1852 (53); *Bill to amend and extend provisions of Act for Cleansing and watching of Cities and Towns in Ireland,* 1852-53 (695)

[184] Hansard, *Parliamentary Debates,* 3rd Series, Vol. cxxx, (London 1854), p.484

householders whose valuation was £4 or more under the poor law and lessors whose property was valued at £50 or over residing within five miles of the borough boundary could vote for commissioner candidates. It placed limits on the franchise of inhabitants qualified to apply for the Act's adaptation in the first instance, thus disenfranchising quite a number of the less well-off inhabitants. Significantly, the franchise was further limited geographically by the new Act. It allowed for qualified house or land-holders only within the urban boundary to have a vote. As already seen, resulting from the 1838 Municipal Corporation Boundaries (Ireland) report, these boundaries were in some cases even more limited and contained a smaller area in 1854 than in 1838. This was a measure which restricted the discredited practice within the old corporations where most members were non-resident and were often landowners residing many miles from the town.

The 1854 Act also made provision 'for their meetings and proceedings, for the purchase of land, for their sewers, drainage, construction of new streets, cleansing and prevention of nuisances including the subject of burials and burial grounds. It gave powers with regard to rating and general assessment. Accounts were to be kept and duly audited and, significantly, the commissioners were to be enabled to borrow money, under certain restrictions, on the security of the rates. The commissioners would have power to supply the town with water in those cases in which no water company existed'.[185] Commissioners could now construct new sewers at the expense of the district and could borrow money for this purpose, repayment to be spread over thirty years. They could levy an additional 6d in the pound to improve town water supply. Thus it was intended to enable Irish towns to avail themselves of the improvement clauses of the Act passed for England and Wales in 1847.

Many local newspapers published editorials offering advice on whether the Act should be adopted. The *Leinster Express* issued a resume of clauses from the Act which it deemed cogent to reaching a decision on the matter.[186] In general, local newspapers welcomed this enactment and encouraged the inhabitants of the towns to speedily adopt the new Act. The *Leinster Express* published the following editorial in September, 1854:

> It is with pleasure that we see the inhabitants of a large number of towns preparing to adopt the act. It is an exceedingly convenient and useful piece of legislation, consolidating as it does, the several measures previously passed with an identical object and defining more

[185] Hansard, *Parliamentary Debates,* 3rd Series,Vol. cxxx (London 1854), p.484
[186] An abstract of the provisions of the Act published in the *Leinster Express,*16 July, 1854, is included in Apendix

> closely the powers and duties of Town Commissioners. That part of the Act which regulates the cleansing, sewerage etc, of such places as shall be brought under the operations of the statute, are especially desirable at the present time, when every local preventative against epidemic ought to be resorted to, and for the purposes of more general improvement, the lighting and widening of streets and the removal of condemned houses will be readily acknowledged in our country towns as the supply of a very crying want. Inspection of markets, - seizure of unwholesome and adulterated food exposed for sale – and the surveillance of low lodging houses are likewise provided for, - and the whole is to be carried out by a machinery designed with sufficiently liberal and comprehensive views, and yet with a just regard to individual rights, and to the protection of private interests.
>
> We say this Act has given very general satisfaction, perhaps more so than any other Parliamentary offspring of the last season…
>
> Of what a town commission has done for Athy we can bear ample testimony; and it would be well if the example (of Athy) were followed in many other places. We may state that arrangements are already in progress in Maryboro with that object, and we do not think Mountmellick, Portarlington, Tullamore, Roscrea, and other mid-land towns, which have at present no municipal controlling body, will be slow in venturing on a similar movement.[187]

It is reasonable to conclude that the adoption of the 1854 Act was seen by a majority of urban inhabitants as something to be desired. Of course this desire was not unanimous nationwide or even throughout all of the Leinster towns. Nevertheless, the desire of central government that its new urban legislation would be generally accepted in Irish urban centres was, to large extent, seen to be upheld. Many towns, which heretofore had not held municipal corporation status, were now allowed gain their own municipal body. Many of the towns governed by the 1828 Act either replaced or reconstituted their commissioner bodies by adopting this new legislation. The commissioners established under the 1854 Act were provided with greater powers. This Act was adopted by the inhabitants of 54 of the 65 towns which were formerly governed by commissioners elected under the Act of 1828. A further 22 new town commissioner bodies were also established, bringing the total number of such bodies to 76 by 1881.

2.9 Methods of Adoption of the 1854 Act

The following is an examination of the methods employed and difficulties encountered by the inhabitants of some of the market towns of Leinster in their quests to establish improved administration following the enactment of 1854. The fact that entry to local urban

[187] *Leinster Express,* 23 September, 1854

administration became more democratic did not necessarily mean all urban inhabitants saw it as a desirable option.

2.9.1 Dundalk

In January of 1855 a notice was published in the *Dundalk Democrat* which gave notice of a meeting to be held on Tuesday 16 January, 1855, to adopt 'whole or in part' the provisions of the Towns' Improvement (Ireland) Act, 1854, for the town of Dundalk. The notice was signed by two of the Justices for the County of Louth: Augustus Geog' Fredk' Jocelyn and Peter Russell. This notice went on to outline the boundaries of the borough in precise detail. The rated occupiers and lessors of Dundalk duly met.[188] They voted overwhelmingly to adopt the provisions of the 1854 Act, as the law in future to regulate their municipal affairs. The editor of the *Dundalk Democrat* put forward his views on this development writing that some people called the Act a piece of bungled legislation, probably because it was too democratic for their ideas of governing the town, but he begged to differ with these 'would-be aristocrats', as, however such a law was permitted to pass through the English parliament, it was the best he had seen for some time and he congratulated Dundalk for 'finding itself under such a code for the government of its municipal business'.[189]

The newspaper outlined the terms which applied in order to be qualified to stand as a contestant for commissioner under the new Act as follows: '(1) Any person living in a home within the borough and rated at £12 is eligible to be elected. (11) Any person living within five miles of the boundary, and being the landlord or the lessor of property valued at £50 a year is also eligible'.[190]The new Act had provided a more equitable system of electing town commissioners than was possible under the 1828 Act and the Dundalk ratepayers used this to divide their town into seven separate wards, with three commissioners to represent each ward.

The *Dundalk Democrat*'s editor went on to give his blessing to this turn of events and to castigate the body elected in 1832, its members and their methods:

> Now Dundalk is to be divided into seven wards, each of which will be called on to elect three commissioners. By this arrangement the democracy of Dundalk have gained a great triumph, and we trust they will make the proper use of it. It has cast aside the old mode of election, which was managed by three or four Whig dodgers, meeting in some hole or corner and writing a list of candidates for municipal honours and to do municipal business,

[188] *The Dundalk Democrat and Peoples' Journal*, 6 January, 1855
[189] Ibid. 17 March, 1855
[190] Ibid, 17 March, 1855

the half of whom were totally unfit for any such labours; and sending a number of paid bullies through the town to abuse and insult everyone who had the manliness to decline bowing the knee before corrupt and slavish Wiggery; or the call it had set up for worship. This infamous practice, we say, has been crushed to pieces on Tuesday (the day the Act was adopted). Instead of one list of candidates and one election, there must, henceforth, be seven: one in each ward.

In selecting these candidates, let the electors use a wise discretion. Religion must form no objection to anyone, provided he is otherwise qualified. The qualifications necessary are, respect for truth, honesty, liberality and love of old Ireland...[191]

The *Democrat* continued to cast a cold eye over the method of the Dundalk town commissioners' elections and also over the personnel being put forward, particularly the local magistrates and members of the gas company. This editor's lack of respect for the local agent (Captain Jocelyn) of the chief town patron, Lord Roden, is more than evident in the following piece written after the election:

We would have advised ... to pass over the four magistrates who have been elected, for no other reason than because they have the commission of the peace. Looking at them, we observe that they are government officers, appointed to administer the law to the people in the petty sessions' courts; and such being the case we say they should have excluded themselves from the municipal body and left the people to transit there own business...

Indeed we believe the legislature contemplated this exclusion when it provided that the chairman or one member of the new body should be a magistrate during his year of office. We say, then, that every one of these magistrates should resign at once. It is their duty to do so; and they will find that the business of the town will be done as well, if not better, without their presence...

We understand that three of the commissioners elected were members of the gas company, who are prohibited by law from acting in the municipal body...if they continue as town commissioners they will be acting illegally; and render the acts of the municipal body illegal.

We now come to the most unpleasant part of our business. We regret to find that the Hon. Captain Jocelyn thought it his duty to have Lord Roden's bailiffs dressed in their holiday cloths on the morning of the election. The first person we saw, on approaching the booths, were these bailiffs, ready to re-commence the old work of influencing and coercing the electors. The fact is not creditable to Captain Jocelyn; and it is what no one expected he would resort to. He has grossly insulted the town by such a proceeding. Does he imagine that an election in which bailiffs are called on to interfere can be a fair election? And does he think that the man who commences such a course of proceeding can be trusted?

---

[191] Ibid, 20 January, 1855

> There was a close contest in the North Ward, which was protracted to three o'clock, an hour before the state of the poll was declared. Captain Jocelyn made it his business to place himself in the booth and had his bailiffs out canvassing the electors. What right had he to interfere in this manner? He should have left the people to do their own business. We care not for whose return he was interested, his meddling at all in the contest was an undue interference with the freedom of the electors and we trust it was the last time we shall witness the agent of Lord Roden so disreputably engaged.[192]

While provision must be made for the obvious political leanings of the writer of this piece, nevertheless, the keen interest (at best) which the local landlord and his agent took in the actual business of the election is illuminating.

The mechanics of the election of the first chairman of Dundalk town commissioners also left much to be desired in the eyes of the local newspaper editor, and again the agent, Captain Jocelyn seemed to have been largely to blame. The *Democrat* described how '...on Monday a chairman was elected and that election took place in a very ridiculous manner. Seventeen commissioners met in a room and without order or method, they proceeded to appoint a chairman to preside over their meetings for the next year...' The report goes on to describe how Captain Jocelyn proposed Mr Haig on two occasions and that Mr Haig declined both times, stating he would be too busy to attend the commissioners meetings. Jocelyn then whispered something in Mr Haig's ear, after which he accepted the nomination and was duly pronounced as chairman. The editor of the *Democrat* then remarks on how 'the silly Celt is easily confused and manipulated' and points out that 'none of the new offices have been filled up yet. We have heard some rumours of a sinister kind respecting the arrangement about to be made in this matter which we trust are unfounded'.[193]

This local newspaper's editor continued to keep a critical eye on the personnel and functions of Dundalk town commissioners during their establishment and early years of government. The fact that the editor was not a Whig supporter can be easily perceived from the examples of his work mentioned above. By June of 1860, however, his description of a newly elected chairman gave the impression that, to his mind at least, the reputation of this office-holder was almost beyond reproach:

> We are glad to find that Mr Macarole was elected (chairman) unanimously, and that from the conservative side of the board his strict impartially and efficient discharge of his duties

---

[192] Ibid,10 March, 1855
[193] *The Dundalk Democrat and Peoples' Journal,* 17 March, 1855

were alluded to in complementary terms... A great deal of power was conferred on him when, last year, he was placed in the chair and received the commission of the peace; and during his year of office he has never exercised it harshly or unjustly, but always mildly and kindly, for the public good. It was then due to such a public servant to confer the honour on him a second time, and we are glad that it was done in the handsome manner displayed in the board-room on Wednesday.[194]

Thus we are left with the distinct impression that the local landlord 'controlling' both the towns of Dundalk and Ardee, Lord Roden, had control over the old corporation and continued to hold significant control over the body of commissioners who had replaced the corporation on its disbandment in 1840, showed evident determination to be a decisive influence both in the adoption of the 1854 Act and election of the consequent new body of commissioners. The editor of the *Dundalk Democrat* seemed convinced that this influence over the town's administrative affairs was a distinctly malignant one.

2.9.2 Ardee

At the same time as the electorate of Dundalk were in the process of electing their town commissioners under the new 1854 Act, the inhabitants of neighbouring Ardee were similarly engaged. Using somewhat similar rhetoric as he had regarding Dundalk, the *Democrat's* editor felt it his duty to comment on the Ardee proceedings and on the shortcomings of their town commissioners since being established in 1843:

> We are glad to observe that the people of Ardee have resolved to assert their rights in electing commissioners for the government of their borough under the Towns' Improvement Bill. Hereto fore, they were ruled by a small minority, a state of things under which they have grown weary; and now they are determined to be governed by the will of the majority...
>
> Mr Smith...desired little or no change in the constitution of the board; for he expressed his aversion to proceed to a contest.
>
> Now we think Mr Smith was wrong... contest is good...the old body was mismanaged and squandered public funds in litigation and many other foolish matters...
>
> Rich men are dangerous characters and are to be avoided rather than trusted... (they are) mostly enemies of the poor and inveterate foes of liberty...we hope that the brave and noble people of Ardee will reject Mr Hatch's rich men and return to power those who have truth and freedom and the love of the poor as their guiding stars...[195]

Litigation and the squandering of funds unfortunately limited the effectiveness of the commissioner body established in Ardee in 1843. By 1848 this body their meetings were

---

[194] Ibid, 23 June, 1860

[195] *The Dundalk Democrat and Peoples' Journal,* 3 February, 1855

almost totally confined to dealing with the financially 'embarrassed state of the commissioners' property' and whether the body itself was still 'legally constituted' due to the level of debts which had arisen.[196] Now, on the adoption of the 1854 Act, a body of nine new commissioners were elected. A forty-two year old local miller, Thomas Bradley was elected as Chairman.[197] The inhabitants of Ardee looked forward to being administered by a more effective commissioner body. However, the new body found themselves facing a legacy of financial debt from the previous commissioner body amounting to £520.[198] Despite this handicap, the newly elected body began their term of office with enthusiasm and determination.

2.9.3 Kells

The minutes taken of the Kells meeting, held in May 1855 to elect a body of commissioners for the town seems to indicate that the process proceeded without major dissent. This can be appreciated by the meeting's minutes description of its ending:

> The chair having been vacated by the Marquis of Headford and Captain Clare having been moved to it, the thanks of the meeting were given by acclamation to the Marquis of Headford and the minute of the election having been signed by him, the proceeding terminated.[199]

The orchestration of the chairing of this event is interesting and its sequence can be seen to be replicated at the inauguration of other towns' commissioner bodies. The local patronal landlord at first presides over the proceedings and hands over control to the local military commander. Only when proceedings are seen by all to be in accordance with the rules laid down by the Lord Lieutenant is the chair eventually allowed into the control of the commissioners themselves. The newly elected commissioners of Kells went on to hold their first meeting on the following week at which members made the required declaration and it was resolved that Mr James Killeen be appointed chairman of the board of commissioners for that year.[200]

Unlike neighbouring Dundalk and Ardee, the local patron of the town of Kells, while agreeable to provide his presence and status at the adoption of the 1854 Act and the

---

[196] Ardee town commissioners minute book, ATC/M/1, 5 June, 1848
[197] *Return showing towns in Ireland that have elected Town Commissioners under the provisions of the Towns' Improvement Act of the last session*, H.C.XLV11 (6 June, 1855), pp 539-63
[198] Ardee town commissioners' minute book, ATC/M/1, 1 January, 1855
[199] Minutes of Kells Town Commissioners, KTC/M/1, 3 May, 1855
[200] Ibid, 3 May and 7 May, 1855

inauguration of the new town commissioners, was then satisfied to allow this new body to get on with the business of town administration without undue interference.

2.9.4 Naas

When one reads the minutes taken at the meeting to elect town commissioners at Naas some two months earlier, a similar impression of decorum and equanimity is obtained. Included in these minutes was the wording of the declaration which was required to be made by the 'commissioners whose names are affixed to such declaration pursuant to the statute in that case made and provided'

> 'I, (name), do hereby declare that I will faithfully and impartially, according to the best of my skill and judgement, execute all the powers and authorities reposed in me as a commissioner, by virtue of the Towns Improvement (Ireland) Act, 1854, and also, that I am rated at the amount of £12 and upwards in the Naas electoral division.
> Dated this 5th day of March, 1855.[201]

However, when one examines another source, that of the local newspaper, one gets a somewhat more extensive impression of these proceedings. The *Leinster Express* correspondent reported on a sequence of meetings which brought this new body into being. The first reference is to a meeting in October, 1854, when it reported on a meeting at the court-house of 'all the respectable portion of the householders of Naas...to take into consideration the propriety of placing the town of Naas under the operation of the "The Towns' Improvement (Ireland) Act, 1854". The report covers three columns. Speakers, both for and against are quoted verbatim and it ends by saying that 'the meeting separated highly pleased at the unanimity that prevailed'.[202] There followed a report of a meeting of the Grand Jury at Naas in February of 1855. It should be remembered that this Grand Jury had been controlling the affairs of the town since 1840 when the old corporation had been wound up. The minutes stated that attendees were of opinion that it would be in the interests of the inhabitants of the town of Naas, that the 1854 Act be adopted and carried into execution within the town 'save and except so much of said Act as refers to the lighting and supply of water' and that this opinion 'be laid before the adjourned meeting of the ratepayers to be held at Naas on Tuesday next, 6th February 23, 2006, by our chairman'.[203] This meeting of the ratepayers did not take place on the date appointed. However they did eventually meet on the following month and the local newspaper

---

[201] Minutes of Naas Town Commissioners, KTC/M/1, 3 March and 5 March, 1855
[202] *Leinster Express,* 7 October, 1854
[203] *Leinster Express* 3.February, 1855

correspondent reported that 'following some disagreement, in which it was contended that the members attending should all have the right to propose whoever they wished, the nine names proposed were accepted with two dissenting.[204]

> The following Monday the first meeting of the Naas Town Commissioners was held the Grand Jury Room, Court House, Naas.
>
> John Hickey Esq. was elected Chairman.
>
> John Clinch was appointed Clerk.
>
> 'Resolved - that at the meetings of the town commissioners, no question of politics or religion shall ever be proposed, discussed or entertained'.

These reports from the *Leinster Express,* though divulging a less agreeable picture than that recorded in the Naas town commissioners minutes, still do not present the complete sequence of events which brought forth this new body. It seems the actual sequence of events which occurred were rather Machiavellian in nature. The first reference pertaining to a degree of acrimony, not covered by either the commissioners or the newspaper reports, can be found in a report of the establishment of Maryborough (Portlaoise) town commissioners. In this report (outlined later) reference was made to 'two or three meetings', held at Naas, 'each of which was foiled by dissention'.[205] The next reference providing a description of behind the scenes activity leading to the eventual 'agreed' format is to be found many months later, when the *Leinster Express* printed a succession of controversial letters to its editor. These letters were the climax of an unseemly row between the Naas town commissioners' chairman, John Hickey and a commissioner who resigned in acrimonious circumstances, Dr. Hayes. They provide evidence (denied by John Hickey) of a behind the scenes 'agreement' between the Catholic and Protestant factions of the town which led to Father Doyle and Rev' De Burg producing an agreed list of names to become commissioners.[206]

2.9.5 Maryborough (Portlaoise)

In Maryborough (Portlaoise) a dinner was organised to celebrate the successful adoption of the Towns' Improvement (Ireland) Act and to trumpet the fact that this town was 'the first town in Ireland brought under the operations of the Act'. Thomas Turpin, a local solicitor was given much of the credit for having brought this about 'through the successful exertions of his executions'. Many speeches were made at this dinner praising Turpin's

---

[204] *Leinster Express* 10 March, 1855
[205] *Leinster Express* , 6 January, 1855
[206] *Leinster Express,* 19 June, 1858; 3 July, 1858; 10 July 1858

work. In responding to this, Turpin's speech gave an indication that the attempts in neighbouring towns to adopt the towns' improvement act may not have gone as smoothly as their commissioners' minutes would lead one to believe. Turpin was reported as saying he felt gratified his humble exertions had proved so successful in introducing the towns' improvement Act into the 'long neglected town of Maryboro'. He then made reference to the comparative difficulty being experienced in neighbouring towns. At Naas two or three meetings had been held, each of which was 'foiled by dissention'. At Carlow the Act was brought forward with 'all the pomp and circumstance of law - the chairman had his legal advisor enter into a scrutinising of the votes'. He was happy that in Maryborough they had no dissention and no need for a legal advisor. The inhabitants of Maryborough (Portlaoise) had elected as commissioners 'nine gentlemen who reflected credit on the choice made'. He ended by rhetorically asking why should either religious or political differences interfere with the common good?[207]

2.9.6 Athy

The town of Athy did not adopt the 1854 Act until May of 1856. However, this delay appears not to have been caused by animosity or division within the community. On the contrary, according to an editorial in the local newspaper, the existing town commissioners were doing their work so well, any change was considered almost unnecessary. Under the heading 'Town's Improvement Act, Athy - Inhabitants of Athy adopted the Act', the editor states:

> From the unanimity which prevailed amongst the old town commissioners and the many valuable improvements which resulted from their labours, there can be no doubt of the success of the new body, which will be composed of the same members, but with more extended powers. With perhaps a solitary exception, the adoption of the Town's Improvement Act has been accompanied with the most beneficial effects: fellow townsmen of different religious and political tendencies blending harmoniously together for the public good.

A report in the same edition described how at a meeting of Athy ratepayers, Captain Lefoy, J.P. took the chair and that the fifteen names proposed by Mr. Grace and seconded by James Lawlor, proprietor of the Nag's Head public house, was carried. Mr. Kavanagh was called to the chair. He thanked Captain Lefoy for his excellent handling of the meeting and pointed out how noble it was that Mr. Cummins, appointed 'on the old commission

---

[207] *Leinster Express,* 6 January, 1855

over fourteen years ago, was now on the new one'. He went on to praise the great unanimity between all classes 'which made their town go on so well, while others were declining'.[208]

The absence of discord continued at the next meeting of the commissioners, where the necessary declaration was read and signed by all fifteen reappointed commissioners and Mr. Sheil, clerk of the late board was re-appointed at his former salary. Mr. John Roberts was appointed Inspector of Nuisances at a salary of £12 per anum. The Hibernian Bank, Athy, was appointed treasurer. The clerk was ordered to produce, at the next meeting, all books, records, etc, connected with the late board and the old corporation. A committee was set up to consider the contents and clauses of the Act and to prepare a code of bye-laws for the consideration of the board'.[209] At their following meeting in early July 1856, the accounts of the old commission were duly produced by the clerk and audited by the commissioners. They were found to be quite satisfactory; a balance of only £1. 16s. 10d found against the commissioners. Other former officials were re-appointed, including John Hayden, former weigh-master and Paddy Byrne, former bellman. Both were re-appointed on their former salaries.[210]

Thus the harmonious relationship between the members of this commission seemed to continue to the benefit of the town's inhabitants. It was the only town of the eleven being examined here where the administrative bodies succeeded each other almost seamlessly, from the disbandment of the old corporation in 1842 to the establishment of the new commissioners in 1856. The patron of Athy, the Duke of Leinster took a personal interest in its affairs and treated it almost as a model town. The inhabitants in general seemed content with his stewardship and this manifested itself in a comparatively stable and benign administration. As can be seen in other chapters, this body and its accomplishments became the envy of many neighbouring towns.

2.9.7 Carlow

The neighbouring town of Carlow, in contrast to Athy, had had a somewhat tempestuous experience with its urban administrative bodies. On the disbandment of its old corporation in 1843 it had established a town commission, but it had functioned for a mere two years when legislative turmoil led to its demise. Some years prior to the 1854 Act coming into

[208] *Leinster Express,* 14 June, 1856
[209] *Leinster Express,* 21 June, 1856
[210] *Leinster Express,* 12 July, 1856

force, the inhabitants and particularly the trades-people, decided that the question of reforming a town commissioners' body, even under the very limited powers of the 1828 Act, should be considered. There was a general feeling of the town falling behind neighbouring towns such as Athy in many respects. One of the local newspapers in an editorial in November, 1853, summed up the neglected state of the town and the great need for improvement:

> It seems now to be admitted on all hands that our town has gradually sunk into a wretched, neglected and pitiable state. The streets are filthy; the poor are destitute of pure or wholesome water; but one public pump, from which water may be had by the poor, is to be found in a town of such extent and population. Our markets are most disorderly; nuisances of an offensive character everywhere meet the eye; at night we're in darkness; daylight comes but to reveal filth and slops in our streets and alleys, such as necessarily generate fevers, cholera and other epidemics. Our town, we are sorry to be compelled here publicly to express it, has, owing to these causes and others like, fallen greatly in estimation; our markets are all but deserted; trade languishes, shops are empty, houses untenanted, and Carlow with a thousand commercial advantages possessed by few towns of its extent, bids fair to be soon reduced to the level of a poor, shabby, deserted village.[211]

The establishment of a town commission was proposed as a step toward improvement of the situation and a notice appeared in the *Carlow Post* in October, 1853 informing the inhabitants of a public meeting at which consideration of forming a town commission would be taken 'under the 9th of Geo' iv, Chap' 82, with a view to the lighting and cleansing of the town and the adoption of such regulations as may tend to the improvement of trade'. This notice was signed by seventy-five male ratepayers of Carlow, including one of the local MPs, John Alexander, as well as local solicitor, Thomas Mulhall and company owner, Richard Hull.[212] However, there was some high-powered opposition to this idea from some Carlow business men and local politicians, particularly, J. Hancock Haughton, who articulated the fear many ratepayers had of punitive taxation. He outlined his views in a letter to the *Carlow Post*, immediately after attending the above meeting. In a long letter, in which he suggested various alternatives to adopting the Act, he concluded by warning:

> If we rush precipitately into the matter and adopt the 9th Geo'ix now, we shall saddle ourselves forever with the increased tax and still have to pay the enormous county rates, whilst the funds raised under the 9th Geo'iv, would not half carry out the provisions of the

[211] *Carlow Post,* 19 November, 1853
[212] *Carlow Post,* 22 October, 1853

> Act;- and in our attempts to cope with the town's enjoying private property (rates) as well as borough rates, we would find ourselves much in the position of the poor frog in the well-known fable of the frog and the ox.
>
> I am Sir,
>
> Your obedient servant,
>
> J. Hancock Houghton.
>
> Carlow, 26 October, 1853.[213]

The views of Mr. Hancock found little favour with the editor of the *Carlow Post,* who wrote that an attempt to remedy the wretched state of affairs, which seemed to proceed from bad to worse, the men of Carlow of all shades of political and religious opinion met '...and proposed a commission, as on all hands the most feasible, inexpensive and practical mode of removing, or lessening at least some, if not all, the evils complained of...' He went on to castigate J. Hancock Houghton, describing his scheme as utterly impossible and declaring that 'every body knows it'. He advised the inhabitants to take the commission that was offered or 'remain everlastingly in the wretched and withering condition to which you are singularly reduced'. He stated that there was no middle course possible, and no substitute for adaptation of the Act. He went on to argue that the tax levied to run a town commission was good value, outlining the amounts of tax liable to be levied and the good value in services which this money would buy for the inhabitants:

> Now for this small tax, consider the advantages you are about to purchase and bear in mind that the poor, your customers, labourers and traders will participate most largely in these benefits without the cost to them of a single penny of tax. The poor will have pure and wholesome water at their doors; those pools of filth and seats of disease, which fill a town with pestilence and death, will be removed from us. The lighting and watching of our town will add to the security of property and to the enjoyment and morality of the people. The markets shall be put in order...We hail the commission, therefore, as a harbinger of hope to our sinking town...Prosperity and increased trade have everywhere gained ground where commissions were adopted...[214]

This editor continued to stay acquainted with the various shades of opinion in Carlow relating to the pros and cons of electing a town commission and with the various political factions whipping up support either for or against its establishment. When he again went to print he appealed to the pride of all Carlow men:

> We ask all parties cordially to unite in demanding that there be appointed a public body deserving of public confidence, to look after our neglected interests, and if this demand

---

[213] *Carlow Post,* 29 October, 1853
[214] *Carlow Post,* 19 November, 1853

> shall be met with a cry that £300 or £400 a year in the shape of a lamp or watch tax, etc., would ruin Carlow what will men of commercial enterprise at a distance say, but that Carlow refuses to make a struggle for the preservation and advancement of the prosperity of its inhabitants. Will Carlow men allow that to be said of them. We trust they will not.[215]

A short time later when a meeting to decide if the provisions of the 1828 Act should be adopted in Carlow, notwithstanding Mr. Haughton's amendment that its adoption was not expedient due to the large amount of rates it would impose, the majority of the attendance voted for a resolution that a memorial be forwarded to the Lord Lieutenant, asking him to authorise the carrying into effect in Carlow borough of the Act of 9th Geo'iv. Chap' 82.[216]

By late November, 1853, authorisation had been received from the Lord Lieutenant and a meeting to elect a body of town commissioners was held. Under the heading, 'Triumph of the Carlow town commission', the *Carlow Post* reported that 'before 10 o'clock, Captain Tuckey R.M. and Arthur Fitzmaurice Esq., had taken their seats in the courthouse'. He set the scene of tension describing how a body of police was stationed at the entrance, having had orders to admit nobody but those who were entitled to vote. He described the attendance as being comprised of the leading merchants, traders and professional men of the town. This report continued over three columns to give a comprehensive account of the ensuing discussions which culminated in a show of hands in favour of the proposed list of commissioners. It stated that the minority against the proposed list 'held up both hands' so as to lessen the extent of their defeat.[217]

It is pertinent to point out, at this point that this town had since the 1830s, been notorious for the political polarisation of its inhabitants, being almost equally divided between Whig and Tory. It elected one M.P. to Westminster from each party at each general election of that period, and these elections were equally notorious for the agitation and violent faction-fighting which convulsed these events.[218] This divisiveness extended to the local newspapers, where the *Carlow Post* was a staunch Whig supporter, while its local sister publication, *The Carlow Sentinel* nailed its colours firmly to the Tory mast. In the absence of the 'missing' records of the minutes of Carlow's town commissioners of this

---

[215] *Carlow Post,* 12 November, 1853
[216] *Carlow Post,* 5 November, 1853
[217] *Carlow Post,* 26 November, 1853
[218] See Elizabeth Malcolm, 'The reign of terror in Carlow: the politics of policing Ireland in the late 1830s' in *Irish Historical Studies* (xxxii) 125, May 2000, pp.123-135

period, one is forced to read between the lines of the reports of both these aforementioned publications in order to gain some impartiality in gauging the veracity of their reports. Naturally the divisiveness also extended to the members of the town commissioners. The following portions of an editorial in the *Carlow Post* at this time, elucidates the situation:

> ...All are agreed that a town commission is required to look after local affairs, which have been sadly neglected...We would appeal to the Conservative to divest himself of the notion that a town commission is to be used as a cabal... It has been too much the fashion in Carlow to identify its public bodies with the rampancy of Toryism – with its tyrannical, tempestuous propensities – with its thirsting for the upper hand ...To the Liberals we have a word or two to say. We remind them that in the question of the town commission there is no political principal involved. It is merely a matter of local improvement in which we are all interested, and we trust – indeed we know that they will bring to its consideration that positive diligence and deliberation which a subject of such weighty moment to the community requires.[219]

Unsurprisingly, when the time came two years later to consider the adoption of the 1854 Act, the antagonistic and divisive atmosphere which was evident in 1853, continued unabated. The editor of the local *Carlow Post* commended the early adoption of the 1854 Act in the town and indeed 'to all midland towns' particularly because of the need for improvement in sanitation 'when every local preventive against epidemic aught to be resorted to...' He went on to say 'the lighting and widening of streets and the removal of condemned houses will be readily acknowledged in our country towns is the source of a very crying want'.[220]

The divisive political makeup within Carlow town was to ensure that this Act's adoption would be long and tedious. Thus, from September, 1854 to January, 1855, in the run-up to the adaptation of the Town's Improvement (Ireland) Act, both local papers give conflicting reports of speeches made by the members of the Carlow town commissioners.[221] The *Post,* as can be seen in the quotation above, was in favour of the early adoption of the new Act, while the *Sentinel* opposed many of the changes which the new Act advocated. The *Carlow Post* reported that at 'the first meeting of the new town commissioners, Thadius O'Shea was appointed chairman for the coming year'. It named the fifteen

---

[219] *Carlow Post,* 5 November, 1853
[220] *Carlow Post,* 30 September, 1854
[221] *Carlow Post and Carlow Sentinel,* 30 September, 1854; 7 October, 1854; 21 October 1854; 4 November 1854; 18 November, 1854; 16 December, 1854; 27 January, 1855; 3 February, 1855

commissioners elected. It reported that the commissioners disagreed on the appointment of a clerk and watchmen, adjourning these decisions to their next meeting.[222]

It was less than surprising, considering the divisive atmosphere already alluded to in Carlow that the new commission began in a less than harmonious manner. One week after its first meeting the *Carlow Post's* editor, under the heading 'The Town Commission', wrote: 'We perceive... that Mr. Richardson's refusal to give up the books and papers relating to the transactions of the previous commissioners may be productive of some temporary inconvenience'. Mr. Richardson was the previous clerk and was not likely to be re-instated in that post by the new body.[223] Like its predecessor in 1843, the second attempt at establishing a town commission for Carlow under the provisions of the 1828 act had a short innings; both bodies only lasted for two years. The body established in 1843 became mired in legislative turmoil which led to its demise in 1845. The body established in 1853 was replaced by the body established on the adaptation of the 1854 act. However it was third time lucky for the body established under the 1854 act as this body continued to administer the urban affairs of Carlow until 1898.[224]

2.9.8 Trim

In the County Meath market towns of Trim, Navan and Kells, there was little similarity in how their inhabitants adopted the 1854 Act. The chief reason seems to have been that in Trim much progress had been made by their commissioners in improving their town prior to the enactment of 1854. This progress showed the towns of Navan and Kells in a bad light. Trim's improvement in relation to Navan and Kells was commented upon by the editor of the *Meath Herald.* Under the heading 'Improvement of Trim as a county town' he recognised that Trim, which in the recent past 'was considered one of the most neglected, uncared for, and worst County towns in Ireland' was now no longer the case. A great change has taken place within a short space of twelve months.

When he visited it prior to going to print, the editor had noticed a new market house and square, the town lit with gas, new pathways, new fairs and a bank 'were realities, lasting and permanent mementoes of what good can be effected by a united body'. For this transformation he thanked the commissioners for their 'persevering exertions', and in

---

[222] *Carlow Post,* 27 January, 1855
[223] *Carlow Post,* 3 February, 1855
[224] Sean O'Shea, 'Carlow's second town commission; 1855-98' in *Carloviana; Journal of the Old Carlow Society*, no 50, (Nationalist, Carlow, December, 2001), p.45

particular he praised their chairman, Harcourt Lightbourne, 'who by zeal, perseverance and gentlemanly conduct has won the esteem of all parties, and whose exertions got due praise from everyone at the assizes for bringing the town to its present state of prosperity'.[225]

The market house was described as a neat handsome commodious building with all the necessary appendages for a weighing house. The gasworks, although small, was built on a good site. The front of the Courthouse was brilliantly illuminated by a blazing star composed of four hundred and eighty gas jets, which shed its light all around the vicinity 'rendering the street as clear as noonday... The gas is very brilliant and makes town like a miniature city when lighted up'. Now that Trim had become such an example of what a County town should be if administered properly, he went on:

> It is a shame for Navan and Kells also, both richer and larger towns, to permit Trim to take the lead in improvements...
>
> Sir John Young's Bill for the improvement of towns ought to make all market towns give the same accommodation as Trim now does, and in order that no parties, be their positions what they may, should have any excuse, the government should make such improvements compulsory and lend as much money as would be required to carry them out at a low rate of interest, to be chargeable on the corporate property in the first instance, but if there is none such, or that it was insufficient for the purpose, then to be raised by a small tax on house property. This is what would create a stimulus to trade and restore animation to towns that are now falling to decay.[226]

When the said Sir John Young's Bill did indeed become the Town's Improvement (Ireland) Act, 1854, the *Meath Herald* reported on its adoption in the county Meath towns. In May of 1855 the ratepayers of Trim held a meeting for the purpose of electing nine commissioners for the borough. Previous to the chair being taken for this purpose, the old body assembled and 'settled all their accounts in the most satisfactory manner'. At the hour appointed the chair was taken by J.R.Watson Esq. J.P. He opened the proceedings by reading the order of the Lord Lieutenant, which stated that he approved of nine members being elected instead of fifteen as suggested, and also that he did not approve of dividing the town into wards as proposed by the requisition.

It was then suggested by several of the ratepayers that lists of nine persons should be proposed and the votes of the meeting taken, as had been done in Kells. The chairman said he considered the proper way would be, according to the Act, to take each person proposed separately, and any ratepayer who wished could make any objection or move an

---

[225] *Meath Herald,* 12 March, 1854
[226] *Meath Herald,* 4 March, 1854

amendment. After some debating the election was proceeded with, and six were elected without opposition. Mr. Collins was proposed, but objected to because some of his rated property was outside the boundary. The local newspaper reporter described how:

> The scene in the room during the time Mr. Collins's name was before the chair was, we are sorry to say, not of a very parliamentary nature, it being contrary to all rule and order. We do not wish to say any more about it than merely to express a hope that such may not occur again...
>
> Mr. Caldwell and Mr. Keely were then elected. Much praise is due to Mr. Watson...and the great pains he took to see that all had fair play.[227]

Thus even in Trim, whose administration had heretofore been held up as an example for other towns to espouse to, the election of new commissioners was a less than harmonious affair. However, some healthy argument and dissention as occurred at Trim can be seen as an example of democracy in action. Unlike during the tenure of its old corporation, Trim's enfranchised inhabitants could now enjoy this exercise.

2.9.9 Navan

Somewhat similar to Trim, the town of Navan also had a functioning body of commissioners prior to 1854. The adoption of the 1854 Act at Navan was also ongoing at this time and the *Herald* reported on how a 'highly influential and respectable meeting was held in the courthouse on Monday last for the purpose of considering the propriety of adopting in that town the Towns' Improvement (Ireland) Act either in whole or in part'. The meeting was chaired by the local Justice of the Peace, Thomas Rothwell. The entire Act was adopted and a letter to that effect was sent to the Lord Lieutenant.[228]

A few weeks later, on the 16 June 1855, under the heading "Appointment of Town Commissioners in Navan" the *Meath Herald* reported a full attendance of the traders and millers etc., of the town and that the body of the courthouse was crowded with the 'working classes who seemed to manifest considerable interest in the preceedings'. On being advised it would be better to avoid a contest if possible, Mr. Power said that the different trades in the town should be represented in the body, as the grocers, general merchants, millers, drapers etc. Any person proposing a list should have this in view and be always available to attend meetings of the town commission. He gave instances of how absentee members had created problems in the past. He recognised that the present Act was a most important one and they were invested with extraordinary powers in it. The chief items to be attended to

[227] *Meath Herald,* 12 May, 1855
[228] *Meath Herald,* 26 May, 1855

under it were the cleanliness and morality of the town. He conceived that men whose private duties were not compatible with their public business should not become members of the body. The report described long arguments when the "list" was proposed, particularly on why a certain Mr. Roberts was not on it. However, the proposed list was eventually carried by the meeting and the persons on it duly elected.[229]

Minutes of their earliest meetings portray the commissioners' positive endeavours to improve their town. Intending to strike an accurate rate they obtained a copy of the borough boundaries and wrote to Mr. Griffith requesting a copy of his valuations. They obtained copies of bye-laws from other corporations to assist in drawing up their own. They discussed how the duties of the Collector of Rates, Inspector of Markets and Inspector of Nuisance, formally separate under the old body, could be combined in order to reduce official's salaries.[230]

Economy seemed to be the main theme of the editorial in the local newspaper when commenting on the commissioners' inauguration. If temperance, prudence and 'a modicum of zeal' were exercised, he was confident that the new commissioners would be able to make improvements and introduce many new arrangements in the economy and management of the town. However, he warned of the great necessity of using caution and prudence, particularly in the appointment of officers and in the expenditure of their funds. They had much to do and must exercise 'the strictest economy'. He warned that many corporations and almost all public bodies were prone to extravagance and inclined to the appointment of 'useless officers for the performance of useless, nameless and impossible duties'. The only ever result from such appointments was the waste of public money and eventually, bankruptcy. He went on:

> Against such a course of suicidal fanaticism we should therefore warn the Navan commissioners. The advice of the celebrated Franklin is as necessary and applicable to public bodies as to private individuals that "nothing is cheap which you don't want and you don't want anything which you can do without". We should therefore, humbly advise them to husband their funds and appoint no useless officers.[231]

The more than gentle leaning of the *Meath Herald* towards the interests of conservatism and the status quo is evident. Nevertheless, both this newspaper's reporting and the actual minutes of the early meetings of the Navan commissioners attest to a comparatively

---

[229] *Meath Herald,* 16 June, 1855
[230] *Meath Herald,* 7 July, 1855
[231] *Meath Herald,* 7 July, 1855

harmonious beginning and at least some good intentions towards the adoption and implementation of the terms of the 1854 Act.

2.10 Late Adopters of the Towns' Improvement (Ireland) Act, 1854

Owing principally to the nature and extent of local patronal influence, the rate at which Leinster market towns adopted new forms of urban administration varied considerably. The following table provides the chronology of the adoption by all the towns in this study of the provisions of both the 1828 and the 1854 acts.

Town	Date of adoption of 1828 Act	Date of adoption of 1854 Act
Ardee	December, 1843	June, 1855
Athlone	October, 1840	March, 1855
Athy	February, 1842	June, 1856
Carlow	1843 -45 and 1853-55	January, 1855
Dundalk	January, 1832	January, 1855
Kells	July, 1843	May, 1855
Maryborough	1843	December, 1854
Mullingar	Not adopted	April, 1856
Naas	Not adopted	March, 1855
Navan	October, 1843	June, 1855
Trim	November, 1843	May, 1855

Figure 2.2: Dates of adoption of 1828 and 1854 Acts

The town of Mullingar stands out from the other ten included in this study in terms of its late arrival in taking upon itself any form of officially organised local town government. The commissioners of enquiry in1835 found Mullingar to possess no official corporate body. By the beginning of the 1850s this was still the case. No effort had been made to set up a body of town commissioners after the 1840s Act and as pointed out by O'Conlain and Illingworth, 'Mullingar at the start of the 1850s lacked proper local

government'. Bodies such as the Grand Jury, the Poor Law Guardians and the local Church of Ireland parish vestry seemed to share responsibility for street lighting, sanitation, roads and watching duties. The manor of Mullingar and its landlord, the Earl of Granard, had held major influence in the town. The condition of all of the town's services were in such a poor state by 1855 that Mullingar had gained the dubious reputation of being the dirtiest town in Ireland and 'Mullin-Dirt' was a name commonly applied to the town.[232] In 1856 its inhabitants decided to meet and apply to the Lord Lieutenant for permission to establish a body of town commissioners. Even then feelings in the town were far from unanimous and a list of signatories, almost as long as the list applying for a body of commissioners, signed a letter in opposition to having such a body. However, notwithstanding quite significant opposition, on 23 April 1856 a meeting took place at the court-house Mullingar at which a body of town commissioners was duly elected.[233]

While all eleven towns of this study adopted the 1854 act within a two year period, this was not the case at all other market towns. Two examples are given here in order to show the extent of this variation. The town of Mountmellick, Queen's County (Co. Laois), did not commence proceedings towards the establishment of a town's commission until October of 1858. When the two magistrates for the town, Major Cassan and Christopher Bailey, presided at an inaugural meeting, they were faced with a gathering of ratepayers divided into two parties. Both parties put forward nine candidates for election.

The chief issue of contention was the question of having Mountmellick supplied by gas to light the town. One section of the townspeople was in favour of this and the other opposed to it. The section in favour of acquiring gas for the town had, as their chief proponents, Mr. Turpin and Mr. T. A. Fitzpatrick from Maryborough (Portlaoise), who emphasised the fact that gas had been successfully installed at Newbridge and at Maryborough (Portlaoise), to the beneficial enhancement of both towns. The opposing party's chief objection was the cost liable to be inflicted on the ratepayers.

It seemed the fear of being left behind by the progress of their neighbouring towns, eventually and after long discussion, swung the argument in favour of the party in favour of procuring gas for the town. The nine names proposed by this party won the most votes at

---

[232] Michael O'Conlain and Ruth Illingworth, 'Mullingar Town Commission' in Mary Farrell (ed) *Mullingar – Essays on the History of a midlands town in the nineteenth-century* (Westmeath Co. Council, 2002), pp 179-187

[233] *Westmeath Guardian,* 23 April, 1856; 15 May, 1856

the ensuing ballot by qualifying ratepayers and were duly elected to serve as Mountmellick's first body of town commissioners.[234]

By 1860 a local newspaper reported a 'stormy meeting at Portarlington: No Town's Improvement Act! No light!!'. In a report five columns long, the reporter described how the local J.P., Col. Hawkeshaw, having acquired the signatures of one hundred Portarlington ratepayers, called a meeting to have the provisions of the Town's Improvement (Ireland) Act adopted. In a thronged courthouse the inhabitants were described as 'very vocal' and they chanted 'Down with the gas', 'No Commissioners' and 'We want no pavements'. Though this meeting was attended by many local gentry, including the Dean of Kildare, Col. Chidley Coote D.L. J.P., Col. Fish, Major Des Voeux and Col. Hawkeshaw, who was voted to the chair; there was 'much uproar from the beginning and little order was obtained'. Though the local gentry were in favour of establishing a town commission, the main objection to this was the cost to the ratepayers of having the town lit with gas. The ratepayers who were against gas instalation were led by Mr. Philips who gave a list of reasons why the Act should not be adopted by Portarlington, particularly because the poor of the town would have to share the tax burden. Eventually Col. Hawkeshaw was forced to admit that 'evidently the ratepayers are averse to the introduction of the act for which the meeting was convened'. The report concluded: 'On leaving the Tholsel, an attempt was made to chair Mr. Philips, which that gentleman declined. The crowd then cheered him along the streets to his residence.[235]

The above instances are posited as examples of the unevenness and variability of the adaptation by the inhabitants of the towns being studied here and also some of their Leinster neighbours, of the legislation provided by the state for town improvement.

2.11 Conclusion

It has been suggested that Irish municipal reform was perhaps the most striking failure of the liberal-O'Connellite alliance of the 1830s.[236] Literature on this period points to much greater advances being made in other areas. MacDonagh discussed two areas in particular where he believed increasing governmentality reaped dividends during the 1830s and 1840s. Firstly, in the area of general Irish infrastructure, the success of the Board of Works

[234] *Leinster Express,* 2 October 1858
[235] *Leinster Express,* 7 January, 1860
[236] Oliver MacDonagh, 'Ideas and Institutions, 1830-45' in W.E.Vaughan (ed) *A new history of Ireland, V, Ireland under the Union, 1, 1801-70* (Oxford, 1989), p.215

presented 'a remarkable instance of formal government growth during the 1830s and 1840s'. Secondly, in the area of public health, Ireland 'may have been formally one of the most advanced of European countries during the years 1830-45'.[237] Conversely, in the area of municipal reform, it was not until the mid-eighteen fifties that similar advances were made in the reform of Irish market town government. This chapter has illustrated how charged and contested the process of displacing the old corporations and establishing new town commissioners became. It has also charted the protracted nature of its evolution as the process progressed, slowly but determinedly, over many decades.

A significant feature of local urban administration over the entire union of Britain and Ireland prior to 1830 was its independence from supervision by central government. From the beginning of the nineteenth century to the 1830s this independence was absolute.[238] This was now about to change. The principal conclusion which can be gained from the government-sponsored inquiry into Irish municipal corporations in 1835 was that the members of Irish corporations were merely power brokers working at the behest of local landlords. These corporations had, during many decades of mal-administration, presided over the decline and neglect of Irish towns and cities.

Central government could no longer tolerate this. On receipt of the contemporaneous report of its urban corporations' enquiry of England, Scotland and Wales, an immediate assertion of central government control is seen to almost immediately take effect. The old order was quickly pushed aside and new democratic bodies established almost at once. Once the English municipal reform act[239] was passed there was now a model to which the Irish could aspire. However, in Ireland the power of local landlords continued to delay the process for many years. The Whig government, though concerned with making the Irish corporation more efficient and more representative, were wary of substituting an O'Connell-led monopoly for the discredited Tory monopoly.[240] Thus, the process of the establishment of town commissioners here, requiring a similar major shift in power regarding who ruled these towns, became more protracted and contested.

This process entailed much more than just general improvements in infrastructure, paving, lighting, gas, etc which had been so neglected and had fallen into such decline. A

---

[237] Ibid, pp 207-9

[238] E.P.Hennock, *Fit and Proper Persons; Ideal and reality in Nineteenth-Century Urban Government* (London, 1973), p.6

[239] 5&6 Will.IV, c. 76 (9 September, 1835)

[240] Oliver MacDonagh, 'Ideas and Institutions, 1830-45' in W.E.Vaughan (ed) *A new history of Ireland, V, Ireland under the Union, 1, 1801-70* (Oxford, 1989), p.216

major democratic shift gradually took place which was appreciated on the ground in towns such as Carlow and Trim, to name but two. From local newspaper reports it can be clearly deduced how townspeople understood this change as local administrative power gradually changed hands. Its importance was also understood at the top levels of central government; the bitter exchanges during debates in both houses of parliament illustrated the appreciation on all sides of a power-shift being set in train.

The highly charged and contested atmosphere created during the course of the process can be easily perceived, firstly in the piecemeal nature of it and secondly, by the amount of difficulty experienced while putting it in place. Regarding the piecemeal nature of the process, perhaps this was to be expected in line with the varying administrative conditions from town to town. When one examines the particular market towns of Leinster which are the subject of this study, one finds almost immediately that the decline and neglect varied significantly from one town to another and that, though all had in common much which urgently required improvement and reform, the inhabitants of some were decidedly more disadvantaged than others. This degree of variance can be instantly observed from the concluding remarks made by the inquiry commissioners with regard to each individual town. Inhabitants of towns such as Athy and Kells were comparatively fortunate; their patronal landlords having a more benign influence on their affairs and infrastructural conditions than their counterparts at Naas, Carlow or Athlone. Thus, only incremental and piecemeal improvement can be detected from 1840 through the famine years and beyond until the mid 1850s.

The difficulty in putting the process in place can be seen, first, in the amount of resistance placed in its path by Irish landlords. Their representatives in the House of Lords led this resistance to the legislation of 1828, 1840 and 1854. Their success in delaying and diluting these acts became evident back home in many Irish towns. Only limited numbers of towns decided to adopt the provisions of the 1828 Act even after the abolition of the old corporations in 1840. As can be seen from this chapter, in towns such as Dundalk and Athlone which did establish a body of commissioners, their very limited impact was less than inspiring to their neighbours. Even less inspiring were the examples of Ardee and Carlow, where both of these bodies became embroiled in legislative quagmires which led to the complete demise of the Carlow body and rendered the Ardee body virtually ineffective. Both inadequate and indecisive legislation at central government level and the power of local landlords to delay or ignore any government initiatives of which they did not approve,

ensured that the inhabitants of Irish towns saw little if any improvement in their environment or lifestyle during this period. Indeed in some cases, a definite decline in these standards occurred.

Secondly, the process became more protracted because of spirited resistance at local level by some town communities. Many of the less wealthy urban inhabitants saw a process being advanced with which they were completely unfamiliar. Mullingar, for example never had any such governing body prior to 1856. Even when the opportunity presented by the 1854 act became available, many believed adoption of the act would increase the amount of tax they would have to pay. Thus its adoption was delayed and postponed, some towns still not being administered by a body of town commissioners until the late 1860s.

However, notwithstanding these many negative tendencies it should also be recognized that much goodwill for the process was displayed at all levels. Division, although considerable, proved not to be insurmountable. The determination of aspirants of the process, both in high places and at market-town level, saw it slowly but inexorably overcome its detractors' efforts to retard its progress. Continuously through this process of change, Whitehall can be seen to increasingly employ techniques of governmentality. It used these techniques on the one hand to allow forms of administrative power to be exercised on a wider population, while on the other ensuring that the state immersed itself in directing processes at local levels. The new 'controllers' of Irish provincial market towns were never allowed forget who 'controlled' their new local administrative 'control'. Whitehall's determination in defining the urban boundaries in the late 1830s was in sharp contrast to the general procrastination in urban reform and improvement in Ireland. Any shift in power at local level from the old regime to the new town commissioners was thus geographically ring-fenced by this efficient central determination. Further examples of this determination may be observed in the manner in which Dublin Castle imposed and supervised the rules through which all town commissioners established themselves.

The new town boundaries became the limit to voting rights in the towns which applied to adopt the new 1854 Act compared to one mile outside the 'ancient limits' under the 1828 Act. Thus the franchise was restricted to actual inhabitants. However, the general franchise in commissioners' elections was enlarged. The Lord Lieutenant continued to command the observance of government rules of urban administrative establishment and their fiscal rectitude on and after the adoption of the 1854 Towns' Improvement (Ireland) Act. The insistence on returns being made of each town's elected commissioners' personal

details regarding age, occupation and rating, while ostensibly ensuring each commissioner was indeed a 'fit and proper person', also provided vital intelligence to a watchful central authority. Also, the foot-dragging and delaying measures employed by Dublin Castle in appointing chairmen of these new bodies as justices of the peace despite this entitlement being enshrined in the 1854 Act, is another example of central government's 'control over the controllers'. Further, by allowing local landlords to continue in control of the magistracy at local level for some further decades, it helped mollify the now much diminished *ancien regime*.

Thus an almost imperceptible increase in governmentality can be perceived in Whitehall's dealings with the issue of Irish urban administrative improvement through the first half of the nineteenth century. Despite both the adverse pressure of the Irish aristocracy on one hand and of the movements for repeal and nationalism on the other, the role of the state in controlling the controllers of Irish towns became more and more evident as the century progressed. Instances of Bellamy's possessive pluralism can also be observed in the varying contributions exercised by towns' inhabitants as a forceful grouping in towns such as Portarlington, amongst others. They exemplify how such unified local forces succeeded in delaying, interpreting and modifying dictats from central government.

CHAPTER 3

WHO WERE THE NEW COMMISSIONERS?

The question of who these newly elected commissioners of 1855-56 were goes to the heart of the shift in the social classes which made up the personnel of urban administrators during this period. How different in class and local status were the men elected in 1855-56 to the sovereigns, burgesses and freemen of the corporations disbanded in 1840? As outlined in the previous chapter the legislative imperatives of central government had removed the corrupt sectarian elites from Irish town administration and had laid down increasingly concise regulation of the qualification required to be a fit and proper person to fill the administrative vacuum. These central government imperatives, having begun rather tentatively in 1828 had, by the 1854 act, provided the sound legislative/ regulative platform necessary to control the emerging new urban 'controllers'. Within a year of being elected to office, the new town commissioners were required to forward a return to Dublin Castle from which information on the age, gender, occupation and property rating of the new commissioners elected under the 1854 Act, could be gleaned. The state was thus providing itself with intelligence capital which it perceived as vital in gauging whether the amount of power its legislation had transferred from former town governors to these new commissioners was, from its central administrative viewpoint, balanced and judicious to it long-term aims.[241]

3.1 Aspects of New Town Commissioners' Professions / Occupations, Ages, and Rateable Valuations

It is intended in this chapter to concentrate on the cohort of new commissioners elected consequent to the 1854 Act becoming law. Most of these new bodies commenced their administrative duties in 1855 and were almost immediately obliged to forward a return to Dublin Castle outlining details of each commissioner's age, profession and rateable valuation.

Prior to 1854 no such systematic personal accounts of members of commissioner bodies established under the 1828 Act were officially obligatory. Moreover, of the eleven

[241] *Return showing towns in Ireland that have elected Town Commissioners under the provisions of the Towns' Improvement Act of the last session*, H.C.XLV11 (6 June, 1855)

towns in this case study, only Athy, Athlone, Trim and Dundalk had functioning commissioner bodies established under the 1828 Act; Ardee and Carlow having had failed attempts and the remainder not having had such a body prior to 1854. Thus it was considered that a study of the scant details available in the archive regarding bodies established prior to 1854 would be of limited value. However, following adoption of the 1854 act, the information contained in the official returns from town commissioners sent to Dublin Castle provide a wealth of information from which many aspects of the socio-cultural shift which had occurred in the administration and administrators of these market towns can be gleaned.

This chapter will assess the socio-cultural class and status of the newly elected commissioners of the towns in this study. Graphs deduced from official returns with regard to the age, occupation and property ownership of the members of these towns' bodies will be provided and analysed. The graphs have been devised from information taken from the official returns required by Dublin Castle. Of the eleven towns in this study, returns were provided by the towns of Portlaoise, Trim, Naas, Ardee, Kells, Athlone, Navan, Carlow and Athy.[242]

3.1.1 Commissioners' Professions/Occupations

The profession or occupation of members of the new commissioner bodies of 1855-6 provides a very significant indication of the socio-cultural class from which these new urban administrators were drawn. Of the eight most prominent professions or occupations listed in this official return, this graph clearly outlines the preponderance of newly elected commissioners with occupations as merchants and shopkeepers. If one groups the number of merchants and shopkeepers together it would indicate that this preponderance of often moderately successful local businessmen had dominated the membership of these bodies. It provides a very clear picture of the major shift which had occurred in the socio-cultural class of town administrators, particularly when one compares this class of urban administrator to the one which dominated the old, discredited corporations.

[242] *Return showing towns in Ireland that have elected Town Commissioners under the provisions of the Towns' Improvement Act of the last session*, H.C.XLV11 (6 June, 1855), pp 539-63

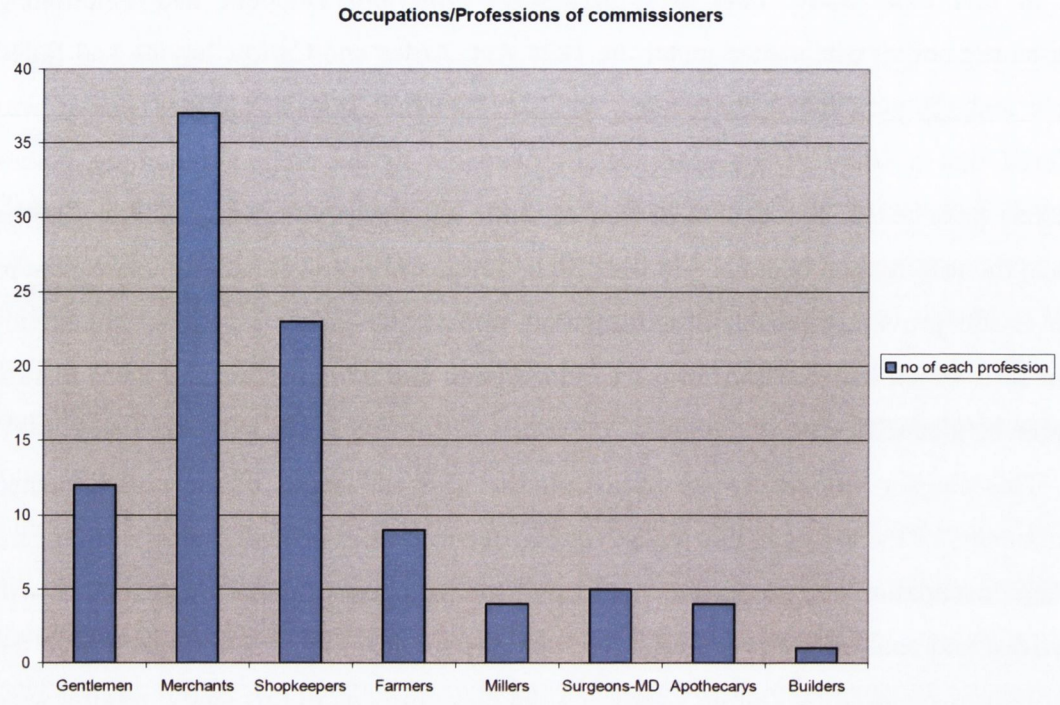


Figure 3.1: Eight most usual professions/occupations of new commissioners

The emergence of these shopkeepers and merchants as personages with sufficient authority to become local administrators is indicative of a significant increase in retailing in Irish towns during the post famine years. The scope of such commercial activity was increased by a spectacular rise in the Irish consumption of tea and tobacco and home-produced food became increasing replaced by market produce. So also was home or cottage produced clothing. One of the many side-effects of the famine was the almost total demise of the travelling artisan-tradesman who sold what he made in the countryside. The retailer of mass-produced goods generally replaced him and a new type of retail outlet began to appear in Irish market towns which became known as 'monster-houses' where mass-produced goods, generally from England, was sold. The arrival of the railways to these market towns assisted this change by making communication and transportation easier.[243] Thus, shopkeepers and merchants adapted well to the fullness of this free trade, as did millers and farmers. As their wealth and social prominence increased within their local towns it is less than surprising to observe their predominance on the new town commissioner boards.

[243] R.V. Commerford, 'Ireland, 1850-70: Post-famine and mid-Victorian' in W.E.Vaughan (ed), *A New History of Ireland, V, Ireland Under The Union, I, 1801-1870* (Oxford, 1989), pp 380-381

Nonetheless, quite a few 'gentlemen' managed to become elected onto the new bodies, indicative perhaps that some local rate-paying electors were still prepared to maintain a link with the *ancien regime.* Most bodies also had among their membership at least one member of the local medical and/or legal profession.

3.1.2 Commissioners' Age Profile

Information regarding the age of each newly-elected town commissioner was provided in the official returns from each town. In order to illustrate the predominant age cohort of these commissioners it was decided to divide the ages provided into ten-year groups. As the youngest age at which a town commissioner could offer himself for election was twenty-one years, this was used as a baseline. It was decided to take the sixty-one to seventy year cohort as the final group as none of the oldest town commissioners mentioned in the official returns was over seventy years of age.

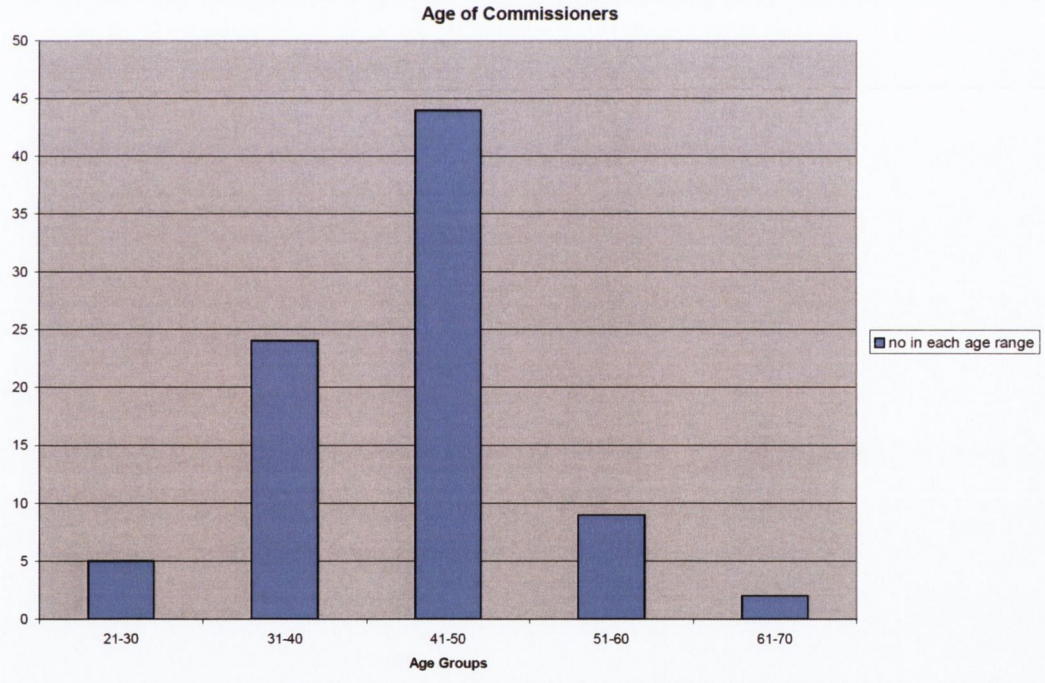


Figure 3.2: Age-groups of new commissioners

This graph illustrates that in 1855-6, the highest proportion of town commissioners from these towns were in the age cohort of 41years of age to 50 years of age. However, it also shows that quite a substantial number fell into the age cohort of 31 years of age to 40 years of age, which indicates quite a healthy interest in local politics by younger towns-men. On the other hand, the graph also indicates a lack of elderly commissioners. Quite a low cohort

of commissioners over fifty years of age had been elected, with very few becoming commissioners when over sixty tears of age. It is not possible to say if this was a result of the electorate's being disinterested in voting for older candidates or a decline of interest by older eligible townspeople in standing for election. As a general rule, according to this histogram which gives an average indication, we see quite a youthful and vigorous body of commissioners becoming administrators of their local towns. Of this study group the town which elected the youngest body of commissioners was Athlone, where their average age was thirty-eight, while the town electing the oldest body of commissioners was Portlaoise (Maryborough) where the average age was fifty.

3.1.3 Commissioners' Property Holdings

Graph 3 concerns itself with the rateable valuation of the property owned by each newly elected town commissioner. It is made up of information in this regard taken from the reports to Dublin Castle from the towns of Portlaoise, Trim, Naas, Ardee, Kells, Athlone, Navan, Carlow and Athy.[244]

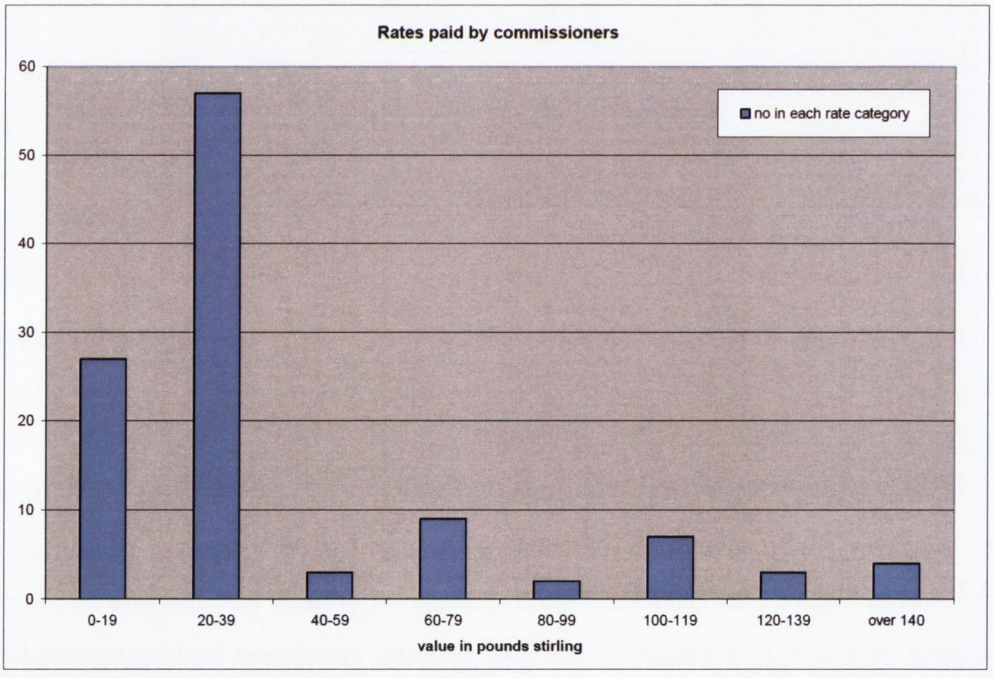


Figure3.3: Rateable valuations of new commissioners

This graph clearly indicates that by far the greatest number of town commissioners elected in 1855 and 1856 were in the £20 - £39 rate paying range, with those in the range

[244] *Return showing towns in Ireland that have elected Town Commissioners under the provisions of the Towns' Improvement Act of the last session*, H.C.XLV11 (6 June, 1855), pp 539-63

up to £19 also being well represented. When one considers that to be eligible to stand for election as a town commissioner, one had to have a rateable valuation of £12 or over, this is an interesting statistic. It indicates that while most of the new commissioners were owners of modest holdings, they would have been described as being 'comfortably off'. Griffith's Valuations, a thorough inventory of property, had quantitatively examined the physical fabric of these towns during this period. At Athlone for example, out of a total of 1,261 buildings, sixty eight per cent were valued at below £5 and only eight per cent were valued at more than £20.[245] Bearing this in mind, it was likely that most of the newly elected commissioners, as well as owning their own homes and business premises, also owned other properties which they rented out to poorer residents. Many had also become sufficiently prosperous to have recently acquired some land in the adjoining countryside. Very roughly, a holding of about twelve acres of good land was then being valued at £12.[246] In an era when land and/or property ownership was a significant yardstick with which to categorise ones place in society, a rateable valuation of £20 or more was indicative of being of significant social standing in these market towns.

Bearing this in mind, it is also quite illuminating to cross-reference the profession/occupation of commissioners with the amount of rates which they were obliged to pay at this time.

3.1.4 Commissioners' Professions/Occupations: Rateable Valuations

The following graph is a cross-reference of the amount of rates paid against the named occupations of commissioners in the towns of Portlaoise, Trim, Naas, Ardee, Kells, Athlone, Navan, Carlow and Athy. The six most numerous professions/occupations are used, having been extracted from the official returns from these town to Dublin Castle in June, 1855.[247]

---

[245] Quoted in Jim Lenehan, 'Politics and society in Athlone, A Rotten Borough, 1830-85' in Raymond Gilespie (ed) *Maynooth Studies in Local History*, No 31, 1985, p. 10

[246] R.V. Commerford, 'Ireland, 1850-70: Post-famine and mid-Victorian' in W.E.Vaughan (ed), *A New History of Ireland, V, Ireland Under The Union, I, 1801-1870* (Oxford, 1989), p. 382

[247] *Return showing towns in Ireland that have elected Town Commissioners under the provisions of the Towns' Improvement Act of the last session*, H.C.XLV11 (6 June, 1855), pp 539-63

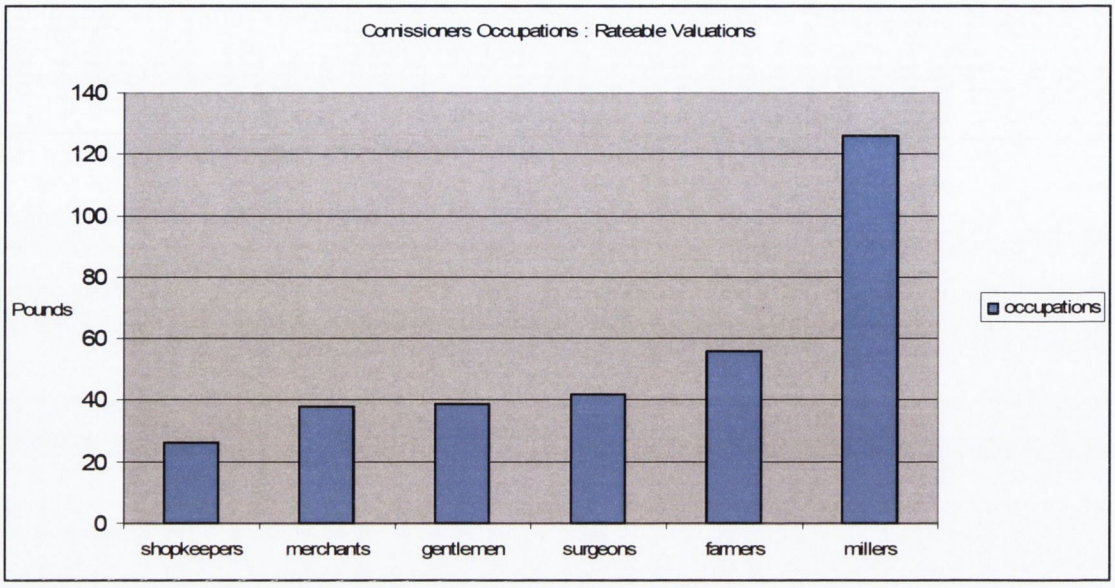


Figure3.4: Rateable valuations of various professions/occupations

The graph provides an interesting picture of the standing of these new town administrators within their communities when compared to the graph indicating the numbers elected from each of these occupational categories. Immediately one is struck by the fact that whilst the shopkeepers and merchants make up a significant majority of the new commissioners elected at this time, both of these categories have the lowest rateable valuations.

One is also struck by the very high property owning worth of the millers elected to these town commissions at this time in comparison to the other occupations. Examined individually, some of these millers were, comparatively, quite wealthy. A member of the Navan town commissioners, William Morgan was a miller whose rateable valuation was £180 10s. On the Athy town commission, Henry Hannon was rated at £115 15s. while Patrick Cummings rateable valuation was an impressive £218 15s.[248]. Perhaps these figures are indicative, not only of the rich agricultural hinterland surrounding towns such as Navan and Carlow from which large amounts of grain was provided for milling, but also of how such millers had continued to prosper during the famine years when grains were continuously processed in very large quantities through these individuals prior to export.

Shopkeepers are seen in this graph as occupying the lower end of the rateable scale, with valuations generally falling between £20 and £30. Most of these shopkeepers would

[248] Details of official returns are provided in appendix

have been the men whom Commerford described as having experienced 'an unprecedented flush of good fortune' in these early post-famine years in common with local farmers. As prices of store cattle, mutton, pork and butter rose in the 1850-70 period, it produced prosperity for these farmers and for the shopkeepers and merchants with whom they shared their wealth. Manifestations of this new-found prosperity could be seen in these town traders having for the first time. Examples of this included having some money in the bank, a trap for going to church in style, a piano in the parlour, a parlour where there had not been one before, a small garden behind the house, a new deal table, an entrance gate with piers.[249] Thus, while being the lowest rated cohort of newly elected town commissioners, these shopkeepers were nevertheless, considered quite comfortably off in comparison with the working-class members of the town's inhabitants.

3.1.5 Commissioners Ages: Rateable Valuation

The following graph is provided by cross-referencing the amount of rateable valuation paid by the new commissioners against the average number of town commissioners making up the various age categories. The graph is devised from information contained in the official returns forwarded to Dublin Castle in June 1855 from the towns of Portlaoise, Trim, Naas, Ardee, Kells, Athlone, Navan, and Carlow.[250]

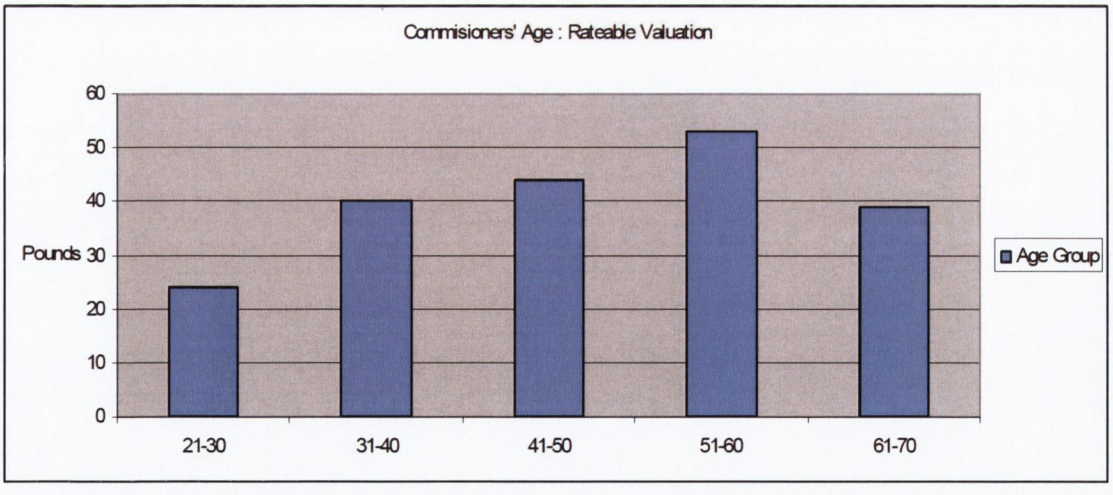


Figure 3.5: Rateable valuations of various age-groups

[249] R.V. Commerford, 'Ireland, 1850-70: Post-famine and mid-Victorian' in W.E.Vaughan (ed), *A New History of Ireland, V, Ireland Under The Union, I, 1801-1870* (Oxford, 1989), p.381

[250] *Return showing towns in Ireland that have elected Town Commissioners under the provisions of the Towns' Improvement Act of the last session*, H.C.XLV11 (6 June, 1855), pp 539-63

This graph indicates a steady increase in the amount of rates being paid as one moves from the 21-30 age group through to the 51-60 age group. It would indicate a steady progression in the attainment of property as these new commissioners progressed in years from their twenties to their sixties. The drop in rateable valuation in the 61-70 age groups may seem somewhat of an anomaly considering the general upward trend as the age-groups advance in years. However, given that there were very low numbers in this cohort of commissioners in the towns in any event the reading of this group may not be statistically reliable.

This graph clearly indicates how these new commissioners progressed in acquiring property as they grew older. Within small town populations at this time the merchants and shopkeepers who made up the majority of these bodies were evidently doing quite well in their business dealings and were investing their profits in acquiring property. The steady increase in the amount of rates they paid as they advanced through their middle years is indicative of these acquisitions.

3.1.4 Local Variations

The foregoing text and graphs, based on the official returns, has provided an average picture of the ages, professions and property ownership of the newly elected town commissioners in most of the towns in this study group. However, interesting variations between these individual towns can also be observed.

The town of Portlaoise (Maryborough) is conspicuous among this group in having elected commissioners with the oldest average age and of high individual rateable valuation. It can also be suggested that it provided an official return from which the authorities both at Dublin Castle and Whitehall could have taken much relief and satisfaction. The inhabitants of the town of Maryborough (Portlaoise), with a population of just over 3,000 (in 1851), had elected a body of nine local men of quite substantial means. From the rating figures it is obvious that all nine were owners of substantial amounts of property – housing and/or land within the town boundary. Consequently, as would be the view from Dublin Castle, they all had a substantial stake in progressing the good order and reputation of their town. This solidity and indeed continuity can be further deduced from the professions and occupations of these newly elected representatives. All would have been considered 'respectable' within their community with a high social standing.

In particular, attention would have been drawn to the inclusion of M.S, Cassin whose profession is listed as being a 'gentleman' and a local Justice of the Peace. Mr. Cassin represented continuity from the old corporation of Maryboro. When it was disbanded in 1840, he had been the 'burgomaster', or sovereign of that body. No doubt it must have been a source of comfort to central government that his social standing and popularity in Maryboro remained such as to see him elected as chairman of the new town commissioners. They would also have seen his inclusion in the new body as reflecting some continuity with the established order and a promising sign that the new body as a whole were unlikely to become troublesome or insurrectional. The average age of the new commissioners would also have been seen as satisfactory. All were in their forties or fifties, thus being seen as being of mature years but still young enough to retain vitality and energy for the task in hand.

In fact, a less troublesome or insurrectionally-minded body would be hard to find if one were to go by the conduct of Maryborough (Portlaoise) town commissioners as they attended a banquet held to honour their long-serving member, the afore-mentioned M.S.Cassin, Esq, in January of 1857. The banquet was held at McEvoy's Hotel, its owner being another member of the town commissioners. Of the fifty invited quests, high-ranking members of the army, local resident magistrates, revenue and bank officials were conspicuous. The first toast of the evening, called for by Mr. Turpin, vice-chairman, was to 'the Queen and Prince Albert'. The second was to 'the army and the navy'. Next a toast was proposed by the local member of parliament, Mr. Dunne, to 'the health of the town commissioners' which he 'coupled with a toast to Mr. McEvoy, as he spends more money towards the improvement of the town than any of you are aware of'. The banquet was attended by reverend gentlemen of both Catholic and Protestant faiths and it was reported that 'dinner...would do credit to cuisine of the finest hotel in London'.[251]

Conversely, the town of Athlone had elected the youngest body of commissioners with the lowest individual rateable valuation in this group. Because of its population in 1854, Athlone was deemed entitled to have eighteen members on its town commissioners' body. Its official return provides some interesting indicators regarding the prestige and social standing of the men elected to office on the adaptation of the 1854 act. Compared to other towns in this study, particularly towns such as Portlaoise, one immediately notices the

[251] *Leinster Express,* 31 January, 1857

absence of 'gentlemen', legal and medical practitioners or persons of highly rated property. Almost all these members are local shopkeepers and traders of modest means; all but one falls within a rating of between £12 and £40. The exception, Patrick Rourke, was a local 'hotel-keeper' rated at a still comparatively modest £88 5s. Another interesting aspect of this return can be seen in the age profile of the new commissioners. While most are middle aged, in the 35-50 age groups, one finds amongst their number three men in their early twenties.[252] It seemed local politics in Athlone was considered an exciting occupation by these young shop-keeping businessmen.

These newly elected commissioners for Athlone provide an example of Bourdieu's theory of 'hexis' being made manifest in an Irish provincial market town. While these local shopkeepers may have been far removed in wealth and social standing when compared to their predecessors on the old corporation, nevertheless, the manner and style in which they now carried themselves in the community evinced their acceptance by their fellow towns-men as natural organic administrative leaders.

The town of Kells elected a body of commissioners whose details regarding age, profession and rateable valuation were somewhat similar to that of Athlone. Of the fifteen commissioners appointed to the Kells body, this return indicates that thirteen were local shopkeepers and traders. All of them fell within quite a narrow and modest band. The rates they paid on their property fell between £16 and £41. Thus their social standing within the town would have been regarded as something of a local clique. Nonetheless, or perhaps because of this, they were put forward by the electors of Kells on the adaptation of the 1854 act as their representatives on the town commissioners' body. The electorate of Kells had instated its first body of town commissioners in July, 1843[253] and this new body was a continuation of the many local inhabitants who made up this body in the intervening years.

Not all commissioner bodies forwarded the total amount of information requested by Dublin Castle. The return of the members elected to the commissioners' body for the town of Dundalk failed to give the same information as other returns from the towns in this study. Neither the age nor the occupations of the members are given in the return. One can only speculate as to why this was so. In any event, it limited the intelligence provided by this official return. As can be seen it merely indicates that all the members except one were

[252] A table outlining the age, profession and rateable valuation of each member of these commissioners is provided in the appendix

[253] Kells town commissioners' minutes, KTC/M/1, 18 July, 1843

householders and that the last named member, James Murtagh, was an 'immediate lessor', indicating that he owned and rented out some property. Dundalk had the highest population of all the towns being studied here and was entitled to elect eighteen commissioners on adopting the 1854 Act. It was the first town in this study to adopt the provisions of the 1828 Act, establishing a body of commissioners when fifteen qualified inhabitants took the required oath on 3 February, 1832.[254] However, this town continued to be the 'property' of its local patron and, interestingly, the first named member on this official return was the patron's main agent, Hon. Augustus G.F. Jocelyn, J.P.

Meanwhile, the population of Navan was falling in the 1850s. While there had been 5,628 inhabitants there in 1841, this figure was reduced to 4,214 by 1861.[255] On the adoption of the 1854 Act the electorate of Navan were permitted to elect sixteen members to the commissioners' body. Connell contends that the social and religious composition of Navan's corporation - 'consisting of landed gentlemen not directly associated with or benefiting from Navan's increasing prosperity which was linked to the corn trade and an expanding manufacturing sector - meant it was seen to actively oppose developments in the town'. While Navan was becoming integrated with a wider economy based in particular on the corn trade, these landed gentlemen had attempted to maintain an economic regime based on land ownership.[256] A glance at the return forwarded to Dublin Castle indicates how prosperous the millers of Navan had become so soon after the famine years. The three highest ratepayers elected to the body were millers by occupation and were the owners of substantial properties in the town. By comparison, all of the other members were of modest means but the occupations of most members indicate a close relationship to the fine agricultural hinterland of this Co. Meath town.

Another town blessed with a similarly fine agricultural hinterland was that of Carlow. The rate-paying electorate of the town of Carlow having had major legal difficulties immediately following the replacement of their old corporation on its disbandment in 1840, were slow to make a second attempt in establishing a body of town commissioners. In fact this did not occur until 1853, so this body had gained little experience in urban administration by the time the 1854 Act was adopted two years later.

---

[254] Minutes of Dundalk Town Commissioners, DTC/MB/1/1, 3 February, 1832

[255] Peter Connell, 'Changing forces shaping a nineteenth century town: A case study of Navan' in *Occasional Paper Series, No. 1*(Geography Department, Maynooth College, 1978), p.35

[256] Peter Connell, 'Changing forces shaping a nineteenth century town: A case study of Navan' in *Occasional Paper Series, No. 1*(Geography Department, Maynooth College, 1978), pp 48-49

The official return of the new members of Carlow's body indicated that they consisted of the lowest rate-paying commissioners of any of the towns being examined here; all fell within £12.10 and £38 in rateable property.[257] However, these low figures do not necessarily indicate persons of low to modest means. In the professions column of the return three of these lowly rated members describe themselves as 'gentlemen' - a term used almost exclusively in the nineteenth century with regard to persons not having to work for a living owing to having sufficient inherited wealth.

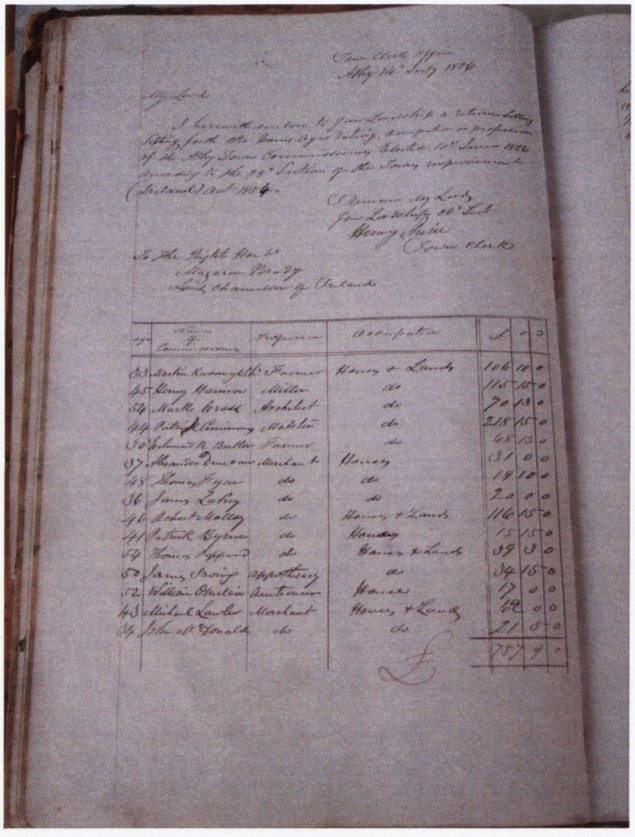


Plate 3.1: An entry in Athy town commissioners' minute book indicating the names, professions and rateable valuations of the Athy town commissioners, dated 14 July, 1856 (Photo: Patrick Hester, March 2008)

More than any other town in this study group, Athy enjoyed quite a seamless and trouble-free change from its commissioner body elected in 1841, to the appointment of a new body under the aegis of the 1854 act. In fact the Athy electorate was so satisfied with

[257] *Return showing towns in Ireland that have elected Town Commissioners under the provisions of the Towns' Improvement Act of the last session*, H.C.XLV11 (6 June, 1855), pp 539-63
A table outlining the age, profession and rateable valuation of each member of these commissioners is provided in appendix

the work of the previous body, it delayed until 1856 in adopting the provisions of the new act and when members were eventually put forward, all the members of the old body were re-elected. Consequently, the above official return was forwarded the following year and was late for inclusion with the returns from the other towns in this study.

The return from Athy does not include the ages of the new town commissioners. However, the information included indicates the preponderance of commissioners whose occupations were associated with the rich agricultural hinterland of this south-county Kildare town. Millers and agriculturally associated merchants and farmers make up the highest rate-payers on the new administrative body.

3.2 'Fit and Proper Persons'

At the appointment of a newly proposed and seconded member to the office of commissioner it was incumbent on the proposer to declare that the candidate was a 'fit and proper person' under the rules. These words had been used to support of candidates for election in Britain during this period also.[258] How did the relationship between this ideal and actual reality become manifest and how popular were these first new commissioners among their townsmen?

In general, the more prosperous inhabitants of the towns in this study could be said to view their new administrators with quite a degree of satisfaction. At dinners and social gatherings the success of their early achievements were frequently alluded to. In many cases, however, some of the newly-elected members were more than capable of self-praise. For example at a dinner at Maryboro in February, 1856 at which 'forty guests attended' an address was made by a town commission member, Mr. Cassan, in which he expressed the view that 'the law (1854 act) had been eminently successful and had worked well for the benefit of the town'. He cautioned however, that no law 'based on taxation' could ever be entirely popular. The commissioners had the support 'of the most respectable professional men. Merchants, shopkeepers and traders all came forward to compete for the office of commissioner'.[259]

Strict regulation regarding the manner in which these new commissioner bodies were to be renewed and continued was laid down in the 1854 act. Town commissioner

---

[258] See E.P.Hennock, *Fit and proper persons; Ideal and reality in Nineteenth-Century Urban Government* (London. 1973), Introduction chapter

[259] *Leinster Express,* 9 February, 1856

bodies were directed by the act to draw up a rotation list which indicated which proportion of outgoing members should be replaced each year. These outgoing members could then stand for re-election if they so desired. This rotation and introduction of 'new blood' was proceeded with without perceptible turmoil in most cases during the early years of these new administrations. In many cases outgoing members indicated their willingness to continue to serve and were re-elected.

At Maryborough, the first occasion which necessitated the 'rotation' of three of its commissioners was in October, 1855. It was reported that a meeting of the ratepayers was held in the courthouse 'for the purpose of electing three new commissioners in place of three gentlemen whose year of civic office had expired'. Five candidates came forward for election and 'voters, male and female were actively canvassed during the day'. From the five, 'Messrs Turpin, McEvoy and Fitzpatrick were elected. Both McEvoy and Fitzpatrick made speeches of thanks... Mr. Turpin was absent on business'.[260]

At Naas in October, 1856 commissioners Hickey, Clarke and Farrell were the first three members on the rotation list. Hickey and Clarke were re-elected. James Farrell stated he was anxious to retire 'owing to his having a multiplicity of business to attend to'. His place on the body was taken by the successfully elected Mr. McElwain.[261]

At Maryborough during the same month, a meeting was held to elect three commissioners in place of Messrs Cassan, Kelly and Fitzpatrick, outgoing, but there was a less than encouraging response from the electors. Mr. Mosse was the returning officer. As there were only eight persons present at the appointed time of the election it was decided to wait half an hour. At the end of this period, no further electors having entered the meeting, Mr. Mosse commented that it was 'clear the people of the town had the fullest confidence in the present commissioners' and proposed that the three outgoing members be re-elected. It was then discovered that Mr. Kelly had 'sent word, declining the office altogether'. Messrs Cassan and Fitzpatrick were re-elected. It was then reported that 'a Mr. Edward Mullhall entered the court. On seeing this, Mr. Turpin got to his feet and stated: 'A gentleman has entered the court whom I think would make a good commissioner...I beg to propose Mr. Edward Mullhall as a fit and proper person to be one of our town commissioners'. The proposal was seconded and duly carried.[262]

---

[260] *Leinster Express,* 20 October, 1855
[261] *Leinster Express,* 18 October, 1856
[262] *Leinster Express,* 18 October, 1856

At Mullingar, the first commissioner body was not established until 1856 and thus in October, 1857 its clerk was instructed to 'make preparations, by advertising and preparing voting papers etc., for the election of five commissioners' in place of the following who 'go out by rotation, but are re-eligible': Dr. Middleton, Messrs B.Keegan, T.P.Byrne, P. Farrell, and T.Nugent. The election date was Thursday, 15 October, 1857 at 8pm, at Mullingar courthouse.[263] It seems that the event went ahead in a satisfactory manner as on the following week the local newspaper's account contained just two lines, as follows: 'The following gentlemen were this day elected commissioners of our town: Messrs Patrick Farrell, Thomas Tuite, Patrick Nooney and Joseph Finnigan'.[264]

However, human nature being what it is, some disagreements occasionally occurred and such was the case at Mullingar the following year on the election of a new chairman of the commissioners. Mr. P. Egan proposed Dr. Kelly as a fit and proper person to be elected to the office of chairman. The proposal was seconded by Mr. T.Allen. Mr. Finnigan remarked that as Monday was their day of meeting and that Dr. Kelly being generally engaged in the performance of his professional duties on that day, he would wish to have some explanation from the doctor on the subject. Dr. Kelly in reply, said that objection was fully answered by the 10th section of 10th Victoria, chap. 16, which empowered the commissioners to change their day of meeting.

The chairman said he could not legally put the resolution to the meeting in consequence of his official knowledge that Dr. Kelly was not a *bone fide* resident of Mullingar. Some time since, Dr. Kelly had been appointed medical officer of the Milltown Dispensary District, and being by virtue of his office, compelled by the Poor Law Commissioners to reside in that district, he had ceased to reside in Mullingar; consequently he was unqualified for the office of commissioner and therefore, could not be appointed chairman. He (the chairman) would remind the commissioners of the promise they made on taking office, namely, that they would faithfully adhere to the letter of the act. He concluded by declining to put the resolution as he considered it illegal. Dr. Kelly said that his residence in Mullingar was perfectly legal; his having a residence in Milltown was a matter between himself and the Poor Law Commissioners. He considered that Mr. Keegan had no authority to preside at that meeting unless willing to act, he having on that day

[263] *Westmeath Guardian,* 8 October, 1857
[264] *Westmeath Guardian,* 15 October, 1857

ceased to be chairman; and that having refused to put the resolution, he thereby refused to act and, as a necessary consequence, ceased to be the ephemeral chairman of the meeting.

Mr. Keena thought that Dr. Kelly's engagement with the Poor Law Commissioners had nothing to do with them as town commissioners; all who knew Dr. Kelly were well aware that he also had a residence in Mullingar. Mr. Nesbit fully concurred with the observations of Mr. Keena and thought Dr. Kelly fully qualified for the office of chairman.

Mr. Egan again proposed Dr. Kelly as a fit and properly qualified person to fill the office of chairman of the commissioners for the ensuing year. Mr. Keegan again refused to accept the proposition and asked had any gentleman a candidate to propose besides Dr. Kelly. Mr. Keena then proposed Mr. Tuite as chairman, seconded by Mr. Nesbit. The resolution was then handed to Mr. Tuite who put it to the meeting and, there being no dissident voice, Mr. Tuite asked had any gentleman a candidate to propose. As no other person was proposed, Dr. Kelly was unanimously elected with only Mr. Keegan dissenting. A local newspaper reporter described the polite tone with which these exchanges ended:

> On taking the chair, Dr. Kelly thanked the meeting for the kind manner in which they had elected him chairman and assured them that he had not come forward without many invitations; they were all aware that he was invited on former occasions to stand for that office, but had declined; he assured the meeting that nothing should be wanting on his part to transact the duties of his office to the satisfaction of the commissioners and the cess-payers.[265]

This account reported by the *Westmeath Guardian* indicated the tone of debate within Mullingar's town commission at this early period of their establishment. It also indicated that although the introduction of Dr. Kelly was somewhat controversial and was contested by some members of the body who had strong feeling against this local medical practitioner, the debate never deteriorated below what was considered a proper standard for such debate.

3.3 Naas and Trim; A Comparison

Another aspect which may have influenced the scale of regional variation in the administration of the towns in this study was their history of administrative bodies and/or patronal influences. In this regard it is interesting to compare and contrast the administrative situation in two Leinster towns during the years from 1840 to 1855 and thus

[265] *Westmeath Guardian,* 17 June, 1858

perhaps explain the differences and varying efficacies of their respective commissioner bodies in the late 1850s. Both Trim (County Meath) and Naas (County Kildare) are of somewhat similar distance from the capital and supported relatively similar populations in 1840. However, a major difference can be observed in what occurred in Trim on the dissolution of the old corporation in 1840, compared to how the inhabitants of Naas were governed during the same period.

Firstly, let us look at the condition of the government of Trim in 1835. The royal inquiry into the condition of the Corporation of Trim was carried out by John Calhoun and Henry Baldwin on the 11th and 12th of May, 1835. They discovered that for several years the town has been declining, and it presented a very impoverished appearance. It had no extensive trade or manufacture. The Borough Court had fallen into disuse and the corporation itself had ceased to exercise any municipal functions. However, in reference to the population at large, they deemed the corporation to be 'exclusive and intolerant, and therefore obnoxious' to the general inhabitants.[266] Nonetheless, this corporation was... 'peculiar' in being 'perfectly democratic, and consisting of a far greater number of persons than any corporation in the district...'. As the population at large was predominately Catholic, the extent of the corporation's 'exclusiveness' was made clear by their finding that no Roman Catholic for upwards of a century, has been free of this corporation.

However, this criticism of the Trim corporation appeared somewhat mild when compared to what the same royal enquiry had to say about the corporation of Naas. When in 1835, in his summation of the under the heading 'State and Prospects' at the end of his enquiries into the Naas Corporation, Henry Baldwin (commissioner for the inquiry) described the situation there as follows:

> The state of the town has not improved within the last 10 years. Naas is distant but 15 miles from the metropolis, with which it has a water communication by means of a branch of the Grand Canal, and it is the first considerable town from Dublin on the great southern road; yet with these local advantages it presents a poor and neglected appearance.
>
> The streets are in a bad state of repair, although they form portions of the county roads, and should be kept in order by the trustees of the turnpikes. They are not often cleansed by the authorities, who at the same time prevent the inhabitants from doing so, as one of the portreeves claims the sweepings, which are valuable as manure. To such a length has this

[266] [266] *First report of Royal Commission to enquire into Municipal Corporations (Ireland)* H.C. XXX11. (1835) General Report, p.271

been carried, that persons have been fined for removing heaps of filth which had remained for days opposite their houses.

No attempt has been made to introduce the provisions of the 9 Geo. 1V, c.82, for the purposes of lighting and paving the town.

That the Corporation is now virtually confined to one family, and at the disposal of an individual, is a subject of very general complaint amongst the inhabitants; and the attempted appropriation of its estates has excited a strong feeling of indignation in the town.

Great poverty exists in this district, which might be materially alleviated by the application, to public purposes, of the property yet remaining to the Corporation; and if the management of that property was submitted to an efficient public control a very considerable fund would be produced from it. I am not aware whether or not feeform grants have been executed pursuant to the resolution of 29th September 1832; but even if they have, I apprehend that conveyances made under the circumstances I have detailed, could not be sustained.

This Corporation is most unpopular, and, as at present constituted, does not exist for any useful purpose.

Referring directly to the activities of the corporation it stated: 'Neither burgesses or freemen perform any functions, except those of attending corporate meetings, and electing officers and admitting freemen'.[267] Thus, while the situation at Trim was deemed to have some redeeming features, the enquirer's criticism of the Naas Corporation was unremitting. In seeking an explanation for this contrast, we should look back a few decades to the end of the eighteenth century and the lead up to the Act of Union, when the most obvious reason for this contrast in government can be attributed to patronage. In Trim, the town did not have a single dominant landlord. 'Ownership was split between a number of major landlords and the corporation itself'.[268] Consequently, Trim did not 'belong' to any single patron.

The contrast with Naas was significant. Here the town could be said to 'belong' to the Bourke family, landlords of the nearby Palmerstown estate. The head of this family - The Earl of Mayo - was sovereign of Naas and members of his family were burgesses and freemen of the corporation. This situation continued to the 1830s, as the royal enquiry discovered its personnel consisted of the following:

Sovereign: The Earl of Mayo.

---

[267] *First report of Royal Commission to enquire into Municipal Corporations (Ireland)* H.C. XXX11 (1835), General Report, p.271

[268] Mark Hennessy, in Simms, Clarke and Gilespie (eds). *Irish Historic Atlas No.14 Trim,* (Royal Irish Academy, Dublin, 2004), p. 6

Portreeves: George J. Bourke and John O'Connor.

Burgesses: B. Waterford and Joseph Bourke.

Freemen: Sibthorpe G. Bourke, John W. Bourke, John Rutherford, A.H. Payne.

Thus, as it contained five members of the Bourke family as well as four other relatives and agents, the entire membership of Naas corporation was made up of, and was completely in the control of one family.

Let us now look forward to observe what occurred in both towns immediately the Act of 1840 came into force. In Trim, a 'representative and accountable' group of town commissioners were elected and invested in 1840 and they quickly brought about major improvements in the form and fabric of the town. By 1852 they had initiated the building of a Town Hall and the installation of a gas works and gas lighting.[269] The town's freemen and burgesses were immediately replaced by town commissioners elected by the inhabitants whose properties were valued at £5 or over. They were drawn mainly from the merchant and professional classes in the town and from both the Catholic and Protestant communities.

In Naas, on the other hand, when the old corporation was dissolved, the local grand jury was allowed to govern the town from 1840 until the Towns' Improvement (Ireland) Act of 1854 led to the establishment of a town commission. Despite its 'poor and neglected appearance'[270] little improvement was instigated in the interim 1840-1854 period. The hand of the Earl of Mayo continued to control the town's administration. His having mis-appropriated most of the corporate land, prior to their arrival, was castigated by the Royal enquirers in 1833. They stated: 'the attempted appropriation of its estates has excited a strong feeling of indignation in the town' and in their general report under the heading 'Grants and Leases to Members' they stated: '...the influential station of the patron has been used to secure the appropriation, *to his own use,* of the Corporate property. Amongst the most flagrant, as well as recent, are the cases of Cashel and Naas...(which) demand grave consideration'.[271]

The Earl was also a member of the county grand jury. Thus, even when obliged by the state to relinquish the control, both he and his family held in their 'ownership' of the

---

[269] Ibid, p. 7

[270] *First report of Royal Commission to enquire into Municipal Corporations (Ireland)* H.C. XXX11. (1835) General Report, p.34

[271] Ibid, General Report, p.34

town corporation in 1840, by his grand jury membership he continued to exert this control until 1855, when the new town commissioners were established. The *Leinster Express* correspondent reported on the sequence of meetings which brought this new governing body into being. The first reference is to a meeting of the grand jury at Naas in February of 1855. It should be noted that the chairman of the grand jury at this time, Rev. Walter deBurg, was also a relative of the Earl of Mayo:

> Rev.Walter de Burg in the chair.
>
> It was unanimously resolved- 'That having carefully read over and considered the different clauses of the Towns' Improvement (Ireland) Act 1854, we are of opinion that it would be for the interests of the inhabitants of the town of Naas, that said Act should be adopted and carried into execution within said town – save and except so much of said Act as refers to the lighting and supply of water'
>
> 'That the foregoing be laid before the adjourned meeting of the ratepayers to be held at Naas on Tuesday next, 6th February 23, 2006, by our chairman'.[272]

This meeting of the ratepayers did not take place on the date appointed. However they did eventually meet on the following month and the local correspondent reported as follows:

> Naas – Towns Improvement (Ireland) Act 1854 – Appointment of Commissioners.
>
> 'A meeting of the rated occupiers of Naas was held in the Court House on the 3rd inst' in order to appoint nine commissioners for the purpose of the above Act.
>
> Nine names were proposed by Reverend Walter de Burg and seconded by Reverend Gerald Doyle'.
>
> Following some disagreement, in which it was contended that the members attending should all have the right to propose whoever they wished, the nine names proposed were accepted with two dissenting.[273]

The following Monday the first meeting of the Naas Town Commissioners was held the Grand Jury Room, Court House, Naas. John Hickey Esq. was elected Chairman. John Clinch was appointed Clerk. It was resolved that at the meetings of the town commissioners, no question of politics or religion should ever be proposed, discussed or entertained. Having invested itself with this worthy resolution the new governing body got down to the business of improving their town. But one year later, in their first annual report, the commissioners had to admit that nobody had answered their advertisement. Thus, when compared to the advances made in the governance of the town of Trim between 1840 and 1856, the record of the governance of Naas during the same period can only be described as abysmal.

---

[272] *Leinster Express* 3 February, 1855
[273] Ibid, 10 March, 1855

In June of 1855, the government published a return 'showing towns in Ireland that have elected Town Commissioners under the provisions of the Towns' Improvement Act of last session' which gave personal details of the town commissioners then in office. Those elected at Naas were described as follows:

Name	Age	Rating	Profession
John Hickey	46	£173.19	Proprietor and land holder
James Farrell	44	£125.5	Merchant and land holder
William McEvoy	47	£27.15	Merchant
James Kellett	47	£27.15	Surgeon and physician
Edward Hannon	47	£29. 5	Merchant and land holder
John Blowney	36	£115.10	Pawnbroker and land holder
Robert S. Hayes	45	£33.10	Apothecary and coroner
Christopher Clarke	40	£37. 00	Surgeon and physician[274]
Patrick Farrell	27	£14.00	Merchant and corn factor[275]

Figure 3.6: Details of Naas Town Commissioners (Source: *Return showing towns in Ireland that have elected Town Commissioners under the provisions of the Towns' Improvement Act of last session*,Vol.XLV11, 4 June 1855)

The above indicates that of the nine commissioners, three of them (John Hickey, James Farrell and John Blowney) were sizeable landholders in the town. It is interesting to compare the Naas commissioners' rating with that of their counterparts in Trim (See Figure 3.7). An interesting comparison can be made between the average ratings of the Trim commissioners, which were £24.10s., compared to the average ratings of the Naas commissioners. The latter body had an average rating of £65, well over twice the average

[274] *Return showing towns in Ireland that have elected Town Commissioners under the provisions of the Towns' Improvement Act of last session,*Vol.XLV11 (4 June 1855), pp 539-637
[275] Ibid, p.12

ratings value of the Trim commissioners. It is also significant that of the Trim town commissioners only one of them was rated at more than £30 and that this one (Patrick Kennedy) was rated at a fairly modest £65, when compared to the high rates paid by three of the Naas town commissioners.

Name	Age	Rating	Profession
Harcourt Lightbourne	40	£20.00	Gentleman solicitor
David M.Thompson	46	£16.00	Gentleman solicitor
Hugh Duigenan	45	£25.00	Merchant
Patrick Kennedy	70	£65.00	Miller
Moses Donahoe	31	£30.00	Merchant
Mathew Caldwell	50	£20.00	Merchant
James Plunket	37	£20.00	Merchant
Joseph G. Carlton	37	£20.00	Merchant
Joseph G. Carlton	60	£13.00	Gentleman
James Keely	52	£12.00	Merchant[276]

Figure 3.7: Details of Trim Town Commissioners (Source: *Return showing towns in Ireland that have elected Town Commissioners under the provisions of the Towns' Improvement Act of last session*,Vol.XLV11, 4 June 1855)

3.3.1 Comparison: Naas Sovereign v Naas Commissioners' Chairman

Perhaps one of the most obvious examples of the major gulf in socio-cultural status which the shift in urban administrative bodies between 1835 and 1855 brought about was that between sovereigns of the old corporations and chairmen of the new town commissioners. At local provincial level an interesting comparison can be made between the sovereign of Naas corporation up to 1840 and the chairman of the succeeding Naas town commissioners.

[276] Ibid, p.15

Though the Bourke family of Palmerstown, Johnstown, Naas claimed descent from the first Norman settlers, they did not settle in County Kildare until the middle of the seventeenth century. By the mid-nineteenth century they held over 1000 acres at Johnstown and with their kinsmen the Burgs of Oldtown, Naas, they were major landholders in the town. During the eighteenth century the head of this family held, on an almost continuous basis, the office of Sovereign of Naas corporation and also was Member of Parliament for Naas. Elevated to the peerage as Barron of Naas in 1776, John Bourke was advanced to Viscount Mayo, and created Earl of Mayo in 1785. Following the Act of Union, the customary £15,000 compensation, as the price of the borough of Naas, was paid to the earl.[277] By 1833 the title, Earl of Mayo, was held by Robert Bourke and he held the post of Sovereign of Naas corporation. As stated above, the entire corporation was made up of his relatives and agents.

Milne, in a study of the council books of Naas, has stated that any kind of municipal life led by Naas corporation until the Union, came a poor second to its prime function - to return to the Dublin Parliament, members who were acceptable to Lord Mayo.[278] In the decades prior to its disbandment, Naas corporation met but a few times per year and records or minutes in the council book are scant, the business of a number of years often contained on a single page.[279] The earl of Mayo as sovereign, in common with many other such patrons, regarded the corporation as his own private sphere of influence and part of his disposable property.

An indication of the gulf in social status between the sovereign of Naas corporation and the succeeding chairman of Naas town commissioners, John Hickey, may be ascertained in a contemporary report in the local newspaper. In January 1834, the editorial of the *Leinster Express,* in reference to repeal meetings being held in local towns had this to say regarding one such meeting at Naas:

> ...at this meeting Irelands greatest enemy, Daniel O'Connell, occupied the first place....we looked in vain for one respectable person, not one of the Catholic gentry (and there are a great many about Naas) could be seen....well readers, who think you filled that respectable situation?....it was no less a personage than John Plunket Hickey Esquire - aye - John

---

[277] Con Costello, *A Class Apart: The Gentry Families of County Kildare* (Nonsuch publishing, Dublin. 2005), pp 71-73

[278] Kennith Milne, 'The Council Books of Naas 1665-1842' in *Journal of Kildare Archaeological Society*, 14 (2), 1966/67, pp 260-1

[279] *The Council Books of Naas 1665-1845*, four volumes, Vol. 1, 1665-1698; Vol. 2, 1701-32; Vol.3, 1732-67; Vol. 4, 1767-1842. University of Dublin Manuscript Library

> Plunket Hickey, son of Joe Hickey, the leather cutter of Naas, - "how ye have fallen" – not a single respectable Catholic could be found to preside at a meeting at which the great O'Connell himself was to be exhibited.[280]

While this piece of bigoted snobbery reflected more negatively on the writer than the subject, it serves to illustrate the lowly origins of John Hickey when compared to the peer of Palmerstown. However, notwithstanding his humble origins John Plunket Hickey had, by 1855, not only become chairman of Naas Town Commissioners, he had amassed a sizeable amount of land and property and could be termed a landlord in his own right. *Griffiths Valuations* named him as the 'immediate Lessor' of seven properties at Main St., Naas; eight houses at Dublin Road, Naas; a small parcel of land at Fair Breen, Naas and five and a half acres at Naas East which he would later rent to the Poor Law Guardians as a site for the Naas Union workhouse.[281] Thus it is understandable why his name was considered 'safe' to be put forward on the list which members of the grand jury considered suitable for town commissioner. Nevertheless, there was an unfathomable gulf between his status and social standing and that of earls of Mayo, whose successor would become Chief Secretary for Ireland and Viceroy of India.

While the Earl of Mayo's influence on the administration of the town of Naas during the early decades of the nineteenth century left much to be desired, not all towns in this study suffered similarly. Some patrons by comparison, wrought many positive influences and improvements. At Athy, the Duke of Leinster was generally seen as an 'improving landlord', as was the Marquis of Headford regarding the town of Kells. Other towns, for example Athlone, Navan and Trim, did not have one dominant proprietor capable of exercising a controlling influence. In the case of Trim, while the Wellesley family (of which the Duke of Wellington was a member) should have taken a proprietorial role, whether through absenteeism or other causes, this did not occur. Thus from the early 1840s, Trim's new body of commissioners was allowed administer their town without having constantly to take account of the controlling shadow of a local aristocrat.

3.4 Religion

The subject of religion was highly conspicuous by its absence in official returns from the new commissioner bodies. Age, profession and rateable valuation were aspects of these

---

[280] *Leinster Express*, 25 January ,1834
[281] *Griffiths Valuation of Tenements: Parish of Naas,* pp 136-148

new administrator's lives, of which Dublin Castle was anxious to gain intelligence. It seems however, that the subject of religion was far too dangerous during this period of the mid 1850s to introduce into any official correspondence. It may also have been the case that government authorities were much attuned to the incendiary nature of this subject at local town level and were not inclined to strike any matches in its vicinity.

Perusal of both the minutes of early commissioners' meetings and of the local newspapers' accounts of these meetings indicate surprisingly little religious discussion or disagreements. This was particularly the case in long-established bodies. Towns whose commissioners had evolved over more than a decade, such as Athy, Trim and Athlone, had by the mid 1850s learned to avoid any religiously engendered disagreements as far as possible. However, this was not the case regarding the new commissioners elected at Naas in 1855. This was the first such municipal body elected by the ratepayers of Naas since the old corporation was disbanded in 1840 and thus did not have the experience and administrative *nous* of some neighbouring bodies. Consequently, Naas commissioners became the exception in that a religiously-engendered unseemly row broke out within this body in the early years of its administration.[282]

While it is very difficult to establish the religious affiliation of all the new commissioners named in the official returns, events such as that at Naas provide the fact that its first elected body was composed of six Catholics and three Protestants. An examination of the surnames of all the town commissioners in the official returns of 1855 would indicate that a two Catholics to one Protestant makeup, as at Naas, would seem to be the norm over most of the other towns' bodies also. Such a setup provided a more representative representation of the Catholic majority in all of these towns, while at the same time allowing the high Protestant numbers of 'gentlemen' and local legal and medical professionals, as well as some Protestant merchants and shopkeepers some continued representation.

3.5 Conclusion

An examination of who the new town commissioners were, following the elections resulting from the 1854 Act, throws up immediate commonalities across all the towns in this study. The preponderance of merchants and shopkeepers of early middle age and

[282] Details of these events are included in chapter nine

comparatively comfortable means being elected to the administrative bodies of all the towns in this study may come as little surprise, but the picture is not quite that simple. The variation in the professions and ratings at each location is considerable. The fact that the inhabitants of many towns, as late as 1856 and beyond, were far from unanimous in wishing for the adoption of the legislation to improve their town cannot be ignored. One unavoidable conclusion is that the eventual adaptation of the 1854 Act in many towns was still being influenced and indeed supervised by the local patron. For example, at Kells one sees the local landlord chairing the first meeting of the town's ratepayers, having a decisive say in the decision to adopt the provisions of the Act and then handing the chair over to the local military commandant who in turn when the election is conducted in accordance with the rules imposed from above, eventually allows the newly-appointed chairman of the new body to take the chair. These were significantly symbolic gestures and were perceived as such by the local inhabitants.

Notwithstanding the playing out of local power struggles and the tensions arising from them, by 1856 all of the towns being examined here had new town commissioners established. When one compares the typical town commissioner; a man in his late thirties, often a catholic, of modest but comfortable means who resided and earned his living within his town boundary as a local merchant or shopkeeper; one cannot help but being struck by how different he was to his counterpart in the old town corporations.

Though most typical, this stereo-type did not, however, fully represent the occupational diversity of these new men. Local medical and legal practitioners were also to be found on almost all the town bodies being examined here and were often to the fore in decision making. Also, in most of the new bodies a link- however tenuous - with the *ancien regime* was upheld by the inclusion of at least one 'gentleman', often a protestant, in the list of newly elected commissioners. It was desirable in order to remedy many decades of neglect that able and public-spirited men should serve on these town bodies. Yet the job was unpaid, time-consuming and required the less than pleasant obligation of having to submit regularly for re-election. That said, it could also be pointed out that some vested interests within these towns would be attracted towards membership of these bodies. For example, traders and merchants would have had a keen interest in how the markets and fairs were being run, publicans would have liked an input on the watch committees, and tradesmen would have interests in the granting of contracts and property owners in the actions of nuisance inspectors and medical officers.

Of course, the omission of many other sections of society should also be borne in mind. The fact that their service was unpaid and commissioners meetings were held during normal working hours when employers were unlikely to permit an employee to be absent, undoubtedly limited the variety of candidates. Even more so, the property qualification which was strictly enforced in these provincial market towns ensured a narrow professional/occupational representation. Women were also totally absent.

History and topography can both be seen as having a bearing on the variation in how individual towns adopted the process of change and in the make-up of the town commissioners which were elected. As described above, Maryborough (Portlaoise) elected commissioners with the oldest average age and highest average rateable valuation of all eleven towns, while Athlone elected commissioners with amongst the lowest average age and lowest rateable valuation. The name 'Maryborough' celebrates an English Queen. The town became an urban centre of any significance following the 'plantation' of 'Queen's County'. Aspects of such historical foundations continued through the centuries as the landed estates of such Anglo-Irish aristocrats as the DeVesci's and the Cootes formed its hinterland. Aspects of this historical background were still influential and apparent in the make-up of the Maryborough (Portlaoise) town commissioners.

On the other hand both the history and topography of Athlone is quite different to that of Maryborough (Portlaoise). Historically, Athlone was a strategic Shannon crossing point to and from the traditional Gaelic-Irish west. Geographically located in the river basin of the Shannon, its hinterland of 'callows' and water-meadows is agriculturally less significant than that of other Leinster towns. Being located further west than the others, its inhabitants suffered more during the famine than other towns in Leinster. Thus, these aspects of its history and local topography can be seen as influential in the young less-wealthy town commissioners elected in 1855.

However, notwithstanding these variations and limitations, a major shift had occurred in the type of person tasked with Irish provincial market town administration between the 1830s and the 1850s. The significance of this shift was illustrated by the example at Naas of the protestant sovereign of the old corporation and the catholic chairman of the new commissioners. The Earl of Mayo, as sovereign, ruled 'his' town without any control, supervision or hindrance from central government. Highhanded acts, such as his miss-appropriation of corporate lands and the removal of the market house from the town square to a location of his choosing near the canal (Chapter 4) were carried out,

against the wishes of the majority of the towns inhabitants, in the knowledge that his control was not questioned by a higher authority. Conversely, the chairman of the new town commissioners, John Hickey, though sitting in the chair formally occupied by the Earl of Mayo, was constantly made aware that his circumscribed local 'control' was itself controlled by central government. He and his board of new administrators were very different in socio-cultural terms to their predecessors on the old corporations. They were democratically elected and resident within their town. Their two-thirds catholic membership more accurately represented the religious persuasions of their electors. Their 'controller' was not the local patronal landlord, but central government. This was the essence of the shift which had occurred. We must now observe if a similar shift occurred in how they performed their duties as local administrators and what difference/improvement was made to the community which they were elected to serve.

CHAPTER 4

FAIRS, MARKETS, TOLLS AND CUSTOMS

Amongst the most important functions of any Irish provincial market town's government, particularly in the mid-nineteenth century, was the regulation of its fairs and markets. The competence or otherwise of this aspect of its administration had significant effects on most of its other areas of government.

The agricultural produce of some of the most fertile land in Ireland was traded in these market towns. Countrywide, the significance of the role played in society by fairs and markets, (including that iconic institution of the nineteenth-century's agricultural economy, the 'hiring fair'), has been recognised in a number of studies.[283] The owners of the rich agricultural areas of Leinster, as in the counties of Meath, Kildare, Carlow, Laois and Westmeath, depended on such traditional market towns as Dundalk, Ardee, Trim, Navan, Kells, Naas, Athy, Carlow, Portlaoise (Maryborough), Mullingar and Athlone to provide well regulated and efficient trading centres. This dependence on effective regulators also applied to the traders and merchants among these towns' inhabitants.

The importance of the part played by fairs and markets in shaping local urban society, where 'town met country; farmer met trader; and the influences of the wider world were introduced into local culture' is illustrated in a major collection of studies on trading at local level, edited by Cronin, Guilligan and Holton.[284] This collection, in outlining the 'traditions' or behaviour often practiced amidst the throngs and hurly-burly of Irish fair days and confronts us with the spectacle of 'faction fights', which eventually led to the demise of the infamous Donnybrook Fair.[285] It also presents, in its various contributions, a vivid account of the significance of these events in the economic and social calendar of market towns in the nineteenth-century.

---

[283] See Tom Harris, 'Fairs and markets in the environment of County Meath' in *Riocht Na Midhe* (9) 4 1998, pp 149-169; Patrick Logan, *Fair Day-The story of Irish fairs and markets* (Belfast, 1986); Anne O'Dowd, *Spalpeens and tattie hokers* (Dublin, 1991); Patrick O'Flannagan, 'Markets and fairs in Ireland, 1600-1800: Index of economic development and regional growth' in *Journal of Historical Geography* (11) 4, 1985, pp 364-378

[284] Dennis A. Cronin, Jim Guilligan and Karina Holton (eds), *Irish Fairs and Markets; Studies in local history,* (Dublin, 2001)

[285] Seamas O'Maitiu, 'Changing images of Donnebrook fair' in Dennis A. Cronin, Jim Guilligan and Karina Holton (eds),*Irish Fairs and Markets; Studies in local history,* (Dublin, 2001), pp 164 – 179

For many decades prior to the famine, where local landlords and town patrons were prepared to intervene directly or indirectly in the organisation and regulation of fairs and markets, these landlords were likely to enhance their incomes in a number of ways. The value of the production of their agricultural holdings was realised at the urban and village markets. Many towns, as points of exchange, had often been established to facilitate this. By controlling the operation of these fairs and markets, the patronal landlords benefited, not only from the tolls and customs exacted for the use of the markets, but also from the additional rents paid for any property built in expectation of the size of additional permanent population attracted to the market. Moreover, where markets and fairs grew, over time they attracted non-economic functions such as schools and churches as well as representative forms of authority such as barracks, courthouses and jails. By either funding these institutions or having a controlling role in their management - often as resident magistrate - the landlord/patron was provided with an opportunity to assert his authority still further.[286] Little wonder, then, that the inertia of this long-term influence was slow to dissipate on the establishment of new municipal governance in these market towns.

This chapter firstly seeks to establish how the fairs and markets of these market towns of Leinster were administered at the time the royal commission of inquiry into the corporations of Ireland presented their report in 1835. It is intended to use analysis of the inquiry's findings as a baseline. It is then intended to chart and evaluate changes in the control, regulation and infrastructure of these town's fairs and markets and their interaction with the administrations of various town commissioners over the succeeding quarter of a century.

4.1 Condition of Fairs and Markets in 1835

In its general report of 1835, the Municipal Corporations Inquiry found that one of the most usual grants to the officers of the Irish towns' Corporations was that of the office of clerk of the market. The inquirers found, in many towns, that in right of that office a beneficial control was exercised by the corporate officer over the markets within his district. They also discovered that when this duty remained unperformed, due to the absence or neglect of the proper authorities, the consequent abuses which prevailed, especially those practiced by means of fraudulent weights and measures, were a subject of much complaint on the part of

[286] Lindsay J. Proudfoot, *Urban patronage and social authority* (The Catholic University of America Press, 1995), pp 316-317

the inhabitants.[287] As one reads through the litany of shortcomings in the regulation of fairs and markets of various towns, the practice of fraudulent weights and measures becomes one of the most recurring indictments illuminated by this report.

4.1.1 Examples of Corporations' Poor Market Government in Various Towns

The 1835 enquiry report points out that although the appointment of an official and competent weighmaster had been enshrined in legislation since 'a statute of the Irish Parliament, 4 Ann. c.14, s3,' and followed by 2 Geo II. C. 15 which required 'the chief magistrate in all market towns to provide one or more just balances or iron beam with scales, and a competent set of weights made of iron', under penalty of £50 at every assizes, these laws were not being enforced. Even in towns where a weighmaster had been appointed as per this legislation, they found that in some towns the fees of the office were made part of the corporate revenue, either by their being directly collected as part of the tolls and customs, or by the office being demised to the weighmaster, sometimes for life, at a rent payable to the corporation.[288] Life-long appointments such as these did little to ensure the honesty or integrity of the provider of this vital service.

In the town of Carlow the commissioners of inquiry found two weekly markets were being held and that between Carlow and Graigue, eight annual fairs were held. They discovered that, as lord of the manor, James Hamilton Esq. laid claim to the tolls and customs of the fairs and markets of the Old Borough and that these produced nearly £300 a year. But the administration of Carlow's fairs and markets left much to be desired. The salaries of the officers were in part unpaid and their duties, particularly as connected with the markets were much neglected. A great many false weights and measures were in general use, especially in the coal market. The Market Jury, usually made up of local traders or business-men co-opted as officers of the corporations, which in previous decades had assisted in the regulation of the markets, had, since 1828, become defunct because of the reluctance of the inhabitants to allow themselves to be associated with it. This was indicative of the odium with which urban corporations were looked upon during the 1820s and 1830s. Local business-men felt their reputations would be tainted by providing any

[287] *First report of the commissioners appointed to enquire into the municipal corporation in Ireland*, H,C. 1835 (27) xxvii, General Report, p.32

[288] *First report of the commissioners appointed to enquire into the municipal corporation in Ireland*, H,C. 1835 (27) xxvii, General Report, p.32

assistance to them. The inquirers concluded that 'the want of such a body is severely felt'.[289]

In Naas, the inquiry reported that good markets were held on every Monday, Thursday and Saturday, the corn market being very extensive. Their report states: 'The corn market is opened by the ringing of a bell, by one of the weigh masters. The stated hour is eleven o'clock a.m. but it frequently continues closed until one o'clock p.m.; a circumstance which is complained about by the inhabitants'. The enquirers were highly critical of Lord Mayo, Sovereign of Naas, in that he had removed the market-house, which had stood in the main street, to a location at the extremity of the town near the canal harbour. Naas shopkeepers' general trade was seriously affected by this and they complained to the inquiry that from the period of the removal of the market the town had been declining. Although the cost of pulling down the old market-house and building of the new one was met from corporation funds, Lord Mayo had a stone inscribed in the new building proclaiming him as having paid for its erection.

This was not the only example of highhandedness by the Naas sovereign. In 1832 he had managed to induce the corporation to vote into his personal possession the tolls and customs of the Naas markets. To ensure that the proceeds of these tolls and customs were collected efficiently and that vendors could not escape them, an order of 1697 was quoted: 'neither freemen nor strangers may trade outside fairs and markets'.[290]

The commission of enquiry found that, as at Carlow, the Market Jury of Naas had ceased to act and the regulation of the markets had been much neglected. The inquiry found that seven fairs were held at Naas in the course of the year. The receipts from the tolls and customs of these seven fairs were credited entirely to Lord Mayo. No explanation was given as to why Lord Mayo should receive them and not the Corporation. This state of affairs seemed the more unaccountable as the agent who gave Lord Mayo that credit was a party to a resolution on the 29th September 1832 which established that, up to that date, at least a portion of the tolls and customs was the property of the corporation.[291]

---

[289] *First report of the commissioners appointed to enquire into the municipal corporation in Ireland*, H,C. 1835 (27) xxvii, p.169

[290] *The Council Books of Naas,* Four volumes, 1685-1842, presented to Trinity College in 1944; Vol I, 1665-1698, 26 June, 1695 (note in the margin)

[291] *First report of the commissioners appointed to enquire into the municipal corporation in Ireland*, H,C. 1835 (27) xxvii , p.221

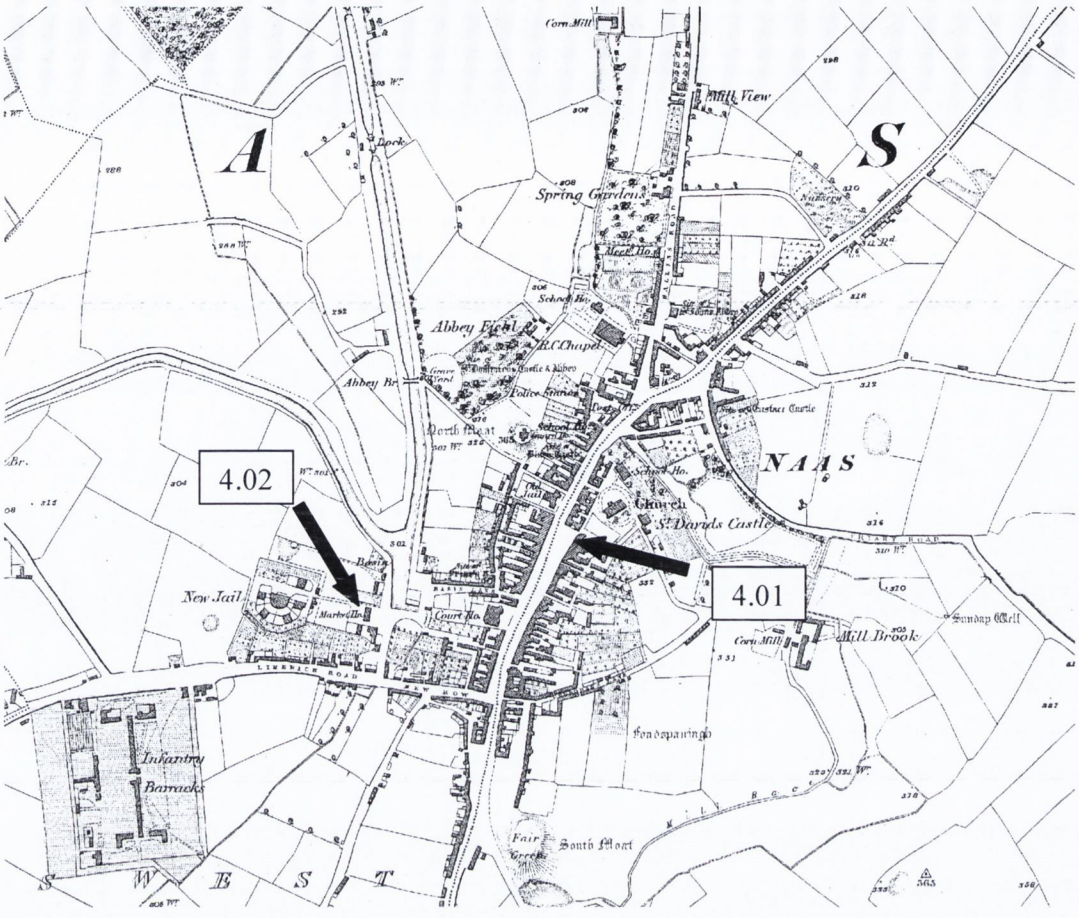


Figure 4.1: OS map of Naas. Arrow 4.01 denotes site at South Main Street where original market house stood prior to being demolished and replaced by a market house at Arrow 4.02 (Source: OS map of county Kildare, sheet 19, surveyed, 1937, Map Library, TCD Library)

At Maryborough (Portlaoise), the commission of inquiry found that at all the fairs and markets held in the town, tolls and customs, stallage and cranage[292] were formally collected. However, because of resistance to the payment, all except cranage had ceased since 1827. The burgomaster (sovereign) had let the entire tolls, customs, stallage and cranage by private contracts at various rents. The burgomaster Major Cassan, produced an account of these transactions to the inquiry. However, the inquirers were at pains to point

[292] 'Stallage' referred to the toll required as payment for the temporary use of stalls provided by the corporation in the market-place. 'Cranage' refered to the toll required as payment for the use of a weighing 'crane' or metal beam with weights, provided by the corporation in the market-place

out that no member of the corporation nor any other person had access to these figures and that Major Cassan had no account save that which he produced.[293]

In Navan also, resistance on the part of the public in 1828 led to the abandonment of the collection of tolls or customs. The portreeve of the corporation stated that it could not be collected without loss of life. Sir William Somerville had a vested entitlement to one-fourth of the proceeds of Navan fairs' tolls and customs and still demanded tolls at fairs. The inquiry found that his receipts on the last fair day amounted to only 9s. 11d.[294]

The demise of the market jury in the town of Trim, Co. Meath, was attributed by the inquiry to the degradation of its fairs and markets. It found that the last market jury of 1829 lasted only for a short time 'for having been obstructed in the performance of their duty'. The inquiry found that 'the loss of a market jury is severely felt and very generally complained of. The weights and measures now in use require regulation'. They also found that the corporation of Trim had abandoned the collection of tolls and customs after 1829 owing to 'the system of resistance to them' and that 'they are not even demanded now'.[295] As in the many other towns, this resistance was primarily caused because the rates of charges for tolls and customs were high and had been arbitrarily fixed, without authority from the charter or otherwise. Since their abolition, the markets had materially improved. It was stated that a well regulated public crane would be desirable in order to restore some confidence in the honesty of the market.[296]

In Kells, Co. Meath, the inquiry found the market jury was still in existence and assisting the corporation's sovereign in the regulation of the markets. Its numbers varied from twelve to twenty-three. Kells' corporation, however, unlike many others, had still control of a quite considerable acreage of corporate land. Thus, while the inquiry found that the Kells' market jury inspected the markets and weights and measures and seized unwholesome food exposed for sale, it also regulated the landed property of the corporation and if expense was thereby incurred, collected the required amount from the members of the corporation.[297] Of the six fairs held annually in Kells, the inquiry found that their tolls were efficiently collected. The corporation was entitled to the tolls from two Kells fairs

---

[293] *First report of the commissioners appointed to enquire into the municipal corporation in Ireland*, H.C. 1835 (27) xxvii , pp 208-209

[294] Ibid p.231

[295] *First report of the commissioners appointed to enquire into the municipal corporations in Ireland*, HC. 1835 (27) xxvii, p.270

[296] Ibid, p.271

[297] *First report of the commissioners appointed to enquire into the municipal corporations in Ireland*, HC. 1835 (27) xxvii, p.186

held under charter and the tolls from the other four fairs were 'received by the Marquis of Headford'.[298]

4.2 Contestation for Control and Regulation

The levying of tolls and customs had proved to have been a highly contentious function while under the auspices of the old corporations. These local taxes upon trade affected both townsmen and countrymen alike. They were pocketed by both corporation members and by local patrons. In 1826 it was estimated that there were over 2000 toll franchises and that they produced revenues to their owners of more than one million pounds.[299] It is not difficult to see that they were, as the evidence suggests, a particular source of grievance in the provincial market towns. Tolls were levied on goods entering these towns; upon sales at market and fairs; also upon the weighing of goods by municipal cranes. The method of collection of these tolls also gave rise to much annoyance and dissention. It was thus described in a parliamentary debate by Sir John Newport:

> It was the practice for the toll collectors of the Irish markets to stand at the entrance of the market place, with a huge bludgeon in one hand and a prayer book in the other. He imposed the oath upon the vendor of the goods in a summary way; and if he met with resistance, he took the law into his own hands, and the bludgeon became his instrument of vengeance.[300]

O'Dalaigh described how, at the Ennis fair 'two men stood at each of the entrances. One man recorded in a book the description, price and number of cattle sold and the other collected the tolls...No swearing or touching of the bible was required of people departing... (Under this system), a great number of sellers paid no toll on livestock'.[301] This state of affairs led to a national campaign, supported by local movements to press for the reduction or abolition of tolls. By 1832 this movement had succeeded in having tolls reduced or abolished in at least nine towns: Armagh, Athlone, Carlow, Dundalk, Ennis, New Ross, Portarlington, Wexford and Youghal.[302]

Furthermore, by the late 1830s, the corporations had become even more ill-equipped to deal with the demands of urban life. Over many decades they had let the

---

[298] Ibid, p.185

[299] First report *of the commissioners appointed to enquire into the municipal corporations in Ireland, (1),* HC.1835 xxviii, appendix, pt 1, pp 702-705; 714, 726

[300] Hansard's *Parliamentary Debates, new series*, xiv, p.444

[301] Brian O'Dalaigh, 'The origins, rise and decline of the Ennis fairs and markets' in Dennis A. Cronin, Jim Guilligan and Karina Holton (eds),*Irish Fairs and Markets; Studies in local history,* (Dublin, 2001), p.70

[302] *First report of the commissioners appointed to enquire into the municipal corporations in Ireland,* HC. 1835 (1) xxvii, appendix, pt.1, pp 113; 132-6; 168-9

corporation property at low rents and indeed in some instances this property had been taken over by the patron. Consequently, they had become increasingly dependant financially on the tolls and customs levied on the sale of goods at markets and fairs. As these tolls and customs became more difficult to collect and the amount forthcoming became less and less, the corporations were open to charges of incompetence when they did not have sufficient resources to provide the policing and local justice, the paving and lighting and the sanitation required by an increasing population.

4.2.2 Impact of the New Commissioners

Immediately on their establishment in the market towns of Leinster, the new town commissioners realised the fiscal importance of being the regulators and the recipients of the proceeds of fairs, markets, tolls and customs. Research of the minutes of their meeting indicate how much they appreciated how the proceeds would help alleviate one of the most contentious issues afflicting all town commissioners and their electors; the burden of borough rates. Hence the commissioners were hopeful of a smooth and uneventful transition of power in this regard from members of the old corporations and they hoped that members of the old corporations and/or their agents would not oppose them. However, in many instances these hopes were not realised.

For example, in Athlone the transition was particularly discordant. Here, on 22 October 1840 a new board of twenty-one commissioners were elected to govern on the adoption of the terms of the 1828 Act. John Gaynor Esq. was elected chairman. Almost immediately this board became embroiled in a dispute with Mr. Marshall, the vice-sovereign and local magistrate of the late corporation, regarding possession and regulation of the tolls and customs at the Athlone markets. It seems Marshall intended to continue to hold on to his control of the market tolls and customs and had no intention of allowing the new body to take over this function. The minutes of the Athlone Commissioners meetings portray something of the antagonism between these parties and the importance each attached to either gaining or retaining possession of control of these markets. For example, the minute of their meeting of 7 November 1840 recounted that Mr. Marshall attended and stated that in the event of the commission proceeding to take possession of the cranes etc, he would act in his magisterial capacity and hold the chairman, J.Gaynor Esq., accountable for the result that might ensue. The chairman, Mr. Gaynor, denied his right to interfere as a magistrate. The swearing in of the commissioners actually abolished Mr. Marshall's office

as vice-sovereign. On being made aware of this by the chairman, Mr. Marshall left the meeting.

When the commissioners, accompanied by the town clerk and twelve men appointed by the commissioners 'as appropriate to keep the peace' went directly to the market place, they found that the weighmaster had a number of persons collected for the purpose of opposing them in the execution of their duty. After a demand being made by the chairman for the possession of the cranes etc, and a refusal on the part of the weighmaster, Mr. Marshall stated his willingness to abide by the opinion of any well-known barrister in a case fairly stated to him. The chairman, having mentioned that the commissioners had the opinion of Mr. Fitzgibbon under which they acted, Mr. Marshall at once proposed they adjourn to the courthouse for the purpose of reading this legal opinion. The chairman and commissioners present then proceeded to the courthouse and 'having taken opinion as to whether the communication from Mr. Fitzgibbon should be handed to Mr. Marshall for his perusal it was agreed to'. After reading it over, he, Mr. Marshall, claimed a period of one week before he would make up his mind on the subject. This was not being conceded to by the commissioners. Mr. Marshall then, 'not wishing to throw obstacles in the way of the commissioners', stated he would in the course of one hour and a half, determine one way or the other. When this was agreed to the meeting adjourned in order to meet at the house of the chairman, J.Gaynor, at one o'clock. The minute then went on:

> Precisely at one o'clock p.m. the commissioners assembled. Mr. Marshall attended and stated that under the circumstances and wishing as far as lay in his power to prevent the disagreeable recurency which might take place, he resigned the office and stated that it would be necessary for Mr. Hodson (the former sovereign of the late corporation) to come to town on Monday and deliver the whole of the corporation property into their hands, which was agreed. The chairman stated that he would pay the men employed by the commissioners this day. The meeting adjourned to the 9 November.[303]

This struggle for control between the old and new boards is interesting on many levels. It indicates how the late vice-sovereign, being aware of the control the old regime still held in the courts of law and local magistrates, was quite prepared to use this advantage. It also outlines the distance both sides were willing to go, as in the employment of extra 'muscle'; trying to intimidate the opposition by the physical force of numbers. In the end, however, saving face became the dominant issue for both sides and though Mr. Marshall may seemed to have capitulated by resigning, nonetheless, by making the hand-

[303] Minutes of Athlone Town Commissioners, ATC/1, 7 November, 1840

over of control contingent on the late sovereign (Mr. Hodson) being the actual conduit of this transfer, he continued to delay the transfer of power to the new body.

As it transpired, Mr. Hodson refused to come to town and the position remained unresolved. Consequently, at their meeting on 11th November 1840 the Commissioners were forced to make the following resolutions:

> That Mr. Marshall, late vice-sovereign, not having acted on his promise in delivering up the cranes, books and other corporation property now in his possession, scales be erected and weights procured for the purpose of accommodating the public at the usual charge.
>
> That four of the commissioners be requested to wait on the different corn buyers in this town and know from them if they will agree to stop the carnage from the seller and pay our sums to the treasurer or person appointed by the commissioners.
>
> That Bryan Kenny be appointed to erect cranes etc, at the salary of 2s. 6d. per day with leave to employ assistants not to exceed the rate of hire of 10d. per day.[304]

A few days later on the 14 November 1840 the commissioners' minutes indicate an escalation in the feud. Bernard Siggins was sent to the meat market to take charge of it and to attend to the scales in that locality. The commissioners, attended by the town clerk, then proceeded to the market –place where they found, in addition to the crane erected by this order, one crane in the possession of Pat Kelly or his sons who were accepting the duties of weighmaster. The commissioners then adjourned to the Court-house and having employed twelve men they returned to the market-place. Those men acting under the direction of the commissioners displaced the cranes in the possession of Kelly and lodged them, together with the weights in the yard of M. Shrule, 'until they should be regulated or if found to be unfit for public use new ones should be substituted'.[305]

Thus the transition from the old regime to the new was quite a tempestuous one in the town of Athlone and portrays the significance each side attributed to either retaining or gaining control over its fairs, markets, tolls and customs.

While the foregoing may portray the determination of Athlone's new body to exert its newly acquired power of administration, it was soon to find itself being again obstructed. The weighmaster of the old corporation, Pat Kelly, wrote a 'memorial' to the Lords Justice of Ireland outlining that he had been weighmaster of the Athlone markets for nine years, during which time he had uninterrupted possession of the public market and its cranes. He complained of the confiscation of these cranes and of his treatment at the hands

---

[304] Ibid, 11 November, 1840
[305] Ibid, 14 November, 1840

of the new town commissioners. His 'memorial' elicited the following letter to the chairman of Athlone town commissioners from Dublin Castle:

Dublin Castle,
14 November 1840.

Sir,

In transmitting to you as chairman of the commissioners a copy of a memorial from Pat Kelly, weighmaster of Athlone, I am directed by the Lord Justices to refer you to the Corporation Act, 3 and 4 Vic., Chap'108, and to state to you and the commissioners that without giving any opinion on the rights of either party, the Attorney and Solicitor General think there should not be any disturbance of the weighmaster except by legal proceedings as to which your own legal advisor should be consulted.

I am, Sir,
Your obedient servant,
Morpeth.[306]

This rebuke to the new body is indicative of the limited power of controlling and regulating the markets which the town commissioners could use immediately on taking over office in early 1840s. Similar obstructions and delaying tactics were experienced by the commissioner bodies established in the early 1840s at Ardee and Carlow. They had to contend with being stymied legislatively by a contentious old regime which still wielded significant clout in the area of local magistry.

Reports of Athlone's fairs during and immediately after the famine understandably were that they were very poor. Not until the March fair of 1852 was a change in the downward trend of the previous six years noticed, with a good attendance and brisk trade in cattle and sheep. But the effects of the famine were not easily shrugged off and this upturn was short-lived; the September fair of the same year was again poor. It seemed mis-management was still the norm. It was alleged that some people purchased much of the produce before it got to market and then re-sold it there at higher prices. The town still had no market house and the method of recording the weight of products was still subject to tampering as 'weights were written on dealers' hats as opposed to dockets'.[307] The town's representative in parliament, William Keogh, was instrumental in having The Athlone Market Act, 1852, passed which enabled the commissioners to pass bye-laws under which better inspection and regulation of meat sales could be effected. However, it would take the assistance of the 1854 Act, which provided further regulatory powers to the town

[306] Ibid, 16 November, 1840
[307] John Burke, *Athlone in the Victorian Era* (The Old Athlone Society, Athlone, 2007), p.64

commissioners, to allow this body to become more successful in improving the fairs and markets of Athlone.

4.3 Evolving Improvements versus Traditional Legacies

As the years progressed, the new commissioners slowly gained more ground and began to appreciate and consolidate the fiscal benefits of controlling and regulating the fairs and markets.

4.3.1 Maximising Economic Advantage

The enforcement of regulations was often defended on the grounds of protecting the public from unscrupulous fraudsters. In 1844, the commissioners at Ardee had their committee and their Inspector of Nuisances visit the different markets. They seized several light weights and deficient measures and had the parties summoned. They hoped that by such procedures the public would 'in future be protected from fraud'. Nonetheless, they still felt it necessary to explain that their actions were within the law, as the minute of their meeting continues: 'Committee are of opinion that the Act 5th and 6th William IV, Chap' 53, gives ample powers to prevent all abuses and frauds of this nature'.[308] They further ordered that 'all potatoes brought into the markets of Ardee be sold by weight ...and this order be notified by hand bills and proclaimed on each market day in the present month in the public market place for the information and guidance of all persons concerned.[309] The Ardee commissioners' appreciation of the contribution the fairs made to the financial wellbeing of the town could be evinced in their having their meeting adjourned if it coincided with a fair day.[310] Of course not having to attend such meetings on fair days allowed them freedom to attend to their own local businesses on these commercially important days. Also, *Thom's Almanac* was consulted and the commissioners unanimously agreed that every fair specified therein be allowed to continue on the appointed days.[311] This ensured the holding of five more fairs per year than were then being held in that town.

4.3.1 Assistance of New Legislation – The 1854 Act

From 1854, when the provisions of the Towns' Improvement (Ireland) Act were adopted in the towns being studied in this work, the town commissioners were entrusted with more

[308] Ardee Town Commissioners Minutes, ATC/M/1, 7 October, 1844
[309] Ibid, 1 April, 1844
[310] Ibid, 6 May, 1844
[311] Ibid, 7 October, 1840

responsibility and also more power by the state with regard to the regulation of fairs and markets. Consequently, in some towns at least, they now began to encounter less restriction in gaining the fiscal benefits of their fairs and markets. In many provincial market towns, 1855 was the year their first town commissions were established and their rated inhabitants began to feel the burden of additional taxation. Hence, the amelioration of these extra rates by the efficient collection of tolls and customs and the tighter regulation of cranage and stallage, increased in significance on the agenda of the towns' commissioners.

Having a controlling influence on the general conduct of fairs and markets became a significant factor in certain towns' decision to adopt the Towns' Improvement (Ireland) Act, 1854. It became known in 1854 that parliament intended soon to pass an act which would further regulate Irish fairs and markets and place the regulation and collection of associated tolls and customs in the care of town commissioners where these bodies existed. Thus, when the ratepayers of Naas met to decide on the adoption of the 1854 Act, in December of that year, this forthcoming event was high on their agenda. Chairman of the meeting, Rev. Mr. deBurg told the meeting that he was at first opposed to the adoption of the Act 'because of the taxes' but he had since learned that the town of Athy, by its markets and fairs - which were not as numerous as these of Naas - had reduced the rates to a small figure. He went on to warn that there was an act of parliament soon to come into operation which would place the fairs and markets in the hands of commissioners. He said that he would be 'very sorry to let slip an opportunity which would enable us to appropriate the profits of the fairs and markets for the benefit of the town, instead of leaving their administration to the government'. Another attendee at this meeting, John Hickey, (later to become chairman of Naas town commissioners) was more reluctant to adopt the Act at this time. He conceded being agreeable to 'adopting portions of the Act merely for the purpose of taking up the fairs and markets'. Otherwise he 'would not wish to see the Act brought into operation' as he considered it 'too cumbersome, and not worth the trouble and expense it would entail'.

However, when discussing the adjournment of the decision to a meeting on the 6 January, 1855, many in attendance spoke of being fearful that if the new fairs and markets bill became law in the interim, the commissioners might lose the right to the tolls and customs. Mr. Hickey told the chairman: 'Suppose you adjourn to the 6th January, we then must either adopt or reject the Act; if we see nothing about the fairs and markets and reject it, could we not subsequently take it up should the (fairs and markets) bill afterwards pass

into law. I think there is no danger in postponing the next meeting till the time mentioned in the Rev. Mr. deBurg's motion'. He was convinced 'from experience' that the fairs and markets bill would become the law of the land for some time.[312] The motion to adjourn to 6 January was carried. Mr. Hickey's prediction proved correct as the bill regarding Irish fairs and markets did not become law for a further four years. Meantime, town commissioners under the 1854 Act were established in all the towns under study here and there follows examples of their dealings with their respective fairs and markets.

In Athy, the town commissioners became more robust in the enforcement of regulation which would increase their revenue from the markets. An application from the butchers of the town to be allowed to expose meat for sale in the public market was objected to by the commissioners. The butchers were obliged to move into the 'shambles', a covered area; ostensibly for hygiene reasons, but the fact that they then were obliged to pay a stallage toll may also have a bearing on this obligation.[313]

In Maryborough (Portlaoise), the commissioners went so far as to agree to contribute from their own pockets amounts of £3 or £4 each to defray the expense of setting up a public ouncil, so that proper weighing and collection of tolls for the use of this service would be carried out.[314] They were anxious to quickly regain their investment by ensuring a more efficient system of toll collection was established. When, later that year the new ouncil was about to be erected, the commissioners resolved to remove 'self constituted weighmasters out of the way and avail of all emoluments of fairs and markets to lighten taxation and reduce rates'.[315] By the following year the actual monetary value of holding a fair in the town was estimated when it was stated by one of the commissioners, Dr. Fitzpatrick, that the town's shopkeepers derived an increase in receipts of between £10 and £20 on fair-days over ordinary market days. As many of the commissioners were local shopkeepers, hoteliers and merchants, they instinctively held an appreciation of the value to their own businesses of such fairs and markets and thus had vested interests in their continuing success.

In 1852, in response to the poor regulation, supervision and general neglect, a royal commission was established to enquire into the state and condition of the fairs and markets of Ireland. Amongst its brief was a direction to examine the diversity of weights and

[312] *Leinster Express,* 9 December, 1854
[313] Ardee town commissioners' Minutes, ATC/M/1, 12 May, 1855
[314] *Leinster Express,* 7 April, 1855
[315] Ibid, 16 June, 1855

measures used and the frauds committed. Also, it was to determine by what authority fairs and markets were held and to recommend how accurate returns of the quantity and price of all agricultural produce could be made.[316] One of this commission of enquiry's principal recommendations was that market owners provide fair greens with proper facilities for the sale of livestock in return for the tolls they received. It was felt that fairs on the streets caused unacceptable nuisance, disrupted traffic and interfered with townspeoples' lives.

However, the inquiry commissioners' recommendations were delayed for several years before a bill was introduced by Lord Naas, in 1858, proposing to give some of them the power of law. Reference will be made later to the implications of this legislation.

4.3.2 Establishment of Extra Fairs

In many towns, the commissioners elected under the 1854 Act sought to find an avenue towards increasing the number of fairs and in some instances decided on making application for a patent in order to legally avail of the benefits of extra fairs.

In Portlaoise (Maryborough) the expense of having this carried out - a fee of £69.17 9d. - did not deter the commissioners and they set about collecting this amount. Again, each commissioner made a personal subscription of £1. Large businesses such as the Bank of Ireland and the Great Southern and Western Railway subscribed, as did local 'gentlemen and noblemen'. By August of that year the full amount had been collected and the application made and accepted.[317]

At Mullingar, Co. Westmeath, the question of the town commissioners' applying for a similar patent for extra fair days did not arise until 1857, one year later. Here the establishment of a new body of commissioners only came about in February of 1856, somewhat later than many towns of similar size and population in the Leinster area. However, notwithstanding its late arrival to urban governance, this body was quick to recognize the importance of maximizing the number of fairs held in the town. In July of that year, one of its commissioners, Mr. Nesbit, pointed to the fact that... 'several towns had monthly fairs and that there was a very long period between the November and April fairs here; he thought they should have eight fairs in the year at least; a Christmas fair was much wanting in the town, and the profits of these extra fairs would go a far way in paying the taxes'. He proposed that four additional fairs be established in the town; one on 6th May, 1st October, 16th December and 29th January. As a patent for these additional fairs

[316] *Royal commission on fairs and markets, 1852-3*, pp 1-3
[317] *Leinster Express*, 12 April, 1856; 22 March, 1856; 12 July, 1856; 16 August, 1856

would cost £100 to procure and as it was decided they could not expend such a large amount out of their rates receipts, it was decided to seek contributions from the railway company and also from the Earl of Granard.[318]

4.3.4 Lingering 'Noblesse Oblige'

Towards the end of the 1850s, improvement in the regulation and conduct of fairs and markets due, in significant part, to the efforts and competence of the new commissioner bodies, was becoming more evident to the inhabitants of these market towns. This improvement accelerated following the adoption of the 1854 Act. However, in some towns the influence of the local patronal landlords remained ever present and in contestation with the new commissioners for the fiscal benefits of urban improvement. As these patrons had history on their side with regard to the pocketing of tolls and customs, they were reluctant to give up these annual emoluments.

For example, the town commissioners of Mullingar, at this time still new to office, found themselves in contestation with the Earl of Granard regarding control of its tolls and customs. This can be seen in the following reports from their meeting as published in the local newspaper: In December of 1856 the clerk read a letter to the commissioners from the Earl of Granard, in which the Earl stated that he would give to the commissioners the customs of the fairs for £400 per annum, but that he would not sell the tolls of the Mullingar markets. He also stated that he wished any further correspondence on this subject be addressed to his agent, Mr. Maxton. The newspaper report states that on hearing this, one of the commissioners, Mr. Dooner, remarked:

> ...there was not such a high rent toll in any town in Ireland as Mullingar, or rents better paid; he wished to know whether the Earl of Granard had any call to the commons of the town; he thought when this was a borough town the commons belonged to the corporation, but when the borough was done away with they were seized by the Granard family; it was excessive to charge £400 a year for the customs of the town, when the Earl's mother stated that they were only worth £100 a year.[319]

However, the commissioners seemed anxious not to offend the Earl as his influence in having the patent for the new fairs granted was deemed vital. The commissioners were well aware of the power such landlords still held, particularly in the area of judiciary and local magistracy. The reporter goes on to give Mr. Nesbit's opinion that 'Mr. Maxton ought to be spoken to in order that he might apply to the Earl of Granard to use his influence in

[318] *Westmeath Guardian,* 10 July, 1856
[319] *Westmeath Guardian,* 4 December, 1856

obtaining the patent; Lord Longford had got extra fairs for the town of Longford, and Lord Granard promised, some time ago, that he would receive a deputation on the subject'.[320]

The commissioners' application for a patent for additional fairs was still ongoing in 1862, when the *Westmeath Guardian* reported:

> The Mullingar Town Commissioners have forwarded a memorial, signed by all the respectable inhabitants of the town, to their respected landlord, Colonel F.S. Greville, to procure a patent for five additional fairs ... A reply has been received from Colonel Greville, in which he pledges himself to use his influence to have the patents granted. This is a step in the right direction, and we sincerely hope the gallant Colonel may succeed, as the want of additional fairs has long been felt in Mullingar.[321]

Interestingly, on the one hand, the Mullingar commissioners were prepared still to use their local grandee as a conduit to obtain what they required, while on the other hand the remnants of the Earl of Granard's administration and its supporters, even as late as 1862, having had the caps of the town citizenry doffed to them as of yore, deigned to use their influence in pursuit of the common goal.

Ownership of title to market tolls and customs, despite the efforts of elected local authority, remained in patronal hands until the early twentieth century in many cases.[322] Indeed it was not until the 1950s that members of the Coote family finally relinquished their entitlement to the tolls of the markets of Cootehill, Co. Cavan.[323]

4.3.5 Odious Comparisons

The significance of having well-run fairs and markets in provincial market towns became more and more vital to the towns' general prosperity and improvement in the immediate post-famine decade. Consequently and inevitably, comparisons came to be made between the performance and competence of neighbouring town commissioners regarding their regulation and supervision of fairs and markets. Occasionally, the influence of local patrons, be it benign or belligerent, was also included in this comparison.

---

[320] *Westmeath Guardian,* 4 December, 1856

[321] Ibid, 11 May, 1862

[322] Brian O'Dalaigh, 'The origins, rise and decline of the Ennis fairs and markets' in Dennis A. Cronin, Jim Guilligan and Karina Holton (eds), *Irish Fairs and Markets; Studies in local history,* (Dublin, 2001), pp 143-163

[323] Patrick Cassidy, 'The markets and fairs of Cootehill, county Cavan' in Dennis A. Cronin, Jim Guilligan and Karina Holton (eds), *Irish Fairs and Markets; Studies in local history,* (Dublin, 2001), pp 77-98

A rather disgruntled member of Naas town commission, Dr. Hayes, gave an address to the town's ratepayers in 1854, which highlighted the poor performance of Naas when compared to neighbouring Athy. He told them:

> You have thirteen fairs in the year and two market days every week...a Grand canal runs up to tour town ...your neighbourhood is studded with noble-men's and gentle-men's seats...you have large and extensive mills near your town...numerous corn buyers attend your markets...but are you (the chief town in the county) ? ...you are not. Athy is far and away ahead of you. Athy has but one landlord (who) advances and promotes its interests in every way, whereas Naas, from the number of landlords connected with it, derives little or no benefit from them... (While in Athy) I was struck by the cordial friendship that existed between all sects and parties - the spirit of improvement was everywhere evident – the prosperity and comfort that abounded on all sides – the large and well-supplied markets, conducted with order and regularity – the accommodation afforded by a public ouncil. Now what are the facts with regard to Naas? ... Our markets are much inferior to what they formally were; this is owing to the want of proper supervision and the high rate of charges for weighing, portage, etc...farmers prefer going to Kilcullen, Robertstown or other country markets... Naas markets have higglers and foul-dealers...no public oncil or public clock.[324]

The context in which the above criticism of Naas town commissioners was made should be borne in mind. Dr. Hayes, a Protestant, had an uneasy relationship with the Catholic chairman of Naas town commissioners, John Hickey, since the establishment of that body. Dr. Hayes was later to resign from the commission in unseemly circumstances.[325] Nevertheless, at this period of its development, Naas did indeed compare quite unfavourably with Athy. The contribution made to Athy's prosperity and improvement by its patron, the duke of Leinster was considerable when compared to the aforementioned adverse affect which the earl of Mayo had on the town of Naas. This situation was particularly ironic for the Naas traders, whose predecessors had a fine tradition of successful markets going right back to 1305. It was recorded that a merchant called Richard had purchased nine sacks of wool at the Naas market and that Thomas de Cauntelon used this market to sell his lambs.[326]

It is perhaps also important to appreciate the reason the address of Dr. Hayes of Naas was printed in full in the *Carlow Post.* During this time the performance of the

---

[324] *Carlow Post,* 30 September, 1854

[325] See chapter 8,'Naas, a case study' which explains the departure of Dr. Hayes from the town commissioners due to a religious dispute

[326] Mary C. Lyons, 'Manorial administration and the manorial economy in Ireland, c. 1200-1377', unpublished Ph.D. thesis (TCD, 1984), p.62

Carlow Town commissioners regarding the regulation of their fairs and markets would compare less than favourably to that of Athy and this was a less than subtle way for the *Post* to impart this message both to its readers and the Carlow commissioners.

Plate 4.1 The weigh-master's facility, built by Naas commissioners on the traditional market area of South Main Street, soon after their establishment in 1855 (Source: *Nas Na Riogh; An Illustrated History of Naas,* Naas Local History Group, 2001, p.22)

This example of how poorly Naas compared to its neighbour, Athy, was replicated elsewhere among the eleven towns of this study. Both the local press and town commissioners of Carlow and Portlaoise (Maryborough) also used such comparisons with more successful neighbouring towns in order to generate more local enthusiasm.

4.3.6 Painful Birth of New Regulatory Organ

The methods used by the new commissioners to effect improvement in what was for so long a vital part of the social fabric of many market towns were not always appreciated during this period of change. Some examples will now be given of the varying difficulties they faced.

In November 1855 the Dundalk town commissioners were made aware of a plot of land near Chapel Lane which they believed they could purchase for the purpose of making a market place. It was in a good locality as four or five streets led to the area, making it very convenient. It was proposed that all they would have to do was arrange a price with the landlord, enclose it with a wall and erect sheds in it for the market places. However, notwithstanding its many attributes this proposal, after long and acrimonious debate, was dropped by the commissioners. Among the reasons put forward for not going ahead with this proposal were the cost its purchase would place on the ratepayers and the contention by some commissioners that the traders, used to doing business on the streets, would refuse to move into it if provided.[327]

At Navan, in the same month, serious disagreement arose amongst their town commissioners regarding Navan fairs. Here the commissioners had set up a committee to promote their fairs and it had been quite successful. However, the very success of the fairs' committee led to jealousy amongst other commissioners. When the fairs' committee succeeded in organising an extra fair in November, some town commissioners objected and voted through a resolution to prosecute any sellers who attended this fair. Though the extra fair went ahead and was a success, the attempts to prosecute the sellers 'stirred up bad feeling'.[328]

The Mullingar commissioners' attempts to regulate their fairs also became the subject of some local obstruction and criticism. Mullingar's traditional two-day fair on the 1st and 2nd of November was, in the eyes of some members of that body, very chaotic and difficult to regulate. A suggestion that horses and pigs should be separated from each other on the first day of this fair and, instead of being displayed in the streets of the town be confined to the fair green, was not favoured as it was thought 'if horses were exclusively to remain in the green it would be a great injury to the town'.[329] Eventually they came to a decision on the matter and had the following order published in the local papers and 'belled' through the town by Mr. Brady of Castlepollard, temporary town-crier:

> Mullingar November Fair
>
> The Town Commissioners of Mullingar hereby give notice to the Public, that, for the better regulation of the November Fair of the said Town they have ordered that Sheep and Black

[327] *Dundalk Democrat*, 10 November, 1855
[328] *Dundalk Democrat,* 24 November, 1855
[329] *Westmeath Guardian,* 4 September, 1856

> Cattle can only be exhibited for sale on the FIRST DAY, and Horses and Pigs on the SECOND DAY. In every other respect the said fair to be as used.
> By Order of the Commissioners,
> THOMAS DUFFY,
> Clerk of the Commissioners,
> Commissioners Office,
> Oct' 5, 1857.[330]

This order, though it succeeded on the days of the fair in having the desired effect to some degree, was criticised for its illegality and high-handedness by the editor of the *Westmeath Guardian.* He took the commissioners to task in no uncertain manner for... 'the absurdity and illegality of their order...' fulminating that the streets of the town were so crowded by the sale and showing off of all kinds of horses, that it was unsafe to the residents of the town or to the public to pass up or down the streets on their business. They were prevented from 'using the flagways of footways- such as they were- for that purpose, as they were occupied by the horses which had been expelled from the fair green'. He then pointed out that, though the commissioners may have had the mistaken impression that such an order was allowed under the provisions of the Towns' Improvement (Ireland) Act, in fact... 'to make their order law, they must wait until the King comes to Mullingar and gives his consent to it as a law'. Having continued at length, to criticise on the attempt by the commissioners to make such 'orders', and while he agreed with their general ideas, but not with their methods, he concluded by saying:

> 'We are free to admit that if by legal means the sales of horses and swine took place on one day and of other cattle on another, as in the case of Ballinasloe, a great public benefit and convenience might take place; but there is no competent authority to effect such a measure. Besides, the November fair is the only two-day fair in the year, and it is therefore impossible to carry such arrangements into operation.[331]

Thus the authority of the commissioners in the regulating of such deep-rooted and traditional events as the town fairs was not allowed to go uncontested by the surviving personages of the old regime or their agents and supporters. Also, longstanding usage of town streets by country vendors was difficult to change even when more appropriate venues were provided. Some sections and local interests wished to temper this new authority of the town commissioners and to provide obstacles to any such body exceeding its powers. Further, even when being successful in managing their fairs and markets, an

[330] Ibid, 19 November, 1857
[331] Ibid, 19 November,1857

outbreak of petty jealousy amongst newly established commissioners anxious to exert their authority, hampered progress for the general good.

Plate 4.2: Mullingar market house, c. 1867 was built on the site of an earlier market house and incorporates some of its fabric. Though now 'modernised' the formerly arcaded ground floor was a typical feature of Irish market houses (Source: National Architectural Archive, County Westmeath, http://www.buildingsofireland.ie, 13 February, 2008)

4.4 Growing Impact of New Government

By the beginning of the 1860s, the efforts of the new town commissioners had achieved much success in the improvement and regulation of fairs and markets. This success however, was far from consistent.

4.4.1 Early Successes

By 1855, the town commissioners of Athlone, whose issues of conflict with the officers of the late corporation were eluded to earlier, had by this time become more assertive in the enforcement of regulations in their fairs and markets. By May of that year when one of their toll contractors, Mr. J. Lawless, informed them that a large quantity of straw, brought into the market, was bought by W. Allen to supply the local army barracks and that it was not weighed at any of the public cranes and was of no financial benefit to them, the

commissioners immediately sent two of their members, J. Lyster and J. Stokes, 'to wait on Mr. Allen until they were satisfied he had resolved the cause of the complaint'.[332]

Thus, the commissioners were now confidently prepared to become personally involved in the enforcement of their toll regulations. Also, in August of that year the commissioners ordered that at their next meeting their constable should provide to them an account of the cranes, beams and scales belonging to the commissioners. He was order to check that these weighing implements were the same ones 'formerly in use at the Market Place (as they) have been some time since removed without the authority of the board - also of all the weights given over to the present contractor for tolls'.[333] This unlawful practice was quickly dealt with by the commissioners. Such efficient enforcement of the market regulations both enhanced their profile as governors and reduced the burden on the town's ratepayers. Noticeable improvement occurred and reports of the theft of livestock and fowl decreased. As the reputation of these fairs and markets regarding honest weighing, policing, etc, improved, these events became more popular and were better attended. It was estimated that the Athlone fairs of 1855 had improved to their highest level in over a decade.[334]

In order to lessen the Athlone town rates by further remuneration from the tolls and customs of successful markets and fairs, the town commissioners made resolutions that a new market be opened on the commissioners grounds near the gas-works on the 1st January 1856 and that two heavy scales and weights be provided for same, also, that two crane-men appointed by the commissioners, attend to these scales on every market day. They issued bye-laws under which it would not be lawful to sell or expose corn for sale except in the new Athlone market under a penalty in each case of forty shillings. In order to provide better infrastructure to entice traders, the ground on which it was proposed to establish the new market was ordered to be levelled and 'otherwise improved'.[335]

Also in 1855, the Carlow town commissioners had prepared a new market yard and fitted it with the necessary conveniences 'for the accommodation of the public'.[336]

In 1856, Trim town commissioners ordered that all traders bringing potatoes to market should remove the sacks off their cars and place them under the sheds. The traders were also ordered to remove their horses from the market yard. No storage of produce for

---

[332] Minutes of Athlone Town Commissioners, ATC/1, 7 May, 1855
[333] Ibid, 17 August, 1855
[334] John Burke, *Athlone in the Victorian Era* (Athlone, 2007), p.65
[335] Minutes of Athlone Town Commissioners, ATC/1, 7 December, 1855
[336] *Carlow Post,* 8 September, 1855

sale was permitted to be received in the market hall until after 3pm. It was also resolved that all parties selling butter should expose it for sale on the tables provided and that all buyers should see their butter weighed in a transparent manner. A taster was provided 'to examine butter before leaving the yard'.[337]

Examinations of local archives indicate that improvements such as these instigated by the new town commissioners, became significant in gradually raising the reputation for honest and efficient regulation, which had been at such a low ebb during the latter tenure of the old town corporations.

4.4.2 Gradual Improvements Effected by the 1854 Act

While theoretically, the Towns' improvement (Ireland) Act, 1854, empowered the town commissioners to make further improvements to the running of their fairs and markets, it took some time for this to become apparent. Nonetheless, a steady rate of progress was attained. At least part of this success was due to the new town commissioners being empowered to employ suitable officers to supervise and regulate affairs in the markets.

By 1858, when Ardee town commissioners were seeking tenders to repair their market house and shambles, they also resolved: 'That weights be provided for the meat and corn markets and that a proper person be had for discharging the duties of the public cranes at a remuneration of 1s. per day'.[338] Having such a person as a direct employee of the commissioners led to much more efficient collection of revenue.

The town commissioners of Naas, Co. Kildare were also having some success in the employment of proficient officers to regulate their markets. They had set about gaining control of the butter market and by December of 1857 prevailed upon the then current weighmaster, Daniel Tracey, to deliver up possession of this market to the commissioners.[339] By 1859, their chairman, John Hickey stated that although their new market place was not yet ready, he wished to engage clerks for this market at once. Clerk to the butter and potato market was awarded to Daniel and Richard Tracy at £2 per month and to James Halfpenny for the corn market at £2. 10s. per month.[340]

In the town of Navan, the commissioners were confidently ordering the market arrangements. By July of 1864 they gave notice: '...in order to prevent obstruction on Fair

---

[337] *Meath Herald,* 12 April,, 1856
[338] Ardee Town Commissioners' Minutes, ATC/M/1, 8 July, 1858
[339] *Leinster Express,* 5 December, 1857
[340] *Leinster Express,* 3 September,1859

days and market days, butchers stalls will be placed together back to back where Donnelly's, Hilliard's, Beggin's and McGoldrick's stalls now stand.[341] They were also confidently announcing that their Fairs' committee had 'agreed and approved of the dates for holding the fairs of Navan for the year 1865'.[342]

Thus, by the early 1860s the town commissioners of these provincial market towns had, in most cases at least begun to effect improvement in the infrastructure and regulation of the local fairs and markets.

4.4.3. The 'Carlow Influence'

The town of Carlow had for many decades been the main trading area for the produce of its rich agricultural hinterland. Its corn exchange had direct links with Liverpool in the export of this produce and it became a natural centre in accumulation and distribution of the wheat, oats and barley grown in the large tillage acreages of the surrounding counties. Also, the local townsland of Palatine a few miles outside Carlow town, had for centuries, been the location of an ancient Irish fair. Notwithstanding its advantageous geographic location, the control and regulation of Carlow's fairs and markets, in common with other market towns, had suffered from the poor municipal government common during most of the first half of the nineteenth century. However, in common with other such market towns, its new town commissioners had, by the late 1850s, made much progress in improving this situation. As well as those improvements already alluded to, the Carlow town commissioners set about having the old Palatine fair, long fallen into disuse, resurrected and transferred to Carlow town. A local landlord, William P.Barton, continued to hold the patent for this fair. He was prevailed upon by the commissioners to surrender this patent to them, resulting in 'a most successful fair' being held in Carlow town on 26 March, 1858.[343]

In the following year Carlow town commissioners were to take a leading part in influencing a change of course in the introduction of a new Fairs and markets (Ireland) Bill, by its instigator, Lord Naas. This bill was the belated result of recommendations made by the royal commission of enquiry (alluded to earlier) into the affairs of the fairs and markets of Ireland in 1853.

A campaign was led by Mr. Haughton, a member of Carlow town commission and associate of the Carlow corn exchange. Objecting to the section of the proposed new bill

---

[341] Navan Town Commissioners' Minutes, NTC/M/1, 4 July 1864
[342] Ibid, 3 October, 1864
[343] *Carlow Sentinel,* 13 March, 1858; 27 March, 1858

which intended vesting the Irish markets to private individuals, Haughton successfully argued, at Carlow town commissioners meetings, that the proper bodies to which the Irish markers should be vested were the town commissioners. Carlow commissioners had bills printed and distributed to other town commissioners promulgating this view and encouraging them to petition parliament accordingly. In their own petition they outlined a number of clauses which they considered required alteration.

Replies to this petition were reported to their meeting by the clerk of the Carlow town commissioners on 26 February 1859, who laid before the meeting messages supporting the commissioners' stance from the town commissioners of New Ross, Enniscorthy, Athlone 'and many other borough towns, expressive of their full concurrence in the views entertained by the Carlow town commissioners' regarding the markets bill introduced by Lord Naas. The board was further informed that petitions would be forwarded to parliament 'forthwith on the subject, conducted to their respective representatives'.[344]

When copies of the revised bill were subsequently issued, they contained many important modifications. Mr. Haughton was happy to tell his fellow commissioners he now felt 'that the (new) clause is decisive as to the claims of the town commissioners to the markets'. Another of his fellow commissioners, Mr. Butler, stated that 'in looking over the Bye-Laws adopted by this board and submitted to Lord Naas, I find no less than five clauses in the bill founded on the suggestions offered by this board to Lord Naas. On the whole I think this bill is now most satisfactory'.[345]

Ownership of entitlement to tolls and customs, notwithstanding this new bill, continued to be held by local (often absentee) landlords in many cases. Without a particular act of parliament, little could be done to compel these owners to relinquish possession of these tolls. In 1898, the Local Government Act gave local councils enhanced responsibilities including powers to purchase market tolls, including any right or franchise to hold fairs or markets. However, it did not compel the former owner of these rights to sell them.[346]

---

[344] Ibid, 8 January 1859; 26 February 1859

[345] Ibid, 26 February,1859

[346] Brian O'Dalaigh, 'The origins, rise and decline of the Ennis fairs and markets' in Dennis A. Cronin, Jim Guilligan and Karina Holton (eds),*Irish Fairs and Markets; Studies in local history,* (Dublin, 2001), p.74

4.5 Changes to Towns' Morphology

The landscape manifestations which were brought about by the new commissioners' take-over of fairs and market functions in these towns were many and varied. Fascicles of the *Irish Towns Atlas* for some of the towns being studied here provide lists of these changes, usually under the heading 'Trades and Services'.

At Trim, the town commissioners built a new town hall at Castle Street, within and around which facilities for various markets were provided. However, the site they chose for this building may not have been the most prominent available. Hennessy points to a missed opportunity to 'create an impressive new urban space just south of the Boyne on the site of the old gaol, which had been recommended by the county surveyor'.[347] Nevertheless, the building at Castle Street provided much needed facilities for the operation and regulation of the various markets and became a vital development in this market town for many decades. From the time of its establishment its market yard provided facilities for a butter market, a fowl market and a potato market in 1856. The local Royal Meath Militia made use of the fair green at Wellington Place South as their local encampment from 1855 until 1861. However, when its market function was restored in 1861 gates and fencing were erected and pig fairs were permitted on the site as well as other livestock.[348]

Plate 4.3: Town Hall, Castle St. Trim, built in 1850s, was remodelled in 1925 and today retains little of its original appearance. (Source: Buildings of Ireland National Inventory)

[347] Mark Hennessy, in Simms, Clarke and Gillespie (eds), *Trim, No.14. Irish Historic Atlas* (Royal Irish Academy, Dublin 2004), p.7
[348] Ibid, p.12

At Athlone the town commissioners were given permission to hold extra fairs in 1852 and established a fair green on the Ballymahon Road in 1856, though they gave up part of this site to the Catholic Church in order that St. Mary's church could be built. The Athlone Tholsel and Market House had been demolished in 1837 and a new town hall opened at Hatters Lane in the same year. However, the town commissioners did not use this building for their meetings, renting a room at Lloyd's Lane and only transferring to the town hall when a new building was completed at Northgate Street in 1864. Markets were traditionally held at Market Place and from 1832 at Main Street 'in an open space under the wall supporting the castle mound'. A shambles 'near the river' was still being used by butchers in 1848.[349]

At Mullingar where fairs had been held since 1207,[350] the site for these major economic events was Main Street, which continued to a fair green at Ashe Street. This area seemed to have received little attention over the centuries; in 1756 it was described as 'a large, open, unsheltered space, full of holes, nothing green about it, not properly enclosed and without gates'. By the mid 1850s these fairs were so large that most of the town's streets were congested with livestock and the town commissioners were being pressurised to bring more order to these events. However, the streets of Mullingar continued to be the main areas of livestock trading until new cattle mart was built in 1954. The commissioners were more successful in the regulation of the markets, demolishing an early eighteenth-century market house at Market Square and erecting a new market house in 1867. Improved weighing machines for hay and straw were installed by the town commissioners at this new market house.[351]

At Kells, the twelve fairs held annually were sited at the fair green which was enclosed by a wall built after 1840 and repaired by Kells town commissioners in 1878. A horse fair was held at Maudlin Street in 1846 but by 1888 had moved to 'a little site near the railway station'. Kells' markets were traditionally held at Maudlin Street until a new market house was built at New Market Street South in 1817. This market house continued in use throughout the nineteenth century. Its yard was extended by the town commissioners, with one area for selling goods and another for accommodation of carts and stalls, but the

[349] Harman Murtagh, in A. Simms and H.B. Clarke (eds) *Irish Historic Towns Atlas No.6, Athlone* (Royal Irish Accademy, Dublin. 1985), pp 11-12
[350] J.H. Andrews with K.M. Davies in Andrews, Clarke and Simms (eds) *Irish Historic Towns Atlas No.5, Mullingar* (Royal Irish Academy, Dublin, 1992), p.10
[351] J.H. Andrews with K.M. Davies in Andrews, Clarke and Simms (eds) *Irish Historic Towns Atlas No.5, Mullingar* (Royal Irish Academy, Dublin, 1992), p.11

site continued in the ownership of the Marquis of Headford. Butter and fowl markets were held at this site while a pig market was held at the junction of Suffock St. and Farrell St. A fish and vegetable market were held at Market Cross until 1888.[352]

4.6 Conclusion

The neglect of regulation and control and consequent degradation of the fairs and markets of many provincial towns has been shown by the 1835 commission of inquiry to be just one of the many failings of the old Irish municipal corporations. This neglect was often compounded by the toleration and sometimes connivance by the municipal governors, of the corrupt and disreputable practices carried out by the corporations' regulatory staff. Because these fairs and markets were so vital to the general wellbeing of these towns, this state of affairs had caused major damage to these towns' reputations as market centres. By 1828 it had also caused the abandonment of Market Juries in many towns. Local businessmen refused to serve on them, fearing loss of customers if in any way associated with the discredited corporations. Consequently, this established a situation where vendors refused to pay any tolls or customs. Kells stands out as an exception to this general maladministration. Its patron, the Marquis of Headford, oversaw good government of the fairs and markets in keeping with the proper administration of the town's corporate lands.

It has been generally accepted by many scholars of this period that challenges to landlord authority in rural areas were paralleled in the towns and that the creation of the new municipal institutions, whose authority was sanctioned by the state, led to the erosion (or in some cases, demise) of their patronal authority. They also agree that their role as agents of urban innovation effectively ended in the late 1840s with the famine. It is often assumed that their formal rights to collect the tolls and customs of fairs and markets had been extinguished by the legislation of the late 1830s and early 1840s, negating their ability to control the provincial urban marketing system as they had once done[353]. While this may have indeed been the case in some provincial towns, this study points up towns, such as Mullingar, Athlone, Athy and Naas where, if the patronal authority of the local grandee was dying, the commissioners still had to be wary of its dying kick. In many other such towns

---

[352] Anngret Simms with Katherine Simms in J.H.Andrews and Anngret Simms (eds) *Irish Historic Towns Atlas No.4, Kells* (Royal Irish Academy, Dublin, 1990), p.10

[353] See Lindsay J. Proudfoot, *Urban patronage and social authority – The management of the Duke of Devonshire's towns in Ireland 1764-1891* (The Catholic University of America Press, 1995), Chapter 1; Mary E. Daly 'Irish Urban History: a survey' in *Urban History Yearbook* (Leicester University Press, 1986), pp 61-71

the influence of the local patron, be it for good or ill, also continued to be a factor, if not in the regulation of fairs and markets, almost certainly in claiming remuneration from their tolls and customs.

Nevertheless, as the 1860s began, the inhabitants of the towns being examined here had begun to benefit from the improvement brought about, by their town commissioners. These included the regulation and control of fairs and markets, the easing of rates brought about by remunerative tolls and customs, and the improvement of the infrastructure of their fair greens and market places.

Perhaps the greatest improvement of all to the general wellbeing of these market towns was effected by their inhabitants' realisation that under the new system of government and the new locally elected administrators, they finally had a say in how their fairs and markets were exploited to their best advantage.

CHAPTER 5

POLICING AND LOCAL JUDICIARY

As central government became increasingly interested in the conduct of urban administration in the early decades of the nineteenth century, the subject of local policing or 'watching' of towns and cities came to the fore. At the beginning of the century policing in Ireland was under the control of the grand juries. As the century progressed the central state was to take over the control of this service.[354] 'Watching', as an urban service, was included in the 1828 Act alongside services such as lighting and cleansing, all of which had fallen into neglect in most Irish towns particularly since the Act of Union. The appointment and remuneration of town watchmen, with limited powers or prestige, was assigned as one of the responsibilities of local town administrators by Whitehall in its 1828 Act. This came about despite the fact that central government was reticent in the apportionment of any appreciable power in the area of constabulary or judiciary to these local town administrators.

This chapter will first examine the evolving state of Irish constabulary and local urban policing as it impacted on town government during the period from 1835 to 1865. It will also take cognisance of the part played by local towns' watching systems. The influence of most town commissioners' only independent enforcement official, the Inspector of Nuisance will be analyzed as well as his interaction with the general constabulary. The judiciary or 'magistracy' as it would have been experienced at Irish market town level will be examined and commented upon. The limited and often reluctant access allowed into the lowest level of judicial power by Dublin Castle to the new town commissioners after the adaptation of the 1854 Act, will be discussed as will the variation in the efficacy of enforcement and improvement which these commissioners brought about in the development of their local towns. Finally, one of the particularities of policing in Ireland, where the use of the army became a major adjunct to law enforcement, is dealt with, including the military's infrastructural, economic and social influences and interaction with town commissioners.

---

[354] R.B.McDowell, *The Irish Administration, 1801-1914* (London, 1964), p.135

5.1. Policing 'Under or in Connection with Corporate Authority'

The commissioners of inquiry into Irish municipal corporations in 1835 found that in 'most places the duties of police are performed by the constabulary force of the county in which the Corporate town is situated'. However, they were at pains to point out that:

> '...in general the police, when it exists at all under or in connection with Corporate authority, is very imperfect and inadequate to the purposes for which it is required; and improved provisions, either of legislative enactment, or municipal bye-laws or both, are required upon this subject'.

They went on to say:

> The police force, it is complained, is too small for the duty, and consequently not as efficient as it might and ought to be. The want of an effective magistracy and of sufficient inferior officers, and the irregularity of boundaries of local jurisdictions, present obstacles and impediments in this respect, throughout several districts, deserving of serious consideration.[355]

The reference to 'irregular boundaries' was immediately taken account of by Whitehall, who commissioned the military to map and determine the precise boundaries in 1838.[356]

5.1.1 Policing in Irish Towns as seen by the 1835 Commission of Inquiry

In its general report the commission of inquiry was highly critical of the way sheriffs performed their duties, particularly in jury selection on political occasions and they recommended that blatantly sectarian corporations ought not to have the power to appoint them. On this matter it stated:

> The great importance of the duties entrusted to sheriffs, in relation to the administration of justice, and the extent of interests involved in their due exercise...almost demonstrate that such corporate bodies as we have described, limited in numbers, sectarian, exclusive, and often intolerant in opinions, ought not to have the appointment of officers entrusted with these duties.

It went on to point out that confidence and faith in the impartiality of the officers and ministers of the law were necessary as well as due respect for the tribunals by which they were administered, in order to protect the laws themselves from suspicion and contempt. That such confidence was not generally placed in the conduct of corporate sheriffs in Ireland, in reference to the selection of juries on political occasions, was a matter of notoriety. The enquiry suggested that consideration should be given to the removal of this

---

[355] *First report of the commissioners appointed to inquire into the municipal corporations in Ireland,* HC. 1835 xxiii, p.36

[356] See chapter two

power from the corporations and to placing this branch of the general administration of the law in hands more directly responsible for its faithful exercise.[357] Had their recommendations been acted upon, it would have removed local power from landlords on local grand juries and transferred such power to central administration.

When the enquiry commissioners came to examine the state of local policing (or watching) in the towns in this study, they found much to criticise. For example, at Athy, Co. Kildare there were no corporate police apart from the sergeants at mace. A chief constable and eleven of the county constabulary were stationed in the town. The chief constable acted as a justice of the peace under the town corporation sovereign.[358] Naas had no corporate police except for the sergeant at mace. There were between six and ten of the county constabulary stationed in the town. The inquiry found that: 'Petty Sessions is held weekly before county magistrates. The sovereign scarcely ever attends; one of the portreeves, who happens to be a county justice, sits as such'.[359]

At Carlow, apart from the sergeant at mace, there was no corporate police. Sixteen of the county constabulary, a sub-inspector and chief constable were stationed in the town. The chief constable acted as local magistrate under the sovereign or his deputy.[360] Trim, Co. Meath, also had no corporate police, except for the sergeants at mace, and chief constable, being a magistrate of the county acted as such at the local Petty Sessions.[361] In both Kells and Navan, the other two major market towns of Co. Meath, an exactly similar policing and local judiciary situation prevailed.[362] At Maryborough (Portlaoise), the inquiry found it necessary to remark that although there were from fifteen to thirty members of the county constabulary stationed there, 'the Burgomaster has no control over them'. However, as well as the county chief constable being a magistrate, the Burgomaster of Maryborough (Portlaoise) was also a county magistrate and sat on the bench of the local Petty Sessions.[363]

5.1.2 Local Urban Watch Systems

In the early decades of the nineteenth century, the market town of Dundalk was the most populous of the towns in this study and contained the largest number of business premises,

---

[357] Ibid, p.31
[358] Ibid, p.144
[359] Ibid, p.216
[360] Ibid, p.168
[361] Ibid, p.268
[362] Ibid, pp 184; 229
[363] Ibid, p.206

warehouses and private building. The first town commissioners of Dundalk, most of whom were business people, established a local watching system. In the 1830s the activities and shortcomings of Dundalk town's watchmen was discussed on a regular basis at the commissioners' meetings. The town's householders rated at £20 and over, had elected a fifteen-man commission in February of 1832.[364] One of this new body's first resolutions was to advertise for 'persons willing to undertake duties of constable of the watch'. It outlined precisely the extent of the distinct town beats for which the watchman would be responsible, as described below:

From:	To:
1. Mr. Duffy & Co. Brewery, Dublin Rd.	Gray's Lane.
2. Friary Chapel, Anne Street.	North end of Fever Hospital.[365]

It continued in this fashion to delineate a total of thirteen such beats. Once employed by the town commissioners, these 'watchmen' provided regular reports at town commissioners' meetings and their efficacy or otherwise became a persistent topic for discussion by the commissioners.

The expense of this exercise for the poorly funded Dundalk town commissioners was quite considerable for the time. By December of 1839 the commissioners had received weekly bills from 'Henry Birr and his watchmen' for £5. 15s. The commissioners also had to expend '21s. 0d. each for coats for the watchmen'.[366] It presented a significant burden on their limited resources.

The minutes of the commissioners meeting during this time contain numerous references to the supervision of the watchmen. Such regular supervision was both costly and time consuming. In August, 1840, the minutes refer to a complaint being made of neglect of duty against watchmen, Thomas McConville and Pat Kinnahan, the outcome of which led to both men being fined 2s.6d each.[367] Later that year another complaint was recorded against the two watchmen for being off their beat without cause. On this occasion the commissioners decided the complaint could not be substantiated. However, the less than satisfactory performance of Dundalk's watchmen may have contributed to their wages being reduced. In any event, the financial burden of their expense on the ratepayers was deemed excessive. By 1842 the commissioners had reduced the total weekly wages for all

[364] *Minute book of Dundalk Town Commissioners,* DCM/MB/1, 13 January, 1832; 3 February, 1832; 6 February, 1832
[365] Ibid 11 February, 1832
[366] Ibid, 10 December, 1839
[367] Ibid, 15 August, 1840

their watchmen to £5. 5s. 0d. per week[368] and by 1844 each watchman's pay was further reduced from 9s. to 7s. 0d. per week.

Considering the expense of hiring and maintaining an effective number of watchmen, it is understandable that most towns' administrative bodies decided to not to employ such a system. The expense of this exercise was quite considerable for the time. By the 1850s, while the efficiency and discipline of Dundalk's town commissioners' watchmen may not have improved, their cost to the ratepayers had increased considerably. In April, 1852, the sergeant of the watch made a complaint against Patrick Duffy for being drunk while on duty. Duffy was reprimanded and told he would be dismissed 'for the next similar offence'.[369] Later, in July of that year, while a complaint against watchman Joseph Garland for 'impertinence and not moving timber off the street opposite the convent' was dismissed, nevertheless the commissioners saw fit to have this watchman 'severely reprimanded'.[370] In April of the following year, the bill to the commissioners for watchmen's wages had risen to £36. 15s. 9d.[371] A breakdown of the total cost for watching in Dundalk town, for the year ending 31 July, 1853, is outlined below:

Wages to Watchmen, ...	£203. 18s. 5d.
Coats and repairing Watchmen's coats,	£15. 3s. 6d.
Coal for Watchhouse, ...	£2. 17s. 0d.
Buckets for do,...	5s. 0d.

This amounted in total to £222. 3s. 11d., which is considerable when compared to the town commissioners' total expenditure for that year of £628. 5s. 9d.[372]

Perhaps it is less than surprising, considering the amount of time and money that Dundalk's municipal body had seen fit to contribute to the direction and supervision of their watchmen that the final meeting of that body should continue discussing 'watching' issues. Prior to its functions being taken over by the newly elected 1855 body the subject of an errant watchman was high on their agenda. Under the heading 'The Amorous Watchman', a local newspaper described what transpired:

> The chairman said that a watchman, who had been recently appointed, had committed some acts which proved him incapable of filling the situation. He had attempted to take improper

[368] Ibid, 27 October, 1842
[369] Ibid, 8 April, 1852
[370] Ibid, 23 July, 1852
[371] Ibid, 28 February, 1853
[372] 'Dundalk Borough Abstract Account for the year ending 31st July 1853' a loose single sheet in *Minute Book of Dundalk Commissioners,* DCM/MB/1/1, 31 July, 1853

liberties with two married women; the husbands of whom would have prosecuted him only that they did not like to come before the public.

Sergeant Curran of the night watch was then called in and described the conduct of the delinquent watchman, which took place on the night of the 12th instant.

The board unanimously dismissed him.[373]

Examination of the Dundalk commissioners' minutes covering the entire period of 1834 to 1854 show this watching aspect of their brief engaged quite a lot of their time and concentration. However, it seems to have been a price they were willing to pay in order to have their town 'watched' independently of the general constabulary.

5.1.3 Reform

Policing was central to the 'age of reform' and was the subject of various enactments by the Whitehall government. English cities and towns became subject to the Metropolitan Police Act, 1829, the New Poor Law, 1834 and the Municipal Corporation Act, 1835 which required borough councils to establish watch committees and police forces. The 1839 Police Act allowed the establishment of police forces for rural areas. When some English towns and rural districts failed to set up their own police force the 1856 Police Act made these mandatory. By 1859 each town and county in Britain had its own independent force.[374]

The British Prime Minister responsible for the establishment of this new police system, Robert Peel, was first elected to the parliament at Whitehall by the twenty seven 'electors' of Cashel, Co. Tipperary, a seat which was in effect, bought for him in the late 1700s for the sum of £3000 by one Arthur Wellesley, later Duke of Wellington. Though Peel did not visit the country, let alone the constituency of Cashel, he held the view that 'an honest despotic government would be the fittest government for Ireland'. In 1814, the establishment of a police force by him to quell disturbances in 'the proclaimed barony of Middlethird was his first assay into what would be his most lasting achievement - the London Metropolitan Police'.[375]

A desire by central government to control what they saw as the chaotic urban environment resulted in local acts being used to suppress or at least control such popular

---

[373] *The Dundalk Democrat and People's Journal,* 24 February, 1855

[374] The Prison Act of 1835 instituted the first central inspectorate of an urban governmental function

[375] Martin Mansergh, 'Tipp's top Tory. An account of Robert Peel's progress from Cashel MP to Brittish PM' a review of Douglas Hurd, *Robert Peel, A Biography* quoted in *Irish Times Weekend Review,* 4 August, 2007. Manseragh obtained access to Peel's papers in the library at Chequers during a break in the peace negotiations of 2005, to which Hurd did not have access. Soon after Peel's election, with the first glimmer of ethics in government, legislation was passed making the sale of seats illegal, with a fine of £1000

entertainments as animal fighting, gambling, dancing, brothels and public indecency. Doyle describes a policeman's main duty during the nineteenth century as 'ensuring an orderly urban environment and policing the morals and pastimes of the working class' and thus protect the property, commercial interests and lifestyle of the middle-class ratepayer.[376]

A similar ethos could be said to have prevailed with regard to the policing of Irish towns during this period, albeit with interesting regional modifications. Indeed, the preservation of law and order was one of the principal watchwords which the entire continuing connection with Britain depended upon. The desire for protection and continuance of this connection brought about a policing system in mid-nineteenth century Ireland which consisted of two major law-enforcement agencies; an Irish Constabulary (soon to become the Royal Irish Constabulary) and the Army.

Palmer contends that while both England and Ireland held common hostility to early systems of policing in the initial period of 1780-1830, 'Ireland experimented with and then (from 1808) established new police, while England held back. In the second phase, 1830-60, Ireland consolidated while England began its own innovations in police'.[377] He argues that Ireland was being used as a testing area for this modern idea of policing, maintaining the ' foreign "un-English" nature of the police idea is demonstrated by the fact that for half a century the testing of this idea occurred in a country ruled by England yet alien to it'.[378]

Hoppen describes the Irish Constabulary as 'one of nineteenth century Ireland's most remarkable success stories'. It was called upon by the state to perform a vast array of duties, including being responsible for the peaceful conduct and supervision of agricultural statistics gathering, auctions, dog acts, elections, funerals, vagrancy, wrecks, and inflammatory placards. The policemen themselves had strict entry requirements in literacy, 'good character', height, possession of 'a suit of plain clothes and a hat' as well as two pounds in cash money. This latter requirement barred entry by the poor. In 1842 their social backgrounds were made up as follows: farmers - 24.4%, labourers - 59.4%, shop assistants and clerks - 9.6%, others - 6.6%.[379] Thus, in social terms, this membership reflected the changing face of not just rural Ireland but of the market towns being studied here. From a

---

[376] Barry M. Doyle, 'The changing function of Urban Government' in Martin Daunton (ed), *The Cambridge Urban History of Britain 111* (Cambridge 2000), p.290

[377] Stanley H. Palmer, *Police and Protest in England and Ireland1780-1850* (Cambridge University Press, 1988), pp 519-520

[378] Ibid, p.520

[379] K. Theodore Hoppen, *Elections, Politics, and Society in Ireland 1832-1885* (Clarendon Press, Oxford, 1984), pp 411-412

religious perspective, as their numbers rose from 7,633 in 1837 to 12,592 in 1882, so also did the proportion of Roman Catholics - from 53.4% in 1842 to 63.4% in 1852.[380]. In general, and particularly from loyalists' perspectives, this force could be described as loyal, efficient and effective.

However, the greatest and most obvious difference between this police force and their colleagues in the rest of Britain was the quasi-military nature of the Irish Constabulary. Whereas the English policeman was unarmed and wore a navy-blue uniform, his Irish counterpart wore a dark green uniform and was armed with a bayonet, a carbine and later a rifle. It was a difference which created a progressively changing interaction between the inhabitants of Irish towns and their constabulary compared to that of the inhabitants of English towns during this period.

As well as reforming the middle magistracy, Drumond [381] also set about reforming the policing of Ireland at this time. In 1836 he secured the passage of legislation which amalgamated the existing county and peace preservation corps into a single national police force. This Constabulary of Ireland (later to be titled the Royal Irish Constabulary), began to operate from often purpose-built barracks in most of the provincial market towns. In general their conduct and effectiveness became significantly better than what had gone before.

At the beginning of the nineteenth century Ireland had the rudiments of a police force which was organised by county and perceived as being under the control of the local grand juries. By the 1830s, the reputations of these various county 'peace preservation corps' were in tatters. In many areas they were seen by the populace as little more than the bully-boys of the local landlords.

Perhaps the incident which finally proved too scandalous, even for the most conservative of the ruling elite to attempt to justify, occurred at a fair in the town of Castlepollard, county Westmeath in 1831. In an effort to pacify a faction fight at a fair in the market square of Castlepollard, a major of the local militia lost his temper with the crowd and ordered his local policemen to open fire. Eleven people were shot dead. In a somewhat botched attempt to rig the jury at the subsequent inquest, the original scandal was aggravated. The publication of the ensuing enquiry was seen by many as a major

[380] Ibid, p.410
[381] Dromond became Under-Secretary for Ireland in 1835

catalyst in the eventual nationalising of the Irish Constabulary.[382] The case was further endorsed the following year - the general election year of 1832 - when fourteen people were killed in Carlow town during furious inter-party rioting on polling day.[383]

Drumond, on taking office as under-secretary in 1835, immediately took on the task of reforming the police in Ireland. The then existing disparate county forces and the police preservation force he saw as necessarily partisan. They had been recruited and rewarded by an almost exclusively protestant magistracy and so naturally took their cue from their masters.[384]

Gradually the new force, once established, extended its jurisdiction over the entire country and assumed the primary responsibility for keeping the peace. It gained a high reputation at Whitehall, it was granted the title 'Royal Irish Constabulary' by Queen Victoria in 1867. Having to quell agrarian violence and sometimes acts of revolution it was of necessity an armed force. It gained much local odium in the Irish countryside because of its role in enforcing evictions. Consequently it operated from within formidable posts at strategic towns or in the open countryside. By comparison, in England the police were housed in 'stations', whereas in Ireland their built structures were referred to as 'barracks'.[385]

The Irish constabulary were worked hard during the famine years and played a prominent role in the administration of relief. Their numbers increased from 9,100 in 1844, to 12,400 in 1848[386] as the duties they were asked to perform multiplied. They reported weekly on the season's crops. They assisted with food distribution at depots as well as guarding supply stores, escorting wagons of provisions and supervising the loading of emigrant ships. They were often overwhelmed by 'swarms of beggars' searching for food. Palmer described how it all took a heavy toll on their morale, being the major census takers since 1841; they 'now watched and reported as the people died'. They often 'protested policies they were obliged to enforce'.[387] Many of them objected to government delays in opening food depots and of the techniques of mass feeding that treated people like 'wild animals'. Some paid the ultimate sacrifice, dying of fever. All worked fourteen hour days

---

[382] See Paul Connell 'Slaughtered like wild beasts' in Dennis A. Cronin, Jim Gilligan and Karina Holton, (eds) *Irish fairs and markets-studies in local history,*(Four Courts Press, 2001)
[383] K. Theodore Hoppen, *Elections politics and society in Ireland, 1832-1885* (Oxford, 1984), p.421
[384] Oliver McDonagh, 'Politics, 1830-45' in W.E.Vaughan (ed) *Ireland Under the Union, 1801-70* (Oxford, 1989), p.180
[385] F.S.L. Lyons, *Ireland since the Famine* (Fontana Press, London, 1985), p.76
[386] Stanley H. Palmer, *Police and Protest in England and Ireland 1780-1850* (Cambridge, 1988), p.480
[387] Ibid, p.480

and were 'among the heroes in this national tragedy'. Blame for the failure of the plans they executed 'rests not with them but with government policy makers'.[388] Their job was a thankless one and any heroism was quickly forgotten by the mid-eighteen fifties.

Prior to the adaptation of the 1854 Act, the few town commissioner bodies which were in a position to finance independent watching had little interaction with the occupants of the constabulary barracks. Though these structures had become significant additions to the built environment of many or these towns, and often contained a large number of uniformed men, the archive contains surprisingly little reference to contacts between these bodies. This was to change after the implementation of the 1854 Act.

5.1.5 Town Policing Reformed by the 1854 Act

The 1854 Towns' Improvement (Ireland) Act contained the following clauses which specifically referred to the policing (watching) and local law-enforcement in Irish towns:

- Clauses 56 to 59 relate to the formulation of local bye-laws and to the appointment and accountability of officers of the town commission.
- Clause 72 imposed penalties for the public sale or distribution, or for exhibiting in public any profane, indiscreet, or obscene book, print of drawing, and for singing any profane, indiscreet or obscene song or ballad, or for in any manner causing any obstruction, danger or annoyance to the public. Every person found drunk or guilty of any riotous or indecent behaviour in any street, police-office, petty sessions court, or public station shall be liable to a penalty not exceeding 40 shillings, or imprisonment for a period not exceeding seven days.
- Clause 88 provided the Lord Lieutenant empowerment, on the application of the town commissioners, to increase the constabulary force stationed in any town to act as watchmen by night and also, on special occasions, by day.
- Clauses 94 to 98 related to the manner in which actions may be brought by or against the commissioners; provide that no rate or proceedings shall be quashed for want of form, or be removed into any of the superior courts; that persons acting in execution of the Act shall not be personally liable; and that officers employed or appointed on 1st January, 1854, in the execution of the act Geo.IV.,chap. 82, or a

[388] Ibid, pp 480-481

local act, shall continue to be employed under this Act so far as possible, or till removed for sufficient cause.[389]

These clauses indicate quite a significant increase of responsibility regarding local policing being given to the new town commissioners.

When the commissioners of the town of Dundalk, newly elected under the 1854 Act, came to discuss the watching of their town, they were aware of the record and shortcomings of the watching methods of the old body. As these watchmen had now been disbanded, the town was watched by the members of the County constabulary stationed at Dundalk. The local Inspector of Constabulary was having difficulties continuing this service, as can be evinced by the following report of a commissioners' meeting:

> Mr. Cox, Inspector of Constabulary, here entered the room and asked if the Chairman had received any letter from the police authorities in Dublin respecting the regulations for having the town watched at night by the police. The chairman said no reply had been received as yet. Mr. Cox remarked that since the last meeting of the (old) board the town had been watched by eight police and a sergeant. He could not continue to provide this service with the present police force in the town.[390]

The commissioners then required council's opinion to determine their powers with regard to directing the constabulary stationed in the town. They were duly informed 'that any three commissioners can give directions to the constabulary force for preventing any obstruction of the streets in the neighbourhood of all places of public resort'.[391]

The cost of watching the town continued to be of concern. A meeting was told that the old board had paid £250 to their own watchmen. Now however, though Mr. Cox told them that the government would pay half the cost of having the constabulary watch the town, it would still cost the commissioners £253 to have this service continue. The *Dundalk Democrat* newspaper was less than pleased with the idea of the constabulary doing this work, and observed: 'Watching the town by the police will not be popular. It would be transferring the power which properly belongs to the municipal body, into other hands. It would be desirable, therefore, if we could return to the old system of employing watchmen'.[392]

These new duties began to take their toll on the health of the constables directed to carry out the night watch and a commissioners meeting was informed that 'constables

---

[389] From an abstract of the provisions of the 1854 Act as published in the *Leinster express,* 16 July, 1854
[390] *Dundalk Democrat and Peoples' Journal,* 17 March, 1855
[391] Ibid, 31 March, 1855
[392] Ibid, 17 March 1855

watching the town at night would soon be knocked up unless they were provided with oil capes to protect them from the wet weather'. The commissioners decided that it was the duty of the government to provide the constables with the correct clothing and not the town commissioners.[393]

The above exemplifies a more robust interaction between the new town commissioners and the constabulary than would have been the case prior to the adoption of the 1854 Act and is indicative of the new body becoming much more assertive in this regard. Limited finances determined that most of the town commissioner bodies being examined here could only afford to employ a single Inspector of Nuisance to become their 'eyes and ears' on the streets in place of a body of watchmen.

5.1.6 Inspector of Nuisance as Moral Guardian

The prevention of the activities of prostitutes and their customers in the public streets became one of the many duties of the Inspector of Nuisance in most towns during this period. Scarcely had this officer been appointed by the Mullingar town commissioners when the difficulties and dangers of his occupation became apparent. He reported to the next meeting of his employers that, on the previous Sunday there were a large number of 'improper characters walking the streets with soldiers and their expressions were horrible'. He described how he had remonstrated with them but they would not listen to him, and threatened to get the soldiers to beat him. It was suggested that the commissioners meet the magistrates in order to try to get a few policemen to accompany the inspector, so that these parties might be taken into custody and thus 'prevent these nightly scenes of immorality from being enacted in the public streets'.[394]

At Naas, the commissioners gave their Inspector of Nuisances a general order to summon all parties not complying with, and otherwise offending against the Towns' Improvement (Ireland) Act. They also resolved: 'that the town of Naas is now under the operation of the Town's Improvement (Ireland) Act 1854; town commission legally appointed, application to be addressed to Inspector General of Police to direct the constabulary at Naas to summon all offences committed within the boundary, against the provisions of the said Act in the name of Naas Town Commissioners'.[395]

---

[393] *The Dundalk Democrat and People's Journal,* 14 April 1855
[394] *Westmeath Guardian,* 23 October, 1856
[395] *Leinster Express,* 8 September, 1855

It soon transpired however, that co-operation between The Naas Inspector of Nuisances (Patrick Lawlor) and the local constabulary was less than it should be, particularly regarding the prevention of the activities of prostitutes. In April of 1856, Lawlor made the following report to a meeting of the commissioners:

> Gentlemen,
>
> I beg to report that at about 10 o'clock on the night of the 17th inst , I found four prostitutes drunk and conducting themselves in a most riotous manner on the streets of Naas; also using blasphemous, obscene and indecent language, altogether terrifying the inhabitants of that portion of the town where they were. In consequence of this I immediately reported same to the constabulary at their barracks and requested that a sufficient number of men might be sent along with me that I might charge them and have them confined for the night. Accordingly, Constable Johnson sent three men with me, who brought two of the most riotous to the barracks - allowing the other two to escape after I giving them in charge in front of the old jail - but they were in a short time after discharged. Immediately after, at the opposite end of the town, they commenced a repetition of this infamous conduct, when the police re-took them.
>
> Patrick Lawlor, Inspector.

The commissioners ordered their clerk to write to the Inspector General of Police and point out that it was illegal for the Head Constable to discharge prisoners given in charge. They resolved to request the Inspector General to order an enquiry into the matter.

The fact that local complaints regarding constabulary deficiencies were being made directly to Dublin Castle and not with the local grand jury or patronal landlord, was an example of the change which had come about in the operation of the Irish constabulary and its interaction with local town commissioners. The constabulary was no longer answerable to local elites. Its composition was by then more representative of the population as a whole and its masters were central government officials. Malcolm maintains that some positive discrimination in favour of Catholics with regard to appointments within the constabulary was permitted by the chief secretary. This was intended to allay some of the hostility felt towards the constabulary in urban and indeed rural areas as they began to curb public drinking and faction fighting. How successful this positive discrimination was toward Catholic appointments is arguable. Malcolm argues that one effect which did result was the alienation, in towns such as Carlow, of the Tory magistracy from the constabulary.[396]

---

[396] Elizibeth Malcolm. 'The reign of terror in Carlow: The politics of policing Ireland in the late 1830s' in *Irish Historical Studies,xxxii,* no. 125 (May 2000), p.74

5.1.7 Mixed Blessing of Towns' Garrisons

Particularly in 'garrison towns' such as Naas, the commissioners' court had to deal, on an ongoing basis, with 'camp followers' to whom many women who led a life of prostitution in the area of the military barracks were referred. These women, in the high Victorian moral environment of the time, were often referred to in quasi- classical nomenclature by the local newspapers, so as not to offend the delicate sensibilities of their middle-class female readers. Thus a report on the cases at Naas town commissioners' court described how 'Miss Biddy Byrne, a lady of the Cyprian Order, was fined 10s. or seven days imprisonment for being drunk and disorderly in the public street in Naas, on 27 December'.[397]

In Maryborough (Portlaoise), another town having a large military barracks, town commissioners also had their difficulties with these ladies of the evening. Finding the open arches of their market house was being used for 'immoral purposes' they proposed the erection of gates to 'prevent the place being used by abandoned females, with which the town was infested'.[398]

In Mullingar, another garrison town, the town commissioners had similar problems. On being established in 1856, one of the earliest issues to be deliberated upon by the new commissioners was the problem of prostitution in the town. Dr. Kelly remarked that 'the town was in a disgraceful state with prostitutes; it was impossible for a respectable female to walk around the line of the canal, or the Sunday's Well road; the curses and language of these persons was most scandalous'. Much discussion followed with various proposals put forward on how they should be removed from the town. Mr. Dooner suggested they should first get a notice to leave, but Mr. Keegan said that the commissioners' chairman could not order their removal; the magistrates were the only persons who had the authority. But Dr. Kelly believed they (the commissioners) did not require to serve notice on them. He said the 'respectable inhabitants of the town were loudly complaining of the manner in which these prostitutes were allowed to roam about'. Dr. Middleton thought that the Inspector of Nuisances aught to be instructed to 'look after these parties and get the police to summon them, himself to prosecute'. The Chairman, Mr. Keegan, read the section of the Act which stated that any of these vagrants or prostitutes found loitering in the public streets, could be arrested by the police without a warrant. Mr. Byrne suggested that the Inspector of

---

[397] *Leinster Express,* 15 January, 1859
[398] *Navan Town Commissioners' Minute Book,* KTC/M/2, 8 September, 1855

Nuisances should walk around the boundaries and 'notice these parties to leave town'. After further observations and discussion at this meeting it was decided to postpone the matter.[399]

The problem of prostitution was also one with which the Athy town commissioners was struggling to control. By May, 1859, it was stated at a commissioners meeting, that 'the town having been lately been infested with common prostitutes'. A unanimous decision was taken by the commissioners that a man be appointed, at four shillings per week, 'for the purpose of prosecuting them and also all street beggars and that he receive 2s. 6d. for each conviction of prostitutes in addition'.[400] By the following month the commissioners had second thoughts on the remunerative incentive and decided to pay the prosecutor of prostitutes a fixed sum only with no additional sum for convictions. Evidence shows that that this approach did not sit well with the person appointed to prosecute prostitutes. In fact, the man appointed, Thomas Roberts, complained to the commissioners that some cases were dismissed by the magistrate when corroborative evidence from other witnesses was not forthcoming. Several commissioners believed that 'magistrates were not acting in accordance with the spirit of the Town's Improvement Act - Section 72, which allowed that an officer appointed by the town commissioners can take into custody and bring before a justice without warrant, common prostitutes and night walkers'. Mr. Kavanagh, the chairman, suggested that as the prosecution of prostitutes 'was giving the magistrates of the district a great deal of trouble', he proposed to 'apply in a legal way, to have a magistrate appointed from amongst their body'. This was passed by a large majority.[401]

Within a short period of time Athy commissioners were granted their wish. A member of the town commissioners, Dr. Kynsey, was appointed as Justice of the Peace. He held his first court in August, 1859. This consisted of just one case of drunkenness, of which the local press reporter opined that: 'the disciple of Bacchus was fined leniently, being the first case, of 1s. 0d.,or 48 hours retreat in Athy prison'.[402]

However, during this period of the nineteenth century when the champions of Victorian morality were lauded for their endeavours in prosecuting female offenders, it was often convenient, under the cloak of moral zeal, to treat working-class or unemployed

[399] *Westmeath Guardian,* 26 June, 1856
[400] *Leinster Express,* 7 May, 1859
[401] *Leinster Express,* 18 June, 1859
[402] *Leinster Express,* 20 August, 1859

females almost as if they were prostitutes. For example, at Maryborough (Portlaoise) in May, 1856, the Inspector of Nuisance reported how his attention was continually being called to Lyster's Lane, 'at the corner of which idlers were in the habit of congregating, thereby obstructing Mr. Mullhall's premises'. Commissioner Turpin remarked: 'It is only the fair damsels of Lyster's Lane who exhibit themselves there in all their finery on Market days'. Commissioner Fitzpatrick however was not in a forgiving mood and told the chairman: 'If the law allows, male and female are obstructive of the common thoroughfare, I think you might direct your Inspector to summons them'.

In this case however, the females in question made a spirited fight-back. When the commissioners' meeting had ended the local newspaper reporter witnessed an interesting turn of events. He describes how 'three pretty girls from Lyster's Lane came in with a memorial in reference to a complaint of Inspector Robinson'. The following is a copy of their memorial:

Understanding, Your Worships, the Inspector will state,
Lyster's Lane is a place that's a nuisance of late;
As the girls each evening – their labour being done,
Congregate there for sake of amusement and fun;
Recreation so harmless and simple, we're sure,
Shall not be denied us because we are poor.
Do your wives or your daughters (the freedom forgive!)
Ever deck themselves out for a show-off at eve?
Then, because we by labour must earn our bread,
To our sex's propensities must we be dead?
The hearts of all women, no matter their station,
Throb with strongest emotions for man's estimation;
Some may look consequential – demure as a judge-
But to say that a woman's not a woman is fudge!
So we hope that your worships will give us fair play,
And not mind what your prying Inspector may say.
All the day is not each of us Drudgery's slave,
Then allow us at eve some amusement to have,
For which your memorialists will pray most sincere,
That you each may preside as J.P. for a year;
In the hopes with each other you may not be jealous,
Signed: Harriet O'Regan, for self and for fellows,
Note Bene – I'm told that our humble petition,
Should back'd be by one of your august commission;

Some name Mr. Quigley, and more would apply
For the aid and support of Sir John McEvoy;
Sure our sex for a champion can't be at a loss,
While one of our council is Arthur Moore Mosse:
To that worshipful gentleman we leave our cause,
We have dubb'd him our knight amid cheers and applause;
While the ivy crown'd ramparts – with echoing voice,
Prolonged our huzzzas; thus approving our choice.[403]

It is interesting to surmise if the above 'poem' was the work of the ladies of Lyster Lane themselves, or if their cause was being championed by the reporter from the *Leinster Express.* In any event the naming of members of the local town commissioners in such a 'comforting' fashion seemed to have the desired effect. There was little mention of these particular ladies in the subsequent minutes of their meetings.

5.2 Local Magistracy

In England, one of the major improvements which resulted from their royal inquiry into municipal corporations was the efficient administration of justice by impartial and qualified magistrates. Central government ensured this came about by appointing borough justices and local recorders.

In Ireland, the Under-Secretary became the official responsible for this reform. During the time Thomas Drumond held this post he became famous for removing from office more than one third of the existing justices, in particularly clergymen, small landowners and land agents. His efforts in this regard, so far as Irish boroughs were concerned were, no doubt, influenced by the findings of the Municipal Corporations Inquiry which reported in 1835. They found that: 'The chief officer of every Corporation is, generally, invested with the powers and authority of a justice of the peace, and he, or his deputy is in practice the Chief Magistrate, while in office, within the Corporate limits; in some places he is *ex officio,* a justice of the peace for the adjoining county'.[404] They went on to criticize how these corporate magistrates were, in most cases, part of the 'general magistracy of the county at large' and that difficulties often occur in 'adjudicating on the numerous class of cases which require the presence of two magistrates, when a resident or neighbouring county magistrate is sometimes called in, who, being without Corporate

[403] *Leinster Express,* 10 May, 1856
[404] *First report of the commissioners appointed to inquire into the municipal corporations in Ireland,* HC. 1835 xxiii, p.26

jurisdiction, can add nothing to the legal character of the tribunal'. They concluded that: 'The uncertainties and difficulties of this state of things must be prejudicial to the administration of justice'.[405] This criticism, together with the non-functionality of most corporations at this time, gave Drummond ample reason for his reforming zeal.

At local urban level during the eighteenth century Borough Courts were held at regular intervals in most towns which had a corporation. As the corporations themselves were dominated by the local patron, so also were the Borough Courts which were presided over by the local Justice of the peace. In many cases this gentleman was either the patron himself or his agent. As with other services for which the old corporations were responsible, these Borough Courts had fallen into misuse by the time these corporations were disbanded in 1840.

The local magistracy had existed and had continued unchanged since the previous century. The 1835 inquiry report noted: 'The want of an effective magistracy and of sufficient inferior officers, and the irregularity of boundaries of local jurisdictions, present obstacles and impediments in this respect, throughout the several districts, deserving of serious consideration'.[406]

As these borough courts were seen as the lowest rung of the ladder by the country's judiciary of the time, they may have been considered of little importance. After all, the higher courts of the land and the 'majesty of the law' were highly represented, both in their magisterial pageantry and their buildings within the urban landscape of these Leinster market towns.

5.2.1 Magisterial Magistracy

The eminence of the law, its appointments and its dignity were well and truly reflected in the stature of the building and their prominence in the urban landscape of these islands in the eighteenth and nineteenth centuries. In Ireland, James Gandon's Four Courts could well be viewed as the main temple, in which the God of Law - or perhaps more accurately, the God of Property - was paid homage. When this 'temple' was built (1785-1802), the social order was almost entirely built on the ownership of property. Property meant power; and it was handed down from generation to generation, consolidated by an orderly and preordained descent through the family line. As Duffy stated, '...the great landowners made the laws, and these laws were their mainstay, the sacred mystery by which their

[405] Ibid, p.26
[406] Ibid, p.36

position was maintained and perpetuated'. These landowners were acutely aware that this body of law must be preserved at all cost, and 'rendered sacrosanct by ritual display and a high level of public respect'.[407]

The courthouses in Irish provincial towns such as Dundalk, Naas, Athy, Carlow or Mullingar, dominated the urban landscape and proclaimed to the individual the indomitable message: 'We are extremely powerful and you are very small and weak'. The courthouse at Carlow for example is still one of the finest nineteenth-century buildings in the country. It was designed by the architect William Vitruvius Morrison and his model of this building was exhibited in 1832 at the Royal Hibernian Academy as an example of a significant monument of European Neo-Classicism. It is unclear when it was completed. The Board of Works noted that it was still unfinished in 1832. Lack of finance would seem not to have been an issue as when completed it was surrounded by some of the finest classical ironwork in Ireland.[408]

Plate 5.1: Carlow courthouse: Even today this early nineteenth-century neo-classical building dominates its urban environs (Photo: Patrick Hester, March, 2008)

[407] Hugo Duffy, *James Gandon and his Times* (Kinsale, 1999), p.197
[408] Edward McParland, 'Carlow courthouse and railings' in *Carloiana, Journal of the Old Carlow Society,*(22) 2, (The Nationalist, Carlow, Dec, 1973), p.9

How the law was administered to the people of Ireland, the pomp, circumstance and magisterial pageantry of its execution at the highest level, was a mirror image of the English and Welsh assize system. Its traditions and ceremonials went back to medieval times. As in England, where the King's/Queen's judges set out from London, usually three times a year, and travelled the country bringing the law to the people, similarly in Ireland, each county had Assize towns to which the Judge would journey. The country was divided into circuits. A retinue of circuit officers headed by the Clerk of Assize with their papers and equipment travelled with the Judge. Prior to the railways, they travelled by coach and were met as they entered each county by the County Sheriff, who was responsible for their safety and welfare.

Over the many hundreds of years much ceremonial grew around this Assize system. Particularly during the eighteenth century, when local grandees were at the height of their power and influence in Ireland, this ceremonial, together with the palatial awe-inspiring buildings in which justice at the highest level was dispensed, was highly significant.

The opening day of the Assizes was, to the inhabitants of Irish provincial towns, a wonder to behold. As the judge approached a town, his arrival was usually greeted by a guard of honour from the local regiment, often with trumpeters from the local barracks. The County Sheriff attended the judge in court and would ceremoniously hand over to him 'the several writs and precepts to you directed and returnable here this day, so that my Lords and King's Justices may proceed thereon'.[409] This indicated to the assembled inhabitants the continuing power of the local patrons. Duly armed with this authority, the judge would then proceed to hold the Assizes.

These displays continued over the time period of this study and beyond in the assize towns of Ireland. Neither the minutes of the new town commissioners or local newspapers reports of their meetings in the towns being studied here indicate anything other than compliance and respect for these displays of power and dominance.

[409] See Michael Benson 'The Pageantry of Assize time' in *Country Life*,(367) 4336, Sept 25, 1980, pp 1089-1093

Plate 5.2 Local grandees escort a judge of the assizes into town. (Source: A drawing from 'The Pageantry of Assize time' in *Country Life*, Sept 25, 1980,Vol. clxvii, No.4336)

This was the judicial system which towered over all county and urban government in the early nineteenth century. Perhaps closer to the world of the new town commissioners and their urban inhabitants was the appointment by the government of stipendiary magistrates. First appointed in 1795 with responsibility for Dublin police matters, their role was extended to the whole country in 1822. In 1836, when the police forces were being reorganised, these stipendiary magistrates were removed from constabulary duties and became the celebrated RMs or 'resident magistrates' in the various districts. They became considerable figures in the provincial towns and though Sommerville and Ross may have portrayed their lifestyle as being quite agreeable, their regular reports to the Chief Secretary in Dublin, helped keep central government informed of developments in the provincial areas.

5.2.2 Town Commissioners' Local Courts

The judicial system only slowly and very grudgingly allowed the new governing bodies which became established by the adaptation of the 1854 Act, to take some minute part in

the execution of the law at local level, even when the 1854 Act expressly allowed for such execution by permitting the establishment of Commissioners' Courts. The following instances provide an outline of the varying experiences the new town commissioners had in having one of their members become officially recognized as justices of the peace.

At the end of 1855 at Naas, the chairman of the town commissioners, John Hickey, was appointed Justice of the Peace with legal authority to sit as magistrate at the town commissioners' court. This appointment was quite expeditious when compared to neighbouring town commissioners' experiences in this regard. On 12th January, the following year, he held his first court sitting as town magistrate in the Record Court in the august building which was Naas courthouse. He was then forty six years of age, an astute local politician who, from humble beginnings, had become a property owner of considerable means. Having received his appointment from Dublin Castle, he felt at ease in his new position to such an extent as to use the occasion of his first court to make what must have been regarded by former corporation members as a cutting speech. As reported in the *Leinster Express* he declared:

> Naas has for long been a most neglected town. It had at one time a large corporate property, which if now in the possession of the inhabitants, would enable them to cleanse their streets, purify their lanes, light their town and amply supply the inhabitants with water. That property they have been deprived of and not one shilling is now expended for the benefit of the town. Naas was thus circumstanced when in August, 1854, the legislature passed a most excellent law entitled 'The Towns' Improvement (Ireland) Act, 1854...In the course of last year the people of Naas availed themselves of this Act...His Lordship has done me the honour of selecting me to the Justice of the Peace...[410]

Hickey felt that his hour had come, as he now sat on the same bench heretofore occupied by the Earl of Mayo. Thus he used the occasion to refer to the highly questionable method the said Earl has mis-appropriated the 'large corporate property' of Naas prior the arrival of the royal enquiry commissioners in 1833.

The town commissioners of Mullingar did not address the issue of having one of their members appointed as a local peace commissioner and magistrate of the commissioners' court until late in 1856. Their minds may have been exercised in this direction by disparaging remarks regarding their capabilities which emanated from the bench at the local Petty Sessions and was reported by Mr. Dooner, one of the town commissioners. He observed there was some insulting language used by the bench towards

[410] *Leinster Express,* 12 January, 1855

the commissioners; that when the magistrates were applied to for the fines levied under the Act, they (the bench) remarked that if the commissioners wanted to get the fines, their inspector should be the informer, and if not, 'the commissioners themselves should be the informers, which was very good work for them'. Another commissioner, Mr. Keegan said he was in the courthouse on the day in question, 'and the only observations made by the bench were with reference to the persons who were to be the informers. It was said that 'commissioners were pump-borers' the other day and that now they were to become informers. The remarks were made in a joking manner'.[411]

While this instance of sarcasm from the County's stipendiary magistrates towards the commissioners may have rankled, the question of being denied the fines, which they believed to be rightfully theirs, became an even more pressing reason to seek the appointment of one of their own members as a justice of the peace. Consequently, in October of that year their solicitor addressed the following letter of application to the Lord Chancellor:

> 8 Westmoreland St.,
>
> 31st October 1856.
>
> My Lord,
>
> The Town Commissioners of Mullingar, to which body I am Solicitor, have requested me to submit a resolution, of which I enclose a copy, for the consideration of your lordship, and to mention the circumstances under which they consider it necessary, in order to the due carrying out of the 'Towns' Improvement (Ireland) Act, 1854', in the town of Mullingar, that their Chairman should be appointed a Magistrate of the town.
>
> The town of Mullingar contains upwards of 6,000 inhabitants, and it is, as everyone connected with it must, I regret to say, admit, one of the filthiest towns in Ireland, in consequence of which it will be necessary to put the stringent provisions of the Act as regards nuisances, lodging houses, etc., into active operation, to do which, the constant presence of a Magistrate is indispensable.
>
> There is not at present any Magistrate residing in the town of Mullingar, the Stipendary Magistrate (Mr. Cronin) lives about a mile from the town, and Mr. Godfrey Featherstone (who is Deputy Acting Clerk of the Peace for the County, and as such, much occupied) within about a quarter of a mile, and even if there were a Magistrate living in the town itself, it could hardly be expected that he would devote his time to the investigation of the numerous cases that will daily arise in it, under the statute in question.

[411] *Westmeath Guardian,* 4 December, 1856

> Mr. Kerrigan, Chairman of the Town Commissioners, and the person to whom your Lordship is requested by this resolution to grant the commission, is a very extensive and opulent trader, residing in the town, and a gentleman of the highest character.
> I have the honour to subscribe myself, with the utmost respect,
> Your Lordship's most obedient servant,
> William Mooney.[412]

Despite the case made for this appointment in the above letter, a representative of the Lord Chancellor in reply, pointed out that though 'his lordship has for some time had under consideration the making of such an appointment from the list of the town commissioners...he has received communications from persons connected with the County Westmeath, in whose opinion such appointment is unnecessary'. His lordship wished 'to be informed of the number of cases prosecuted by the town commissioners for violation of the Act before the ordinary court of Petty Sessions in the last year' before coming to a decision on the subject.[413] This was perceived as a delaying tactic and it annoyed at least one member of Mullingar town commissioners, Mr. Byrne, who remarked that 'if a Magistrate was living in the town there would not be so many prostitutes strolling about the streets, for they would be too much afraid'. He believed it would lessen crime considerably to have a Magistrate resident in the town.

Here is a prime example of an appointment, which was sanctioned under the legislature (1854 Act), being delayed and obstructed by a combination of local grand jury members' and Dublin Castle officials' connivance and obfuscation. The reluctance to allow what was permitted by the 1854 Act to come about expeditiously in these towns can be seen in the official return made in June of 1855. The towns of Athy, Carlow, Navan, Ardee, Naas Trim and Maryborough (Portlaoise) did not have a member of their commissioners appointed as J.P. Only in Athlone and Dundalk had such appointments been made. Even by 1859, towns such as Athy were still waiting for this appointment to be made and Maryborough (Portlaoise) did not obtain this appointment until 1861.[414]

5.2.3 Commissioners' Local Magistrate as Town Fund Faiser

In August of 1856 the Naas town commissioners felt they were being deprived of some of the finances due to them. They became aware that some men had been arrested for

---

[412] *Westmeath Guardian,* 12 February, 1857
[413] *Westmeath Guardian,* 7 May, 1857
[414] *Return showing towns in Ireland that have elected Town Commissioners under the provisions of the Towns' Improvement Act of the last session,* H.C.XLV11, (6June, 1855), pp 539-63

drunkenness at Naas fair and that instead of being brought before the commissioners' chairman, John Hickey, J. P., the arresting constables brought the arrested men to the home of a stipendiary magistrate, Mr. French, who resided two miles from Naas and detained them for some hours there.

The commissioners immediately 'memorialed' the Lord Lieutenant of this event and were pleased to receive a reply from Thomas Larcum informing them of the Law Officer's opinion on the matter. The opinion was that these offences ought to have been brought before the local magistrate (John Hickey) and 'instructions to that effect have been issued to the constabulary'.[415]

The commissioners' chief grievance against the constabulary's bypassing their own magistrate's court was the resultant loss of fines to which they believed they were entitled. For example, a typical day at the commissioners' court in 1855, before John Hickey, J.P., produced the following fines:

> Two car drivers fined for no licence, 1s. and costs.
>
> Nine fined for 'dung nuisance' 1s. and costs.
>
> Three fined for unclean footpaths, 3d. and costs.
>
> One fined for not having his dog muzzled, 1s. and costs.[416]
>
> Three car proprietors summoned for not having names on their cars were each fined 1s. and costs.

In 1857, John Hickey's court continued to collect fines for the town commissioners: On one single court sitting Francis Maughan was fined 2s.6d. and costs for being 'riotous and disorderly on the streets of Naas'; Bartie Grogan, for the same complaint was fined 1s. and costs; John O'Brian and Christopher Higgins were both fined 2s.6d. for similar offences and Patrick Murtagh, for a more aggravated form of same was fined 5s. and costs. For obstructing the public thoroughfare, John Mooney was fined 1s. and costs.[417] Prior to the establishment of the commissioners court and the appointment of a local town commissioner as Justice of the Peace, these offences, if detected or processed at all, would have been heard before a stipendiary magistrate at the Petty Sessions and the fines would have gone to the County Sheriff.

---

[415] *Leinster Express,* 30 August, 1856
[416] Ibid, 22 September, 1855
[417] Ibid, 17 January, 1857

The variety of offences which could be heard at a single sitting portrays much of the day-to-day life of local townspeople. For example, at the September 1858 sitting of Naas town Commissioners' Court, the Inspector of Nuisance summoned George Dunne for having his car off the appointed stand and obstructing the passage to the Sallins Great Southern and Western Railway Station on 23 August. The fine was 6d and costs. Mathew Slattery was fined 1s. and costs for allowing two pigs to wander on the public street at Naas on 21 August. Further fines for wandering pigs were imposed on Mary Mahon and Patrick Dunne. Bridgid Leavy was fined 6d. and costs for having a heap of manure collected on the side of the Sallins road on 20 August. The Inspector of Nuisance summoned Mrs Farrell for having two casks on the public footway in the town of Naas on 19 August. She was fined 6d. and costs. Finally, John McNally, summoned for having two horses feeding in the public street on 19 August was fined 1s. and costs.[418]

The advantage of the commissioners having their own Justice of the Peace and Commissioners' Court as a method of fine collection was also a consideration when the Maryborough (Portlaoise) town commissioners belatedly decided to make application for this office. That they did not make this application until January of 1860 may be explained by the fact that their chairman for many years, Major Cassan, was already a County Justice of the Peace. Indeed, he had held this post while chairman of earlier town commissions and earlier still whilst Burgomaster of the old corporation. Thus, when in January 1860 Dr. Fitzpatrick proposed that the commissioners 'memorial the Lord Lieutenant to have one of the commissioners made a Justice of the Peace', he put forward two of the reasons in order to elicit support for his proposal. First, the inhabitants would save on taxes by collecting the fines now going to the government. Secondly, it would check the increase in drunkenness if the Commissioners Court imposed higher fines or a gaol sentence of up to seven days. Major Cassan was proposed but stated that he was already a county J.P. and, not having time for further sittings, he declined. The commissioners then decided it may have been more advantageous for the town if Major Cassan would officiate as J.P. for the town commissioners on the same day as his county duty obliged him to sit as J.P. in Maryborough (Portlaoise) and that the fines he imposed on that day would go to the town commissioners. This compromise was finally agreed upon.[419]

---

[418] *Leinster Express,* 4 September, 1858
[419] *Leinster Express,* 21 January, 1860

5.2.4 Hackney Car Regulations

This was an area for which town commissioner members as newly appointed justices of the peace were given responsibility and actively encouraged to use it. Prior to the adoption of the 1854 Act, these 'car-men' as they were referred to were unregulated and unlicensed. They now took serious umbrage at being required to apply for licences and have their names inscribed on their cars. At one of the first meetings of Naas town commissioners it was reported that 'a body of car proprietors attended to remonstrate against being obliged to comply with the act. The chairman explained the folly of holding out'.[420]

One side-effect of the arrival of the railways to provincial market towns was to encourage a considerable increase in the numbers of hackney-car drivers plying their trade. In many cases, the railway companies built their stations on the outskirts of these towns, often over a mile from the town centre. As more and more of the 'respectable classes' became rail-travellers, the requirement for the presence of a number of hackney-car drivers meeting these trains and driving their 'fares' to wherever they wished to go, began to increase. Unfortunately, the supply of these cars began to exceed demand and this often resulted in a highly undignified scrum of car-drivers obstructing the entrance to railway stations and over-aggressively offering their services to rail passengers. As the owners and share-holders of the railway companies possessed considerable political influence, it was not at all surprising to find clauses in the 1854 Towns' Improvement Act which gave legislative force to the regulation and registration of hackney-car drivers. Responsibility for the prosecution of breaches of these regulations was to be borne by the town commissioners through their appointed justice of the peace.

Almost immediately upon their appointment, town commissioners began debating the merits or otherwise of the licensing of hackney-car drivers.[421] A case in point was the position in which the Naas town commissioners found themselves on their taking up duty in 1855. At this time Naas itself was not served by a railway; the nearest station was at Sallins, some three miles away. It says much for the influence of the railway company that a special bye-law, for which the railway company had petitioned, allowed the Naas town commissioners direct their Inspector of Nuisances to supervise the car-drivers at Sallins railway station and prosecute any breaches of the new regulations which he detected. This was quite an anomaly as Sallins was well outside the Naas urban boundary. In January,

---

[420] *Leinster Express,* 7 April, 1855
[421] *Leinster Express*, 7 July; 14 July; 28 July,; 11 August, 1855

1856, a letter was received at a meeting of Naas town commissioners giving permission to the Inspector of Nuisance 'to enter the property of the Great Southern and Western Railway at Sallins and to take cognizance of misconduct of hackney drivers...'[422]

Earlier, the town commissioners directed their Inspector to 'proceed against all car owners not having their name on car shafts, documents with them and against not having taken out a licence'.[423] Many car owners were reluctant to obey these new regulations and consequently many were summoned to the commissioners' court. In September, 1855, three were summoned for not having their names on their car and were fined 1 shilling and costs.[424] Car owners continued to evade these new regulations and at his court in March, 1856, John Hickey, J.P. warned that 'continued opposition which the commissioners and their officer had from the car-men of Naas (was unacceptable) and he was determined to put it down'. He fined those summoned 10 shillings and costs and warned that in future such defendants would receive the full penalty of 40 shillings fine.[425]

5.3 The Army...State's Second Law Enforcement Agency

The other major law-enforcement agency in Ireland during the period of this study was the Army. Its widespread use in aid of civil authority in Ireland during this period was vastly different to the situation in England. The army was much in evidence during tense periods of elections when it was necessary for the state to be seen to ensure the democratic process was proceeding without let or hindrance. It was reportedly said that 'in England troops marched out of towns as polling took place, in Ireland they marched in', though Hoppen maintains that even in England troops were sometimes discreetly moved near towns where election disturbances might reasonably be expected.[426]

However, in Ireland the widespread use of the army in aid of the civil authority made large demands on military manpower. Perhaps an extreme example was during the eleven months ending in May, 1832, just one year prior to the carrying out of the royal enquiry into the state of urban corporations, troops were called out 677 times to assist civil authorities in arms searches, riot control and 'other work'.[427]

---

[422] *Leinster Express,* 19 January, 1856
[423] Ibid, 18 August, 1855
[424] Ibid, 22 September, 1855
[425] Ibid, 29 March, 1856
[426] K. Treodore Hoppen, *Elections, Politics and society in Ireland 1832-1885* (Oxford, 1984), p.415
[427] Ibid, p.413

State security issues remained at such a level in Ireland during nineteenth-century that aid to the civil power was considered a requirement which should be readily available at all times. Indeed, Hoppen maintains that although troops were less expert in riot control, they were often more effective 'because red uniforms caused less gut opposition than green'.[428] Thus the part which the army played in police assistance was of such significance that it was regarded as a second law-enforcement agency.

The nineteenth century was a period of major upheaval for military organisation in the country in general and this impacted on the towns to a great extent. The fabric of towns throughout Ireland was profoundly affected by these changes. Military re-organization entailed the erection of new barracks, the transfer of some military premises to the constabulary, the closure of some military stations and the rebuilding or extension of others. In many cases these changes had major implications for the development of townscapes, often enlarging its 'footprint' and leaving lasting morphological changes in a most concrete and visible way.

Plate 5.3: Army barracks at Athlone, c.1810, still survives with its original form, character and massing intact. (Source: Irish National Archaeological Archive http://www.buildingsofireland.ie, **Co. Westmeath, 2/3/2000)**

[428] K. Treodore Hoppen, *Elections, Politics and society in Ireland 1832-1885* (Oxford, 1984), p.421

5.3.1 The Military's Urban Economic Significance

The role of the military in the economic life of these towns was also of major significance and became an influencing factor in general urban government. Military barracks were places of civilian as well as military employment. Though often temporary - whole battalions could appear or disappear from town barracks at very short notice - soldiers were seen, from an economic perspective, as significant residents. For example, Mullingar barracks could hold 998 men.[429] Merely as consumers, they had a major impact on the economic life of the town as is borne out later in this chapter. All such aspects of having a military contingent resident locally became issues with which the new town commissioners had to consider carefully.

Members of the ordinary rank and file of the army were described by Hoppen as mostly unskilled industrial and agricultural workers, 'who enlisted for life, suffered bad pay and worse conditions and were altogether less well situated than their constabulary counterparts'.[430] While, as consumers, they may have been seen as furthering the profits of the merchants and shopkeepers, these lower ranks, often by their drinking and immoral behaviour, became a source of much complaint from urban inhabitants. The town commissioners, often through their official, the Inspector of Nuisance, were frequently forced to contend with and prosecute this behaviour

At Naas, quite soon after the establishment of the new town commissioners in 1855, this new body had to contend with numerous complaints from townspeople regarding the misconduct of soldiers of the Leitrim Rifles, an army detachment then attached to Naas barracks. At a meeting in November of 1855, the commissioners' minutes state that 'the riotous and overbearing conduct of the Leitrim Rifles has been known to the Naas Town Commissioners for some time'. They have been 'responsible for brutal attacks on peaceable jurors, have broken in windows and doors of respectable inhabitants, have invaded and destroyed private property and threatened the lives of local people'. No satisfaction or compensation had been forthcoming from the commanding officer of the Leitrim rifles. The town commissioners were therefore 'requesting the immediate removal of the Leitrim Rifles from the town'.[431] The request had the desired effect in that this detachment was

---

[429] Jacinta Prunty, 'Military Barracks and Mapping in the nineteenth century; sources and issues for Irish Urban History' in Howard B. Clarke, Jacinta Prunty and Mark Hennessy (eds) *Surveying Ireland's Past* (Geography Publications, Dublin, 2004), pp 477-534

[430] K. Theodore Hoppen, *Elections, Politics and society in Ireland 1832-1885* (Oxford, 1984), p.412

[431] *Leinster Express,* 17 November, 1855

removed from Naas a short time later. In fact, the following months' meeting was told that 'the Leitrim Rifles had been removed from Naas Barracks on Tuesday last and sent to Cork'.[432]

Notwithstanding this less than agreeable aspect of having a military detachment stationed in their town, the Naas commissioners were generally well disposed to seeing the pros rather than the cons of their presence, and often when the military were withdrawn, the commissioners were quick to make representations for their return. In November of 1866, during an interim period when the constabulary depot had been temporarily removed from the town, the town commissioners, made a plea for the transfer of an army detachment to the town. Their minutes indicate a wish to have the army take up position in place of the constabulary and a copy of a letter, which they unanimously agreed to, was written into the minutes. Interestingly, they also agreed to request the influence of Lord Naas - then Chief Secretary for Ireland and son of the Earl of Mayo, former patron of the town of Naas - to assist in their request. The letter read as follows:

> My Lord,
>
> At a meeting of the Town Commissioners of Naas held at the Town Hall, it was resolved - that an application should be addressed to Lord Strathcairn, the Commander of the Forces, requesting as the constabulary depot has been removed from Naas, he would be pleased to occupy Naas barracks with military, and that Your Lordship should be requested to recommend the application to the favourable notice of the Commander-in Chief in Ireland.
>
> I beg, therefore, to inform Your Lordship that I am, by this post, forwarding a copy of the resolution to Lord Strathcairn and beg respectfully to ask Your Lordship to aid us by your powerful influence, which as Chief Secretary for Ireland, Your Lordship possesses.
>
> I have the honour to be, my Lord,
>
> Your most humble servant,
>
> James Masterson, Chairman.
>
> To the Rt. Hon. Lord Naas, MP.,
>
> Chief Secretary for Ireland. November 15th, 1866.[433]

At Mullingar in 1859, the local *Westmeath Guardian* reported on the very good rapport then prevailing between the local militia - the Westmeath Rifles - then billeted in the town, and the town commissioners. In August of that year, a public meeting 'called by requisition of the town commissioners' was held in the court house where an address 'was adopted for presentation to the Westmeath Rifles on the eve of their disembodiment'. A

---

[432] *Leinster Express,* 1 December, 1855

[433] *Minute Book of Naas Town Commissioners*, NTC/M/1, 15 November, 1866

deputation consisting of G.Fetherston H.Esq., J.P.; John Swift, Esq.,J.P.; John L. Cronin Esq.,R.M.; Dillon Kelly, Esq.,J.P.; Messres Patrick Farrell, Joseph Finnigan and T. Dowdall, Town Commissioners, waited on Major Nugent, the commanding officer of the Westmeath Rifles and presented him 'on full parade' with the following address which was read by Dillon Kelly Esq.:

> To Colonel F.S.Greville, M.P., and Officers, Non-Commissioned Officers and privates of the Westmeath Rifles:
>
> We, the undersigned Magistrates, Town Commissioners and inhabitants of Mullingar and its vicinity feel it our pleasing duty not to permit you to leave our town without publicly giving expression to our most unqualified approbation of the gentlemanly, moral and highly creditable conduct of the Officers, Non-commissioned Officers and Privates of your Corps, during the period in which you have been called out for training.
>
> At the same time also, that we take a retrospective view of the highly creditable and orderly manor in which you conducted yourselves on the former occasions and the more especially as then you were open to every possible temptation by being billeted in the town.
>
> And whilst we recollect that many among you are recruits, we at the same time beg to assure you that your discipline, soldierly appearance and bearing, reflect the highest credit, not only on the zeal and industry of your officers, but also on your own perseverance and training and have won for you the admiration of all who are capable of appreciating it.
>
> In conclusion, we tender our warmest thanks for your orderly deportment while among us and trust we shall live to see many returns of the training of the Westmeath Rifles in our town.

In the absence of Colonel Greville, Major Nugent replied, thanking 'Doctor Kelly and Gentlemen' for the 'very flattering address'. In his speech, Major Nugent said he 'felt indebted to the inn-keepers and others on whom the men were billeted, who not only made them as comfortable as circumstances permitted – but did all in their power towards the prevention of irregularities of any kind' thus materially assisting to forward the disciple of the Regiment. He concluded by expressing the wish that 'when the Regiment next assembles' the people of Mullingar would again 'find their conduct will again justify the good opinion you have now expressed'.[434]

However, the following year, the 2nd Battalion of the 14th Regiment was removed from Mullingar in less seemly circumstances. As reported in the *Westmeath Guardian,* 'the vice and indiscretion of a few young recruits brought odium on the entire regiment and deprived the town of the advantages which its presence conferred upon the trading

[434] *Westmeath Guardian,* 4 August, 1859

community'. An appreciation of the advantages to the trading community which the army in Mullingar provided may be gleaned in the manner in which the town commissioners manifested their feelings of reluctance to see this removal. Notwithstanding the 'vice and indiscretion' referred to, this is how the commissioners reportedly addressed their going:

> On Monday last an address, expressive of the most extreme regret on account of the removal of the 2nd Battalion of the 14th Regiment, from our town, and the esteem and admiration excited by the uniformly moral conduct and soldierly bearing of the officers and men of the corps, was presented to their Colonel, Sir James Alexander by Dillon Kelly, Esq., J.P., Chairman of the Town Commissioners, and Mr. John Odlum, Chairman of the Peat Gas Company, and a respectable deputation on behalf of the inhabitants.

The town commissioners were reportedly 'eulogistic' of the excellent conduct of the officers and men during their residence in Mullingar, and conveyed in the warmest and strongest terms, the sorrow universally felt on account of their departure.[435]

The newspapers' reporters were also keen to overlook what they obviously saw as the minor discretions of a few soldiers when compared to the loss of this regiment from the town, stating: 'It is our duty, in our capacity as journalists, to state that a more orderly, well-disposed regiment than the 14th has not, within our memory, occupied this garrison'. They went on to opine it was 'unfortunate circumstances' which had, through the vice and indiscretion of a few, deprived the town of 'the advantages' which their removal would cause to the traders of the town.[436]

Indeed, it could be said that the editor of the *Westmeath Guardian* was more than anxious to assist the town commissioners in finding an army detachment to replace the departed regiment. When two years later the economic effects of not having some military detachment stationed at Mullingar continued to be felt, the editor felt that Mullingar's town commissioners were exerting themselves to have a military force of 'a Depot Battalion, or even a regiment' quartered there. When one considered the numerous advantages that Mullingar possessed as a military station, he considered it 'surprising' that it should ever be left without a large body of troops. A fine barracks had been erected at great expense, which was sure to fall into decay if not continually occupied. There had also been erected, a very extensive rifle range, within a few miles of the town. It had direct railway communication with every sea-port in Ireland of any importance, so that troops could be easily moved. Provisions were cheap and abundant, and of excellent quality. The people of

---

[435] *Westmeath Guardian,* 12 April, 1860
[436] Ibid, 12 April, 1860

Mullingar had 'always the most kindly feelings towards the military, whereas, one seldom saw a Dublin newspaper that did not contain a report of fierce quarrels between soldiers and citizens'. It was felt that:

> If the claims of Mullingar were fairly laid before the authorities at the Horse Guards, we have little doubt that a battalion would soon be sent here, not as a favour, but for the good of the service. The only objection that can be made against such a move is that the neighbourhood is so peaceable it does not require the presence of a military force; but to withdraw the troops on that account is to punish us for our good behaviour. If the member for Athlone unite with our county members and with the proprietor of the town, in calling the attention of the Commander-in-Chief and the Secretary at War, to the matter, and press it with becoming zeal, we are persuaded that the wishes of our fellow-townsmen will soon be gratified.[437]

Perhaps it could be said that the well-meaning editor was a little too honest in trying to make a case for retaining the military in Mullingar. His opinion that the area was so peaceable there was no police of military requirement for such a force in the area; that the only true reason the town wished to have a military detachment was for the commercial advantages which would ensue to the traders of Mullingar was hardly likely to elicit a sympathetic response from the commander-in chief.

5.3.2 Town Commissioners' Celebrate Military Iconography

The relationship of town commissioners with their local garrison in the mid-eighteen fifties can often be gauged by their willingness to erect prominent iconography in prominent positions within their towns to the success of the British army in the Crimean war.

For example, in Maryborough (Portlaoise) in 1857, much enthusiasm was expressed by the town commissioners on receiving word from Lord Panmure's office that a 'Russian trophy' would be presented to the commissioners by the Secretary of State for War. In light of this forthcoming event, the town commissioners discussed the cost of acquiring a carriage to facilitate the presentation of the captured Russian cannon from the Crimean war, at a suitable place in the town. As the cost of an iron carriage from Woolwich would be £16, Mr. McEvoy said he 'would give as much oak as would make a carriage and subscribe to its formulation'. The commissioners agreed to write 'a letter of gratitude to Lord Panure's secretary, offering their most grateful thanks for the honour he has been pleased to confer' on the town.[438] Interestingly, it later came to light that an approach had

[437] *Westmeath Guardian,* 13 February, 1862
[438] *Leinster Express,* 19 December, 1857

initially been made by Mr. Turpin of Maryborough (Portlaoise) town commission and Maryborough Gas Company to Lord Panure' office. In January, 1858 at a banquet at McEvoy's Hotel to celebrate the successful illumination of the town with gas, the said Mr. Turpin spoke of his 'successful application to Lord Panure for one of the Russian guns as a trophy to be erected in Maryborough...to influence many passing through the town'.[439]

Plate 5.4: Russian cannon captured in the Crimea still occupies a dominant site at the courthouse, Carlow (Photo: Patrick Hester, March, 2008)

The exclusivity of this 'honour' was short-lived, however, as by March of that year it was reported that the inhabitants of Trim, Co. Meath were also to be presented with a 'Russian trophy'. Subsequently many Irish garrison towns were bestowed with similar iconography. Notwithstanding the diminution of the 'honour', an ostentatious ceremony was held at Maryborough (Portlaoise) in the following July and the local reporter, under the heading 'The Inauguration of the Russian Trophy at Maryborough' described how the cannon was 'installed in its new position of honour in the Square'.

[439] *Leinster Express,* 30 January, 1858

A plain stone pedestal had been erected for its reception, and around this a large gathering of townspeople assembled to witness the ceremony. The Queen's County Rifles marched under Colonel Dunne...the National Anthem was played... half a dozen 'stalwart fellows with Crimean medals on their breasts gathered round the trophy which their valour helped to secure'. The town commissioners, who were 'distinguished by pink rosettes' took their places by the trophy. They were addressed by Colonel Dunne, who stated: 'Dr. Pilsworth, I have received orders of the Commander-in Chief to present to you, your brother Commissioners and the inhabitants of Maryborough, one of the guns taken at Sebastopol...'. Dr. Pilsworth then put his hand on the cannon, the band played 'Rule Britannia' and the 'multitude gave three cheers'. A 'sumptuous dejeuner' was served later at McEvoy's Hotel.[440]

5.3.3 Social Considerations

The presence of the army, perhaps less as an adjunct to policing and more because of their social contribution, came to be seen overall by the new town commissioners as an asset to their area. While the less than pleasant aspects of private soldiers' social activities were often derided at meetings of the commissioners, the social activities of the officer class was another matter. They provided much sought after entertainment for the local landlords and professional classes, with which, as their social equals they were allowed to associate. Thus, such urban personages as some doctors, clergymen, successful horse-trainers and retired army officers were seen as socially acceptable, but not farmers or trades-people. If the latter wished to associate at all with the military, they had to find their social level among the 'other ranks' that patronised the drinking hostelries and lodging–houses of the town. Consequently, at least from a social viewpoint, the towns' elite gained most from the presence of the military. Being invited to regimental balls at various officers' messes and by joining social and sporting clubs organised by the military, they frequently found prospective dashing grooms for their eligible daughters.[441] But overall, as Costello summarises, 'all sections of the towns' population were at some time or other entertained by the military, even if it were but the playing of the military band'.[442]

---

[440] *Leinster Express,* 31 July, 1858

[441] Patrick J. Hester, 'Urban change in late 19th and early 20th century Ireland – Kildare town 1865-1911', Unpublished dissertation, (University of Dublin, 2005), p.43

[442] Con Costello, *A Most Delightful Station: the British Army on the Curragh of Kildare, Ireland, 1855-1922* (Cork, 1996), p.194

The social *cachet* attaching to army officers in urban areas can be seen in the part often taken by local commanding officers in the early establishment of town commissioner bodies. Local army majors and captains were often invited to chair early meetings at which decisions were taken whether to adopt the provisions of the various improvement acts. In towns such as Kells, Athy and Carlow they were obviously seen as impartial and respected intermediaries on such occasions. Their local social standing with many town commissioner bodies was also emphasised by their being named as top-table attendees at town commissioners' social functions at Maryborough (Portlaoise) Athy and many others.

One such social function, at Athy in 1858, exemplified both the standing of the army and the loyalty of the town commission to the crown. At a 'banquet' to honour the retiring chairman of the town commissioners in the 'Leinster Arms Hotel' a noted tenor, Mr. George Phipps, was invited from Dublin. He reportedly sang "God save the Queen' in 'his usual felicitous style'. The verse:

"Send Her victorious
Happy and glorious
Long to reign over us"

was 'encored and caught up with an enthusiastic chorus'. Toasts to the army and navy were 'responded to by Col. Carter, late of the 29th Regiment', who stated that the army was 'at present engaged in deadly strife...many relations of Athy residents were fighting in both (army and navy)'.[443]

The personages invited to the top table at municipal functions such as the above, were quite an accurate representation of the local power structure. The chairman and vice-chairman of the town commissioners were usually seated with local residential magistrates, the commander of the local militia, local members of parliament as well as the local Catholic parish priest and Protestant rector. The toasts proposed were a simple celebration of the national and local power structures and usually ran in the following order:

The Queen,
The Queen and Prince Albert,
The Royal Family,
The County M.Ps,
The local Duke /Marquis/ Patronal Landlord,

[443] *Leinster Express*, 6 February, 1858

The Army/Navy,

The town commissioners,

Special local guests,

The prosperity of the town.

An examination of the ranking order of these attendees as well as the order of the toasts provides an uncanny similarity with similar social occasions in English towns during earlier decades.[444] It serves to indicate the general loyalty to the crown and central government displayed on these occasions by the vast majority of these new town commissioners during the first decade of their administration.

5.4 Conclusion

Local policing or 'watching' of Irish towns, as in the case of other administrative responsibilities, was under-funded and neglected by the old municipal corporations. The establishment of the Irish Constabulary by central government in the 1830s provided one of the principal and visually concrete examples of 'governmentality' in Irish towns. New police 'barracks' added to the state-funded built environment and uniformed constables provided visual evidence to the local inhabitants of state 'capital' in positions of power on their streets. During the middle decades of the nineteenth century, the police force was seen to take its directives, not from local patronal landlords but from central government. Subsequent to the adaptation of the 1854 act, the new town commissioners gradually came to realise their emerging influence in local policing and increasingly provided inputs, through complaints and 'memorials' to Dublin Castle, into how the constabulary carried out their duties within these towns. This influence became vital to the maintenance of good order as in most of these towns the commissioners could not afford the prohibitive costs of employing independent watchmen. In the case of larger towns where they could, these local watchmen often required the assistance of the constabulary.

Local magistracy was an area of Irish administration where the power which the local grandee had enjoyed for many centuries as the 'controller' of his urban as well as his rural domains remained relatively unscathed by the change in town governance in the mid-nineteenth century. Indeed, until the beginning of the twentieth century, the local landlord could still be found in command of the bench at the petty sessions in 'his' town, handing

[444] R.J. Morris, 'A year in the life of the British bourgeoisie' in Colls and Rodger (eds), *Cities of Ideas: Civil Society and Urban Governance in Britain, 1800-2000* (Ashgate publishing, Aldershot, 2004), p.138

down stiff sentences to unfortunates found guilty of poaching rabbits on his estates. As the nineteenth century progressed, central government remained anxious to retain close control of the magistracy at all levels as part of security of the ascendancy class and of the union itself. Also, Dublin Castle remained convinced that by keeping these local town courts under surveillance they were more likely to become forewarned of any local disaffection or rebellion.[445]

The British magisterial court system allowed this situation continue in Ireland despite clauses of the 1854 Towns' Improvement Act empowering chairmen of the new town commissioners a slight toe-hold on the lower level of the magisterial ladder. The historical weight of the old regime coupled with central governments' nervousness of Irish insurrectional tendencies delayed liberal tendencies. It ensured the task of these newly-elected town administrators in obtaining the privilege of presiding over their own commissioner's courts was given little encouragement or assistance.

It was only in the detection and prosecution of trivial complaints that the independent law-officers of the town commissioners were allowed some power and control. This situation changed little even after the adoption of the 1854 Act. Their appointed justices of the peace, when ratified by the Lord Lieutenant, were given responsibility in the enforcement of such social improvements as hackney-car licensing and common lodging-house regulations. Nonetheless, there is little doubt that this appointment, when made, lent a degree of prestige to the new town commissioner bodies. It was appreciated as such by their members and by the inhabitants. Examination of local archives in these towns also indicates the relish and enthusiasm with which these newly appointed justices of the peace conducted themselves in their new roles.

Being in possession of meagre finances meant that, while larger towns struggled to afford independent 'watchmen', in the case of less populous towns this function was placed on the already heavily-burdened shoulders of the Inspector of Nuisances. As in Naas, where a commissioners' court was presided over by the chairman of the town commissioners, the fines imposed on local defendants brought before it, helped finance the work and provide salaries for the officers of the commissioners.

Using the army as aid to the civil power ensured the central government of sufficient 'muscle' to quell any insurrectional disturbances, but it also pointed up major

---

[445] F.S.L. Lyons, *Ireland since the Famine,* (Fontana Press, London, 1973), pp 74-75

differences in the policing of Irish towns compared to the 'normal' governmental policing of these in England. Having an army regiment stationed in their town often proved to be a mixed blessing for the new Irish town commissioners. The economic advantages of housing and provisioning a large number of men - and their horses - was often offset by their criminal and/or immoral behaviour, but the economic advantages as well as the social cachet of having the officer class as pillars of municipal society usually won out. It could be said that as a high proportion of the new town commissioners were themselves merchants and shopkeepers, they held a vested interest in this 'military economy'. As can be deduced from commissioners' participation and celebration of military iconography in prominent positions within their towns and from the conduct of their social functions, these commissioners in general liked to portray themselves as loyal to the crown and content with their new-found position at the lower end of local administration.

CHAPTER 6

PUBLIC HEALTH: WATER SUPPLY, LODGING-HOUSE REGULATION AND NUISANCE REMOVAL

A common factor pertaining to the urban environment in all areas of the United Kingdom of Great Britain and Ireland during the early to mid-nineteenth century was high urban mortality patterns primarily due to environmentally unsanitary conditions.

This chapter will first outline the general conditions of urban public health in both Britain and Ireland during the first half of the nineteenth century. It will then examine how the governors of Irish market towns coped with the urgent necessity of improving public health through the provision of a clean water supply, by the enforcement of common lodging-house regulations and assisting in the provision of improved sanitation and nuisance removal.

6.1 Early Nineteenth Century Urban Public Health Conditions

It may seem somewhat of a paradox that cleanliness is seen at this remove as being one of the dominant Victorian obsessions, when one considers the pollution and unsanitary environment associated with its much vaunted industrial revolution. By comparison, during the eighteenth century, British town dwellers had made reasonably successful efforts in cleaning up their local environments so as to mitigate the conditions in which infectious diseases thrived. However, such efforts seem to have been insufficiently maintained during the first half of the nineteenth century. That urban Britain was highly unsanitary is borne out by Edwin Chadwick's 1842 Sanitary Report and confirmed by the Health of Towns Commission which ensued[446]. The terrifying arrival of cholera from Asia in the 1830s underlined this sanitary deterioration.[447] Urban environments, where overcrowded and badly ventilated houses became breeding grounds for diseases transmitted by droplet infection and close contact, such as whooping cough, measles, scarlet fever, smallpox, tuberculosis and cholera. Added to this, outbreaks of typhus became regular occurrences where, during economic depression, families tried to economise on rent by doubling up in

[446] See M.W. Finn, (ed), *Report on the Sanitary Condition of the Labouring Classes of Great Britain* (Edinburgh, 1965)
[447] Peter Clark, 'Conclusion' in Peter Clark (ed) *The Cambridge Urban History of Britain Volume11* (Cambridge, 2000), p.835

already inadequate accommodation. This resulted in the increase of the human body lice, whose faeces was a conduit for the disease.

The neglect and total inadequacy of toilet facilities for the numbers of people residing in these tenements resulted in endemic outbreaks of gastro-intestinal infections such as typhoid and diarrhoea, which lead to many deaths. These conditions were exacerbated as urban water supplies deteriorated in quality. Raw sewage often entered streams from which domestic water supplies were drawn.

Stable and human waste together with deposits of domestic waste left in mounds in close proximity to the entrance to dwelling entrances and outhouses constituted regular health hazards. They formed breeding grounds for flies, millions of which in turn became a vehicle for the transmission of infant diarrhoea. As a result of these conditions, residents' children became ill and died, especially during the months of July and October every year. It was estimated that infectious diseases were responsible for some forty per cent of all urban deaths in the 1840s[448]. The condition of the surfaces of roads, streets and lanes, where the dumping of mud, dirt, dung, blood, animal waste and refuse allied to the lack of an efficient surface regime, exacerbated the general unhealthy condition of the urban environment. This will be discussed more fully in chapter seven. All of the above conditions, causations and results, to a greater or lesser degree, can be applied to the Leinster provincial market towns during this period.

Froggatt maintains that medically, two facts of this period stand out. First, a significant increase in the skill of doctors coupled with improvement in medical facilities and knowledge came about. Secondly, a growing awareness of 'the role of crowding, dirt, impure water, unwholesome food and unsanitary living in disease causation' was realised at official levels.[449] As this knowledge became generally available for the first time, it became incumbent on the government at all levels to be seen to strive earnestly in their efforts to improve the situation. First, they could no longer claim to be ignorant of the consequence such unsanitary environments to public health and well-being. Secondly, if this situation was allowed to deteriorate further it would impact on the numbers of available workers needed to sustain expanding industrial and agricultural production.

---

[448] Daunton Martin, (ed), *The Cambridge Urban History of Britain 111* (Cambridge 2000), pp 631-633

[449] Peter Froggatt, 'Industrialisation and Health in Belfast' in David Harkness and Mary O'Dowd (eds) *The Town in Ireland* (Appletree Press, Belfast, 1981), p.162

State involvement in the field of public health and sanitation in Irish towns and in the country in general began as early as 1805, when it funded half the cost of establishing dispensaries. By 1840, more than six hundred dispensaries had been set up throughout the country as well as fever hospitals and infirmaries built in each county. While partially maintained by state funds, appointments to them were made by *ad hoc* committees on which the local grand juries had considerable influence. District asylums for the insane were empowered by the state to be built at the expense of the area served as early as 1817.[450] It is interesting to note that many of the towns under this study continue to utilise these buildings, constructed prior to the famine, for the same public health purposes. By 1850, the government, influenced by the devastation of the famine, set up a central permanent board of health in Ireland.

A view has been held that government intrusion into the lives of ordinary citizens in such matters as health and welfare was, in many respects, more advanced in Ireland than in England during the early 1800s. Kearns provides a forthright description of the English situation during 1830-70, where water, sewerage and housing standards were left to the sway of the market.[451] The unified and centralised health initiatives provided for Ireland, it is contended, represented a radically advanced departure from the norm in England and indeed Europe at this time. While there was concern in Britain about the living conditions of the poor, powerful economic incentives to maintain an efficient workforce for industry and the railways amongst others, became a significant driver for improvement in public health as the century progressed.[452] Though the standards of this time were not exacting and, as in other aspects of government, performance fell far short of design - it would take another hundred years for these services seriously to take shape – nonetheless, there was willingness towards originality and experiment in public administration.[453] However, the public health and sanitation conditions, with which the new town commissioners had to contend over the period being examined here, were daunting by any standards. One only

---

[450] *Asylums for the Lunatic Poor (Ireland) Act, 1817,* 57 Geo. 111 c. 106

[451] G. Kearns, 'Private property and public health reform in England, 1830-70' in *Society of Science and Medicine,* 26 (1), 1998, pp 187-99

[452] See A. Fisher, A. Cotton and B. Reed, 'Public Health Reform: lessons from history' in *Proceedings of the Institution of Civil Engineers – Municipal Engineers*, 159 (1) 2006, pp 3-10

[453] F.S.L. Lyons, *Ireland since the Famine* (Fontana Press, London, 1985), p.77

has to read accounts of foreign travellers in Ireland during this time to obtain some idea of the enormity of their task.[454]

6.2 Pre-Famine Conditions

The 1828 Act intimated that provisions should be made for the cleansing and upgrading of towns' infrastructure, but the old corporations and the early town commissioners which succeeded them did little to apply these provisions. The 1828 Act did not contain such coercive clauses as would provide legislative imperatives from which improvement could be enforced. Also, the towns which elected commissioners on the disbandment of the old corporations in 1840, made little progress in this regard.

The towns being examined in this study had serious public-health issues to address during the early decades of the nineteenth century. Archival and secondary source material exists for Athlone during this period, which is not available for other towns. It was stricken by cholera in 1832. The spread of this outbreak was blamed on the unsanitary conditions of its streets, lanes and its inadequate and overcrowded housing. The editor of the *Athlone Independent* set out what he believed to be the general local sentiment:

> With shame we are obliged to state that our town has become a proverb to our neighbours; for it is no unusual thing to hear them, in speaking of an ill-regulated or dirty place, say "Oh it is just as bad as the sweet town of Athlone".[455]

Burke maintains that the following decade saw little improvement in either the towns' cleanliness 'or the peoples' perception of it'. In fact, the only time during the 1840s where he could describe the streets as swept or clean was on 'the arrival of Daniel O'Connell in 1843 when the inhabitants made a special effort to improve Athlone's appearance'.[456] Little alleviation of the unhygienic condition of public areas occurred during the 1840s and with the onset of the famine further problems were encountered by the town commissioners of Athlone. In 1846, their attention was drawn to the lanes where filth had reached such an extent as to render them almost impassable, with householders dumping their waste in ever increasing mounds. During the following months, reports

---

[454] See Francis B. Head, 'A Fortnight in Ireland (1852)' in Harrington John P. (ed), *The English Traveller in Ireland* (Wolfehound Press, Dublin, 1991), pp 275-290; Henry D. Inglis, 'A Journey throughout Ireland (1855)' in Harrington John P. (ed), *The English Traveler in Ireland* (Wolfehound Press, Dublin, 1991), pp 223-232; Emmet Larkin, (ed and translator) *Alexis de Toqueville's Journey in Ireland, July-August 1835* (Wolfehound Press, Dublin 1990); William Makepeace Thackeray, *The Irish Sketchbook* (London 1843)

[455] *Athlone Independent*, 20 November, 1833

[456] John Burke, *Athlone in the Victorian Era* (Athlone, 2007), p.219

detailed the deplorable condition not only of the streets but also of the Abbey graveyard which was located adjacent to the workhouse:

> The lanes of which are chocked up either with dung heaps or stagnant cesspools, together with the crowded state of the burial grounds, in which the dead are so promiscuously thrown with scarcely a covering of earth that the famished dogs are dragging the bodies hardly decomposed from the resting place.[457]

The town commissioners had a watch placed on the graveyard following this report. During the first week of the watch, two dogs were shot, one of which had a human leg in its mouth.[458]

The town of Athlone was geographically located more to the west of the country than the rest of the Leinster towns being examined in this study. Perhaps because much of its hinterland was within county Roscommon – a county whose population suffered more than many Leinster counties - its inhabitants felt the affects of the famine more than the others. Many more people died in its general district and in its Poor House and the extent of the numbers who succumbed to death can be gauged by the pressure placed on its burial ground. By February, 1847, the Athlone town commissioners sent a 'memorial' to the Lord of the Treasury. It is quoted here in its entirety as to illustrate the implied helplessness of the commissioners:

> Memorial of Athlone Town Commissioners to the Right Hon, Lord of the Treasury,
> Humbly sheweth,
> That your memorialist take leave most respectfully to represent to Your Lordship, the state of the burial ground in the vicinity of this populous town and neighbourhood.
> That for a population of about 40,000 inhabitants in this populous town and vicinity the only burial ground accommodation is in extent less than half an acre, that even before the present time that space was so crowded that the coffins were so piled up to the surface of the grass that not more than an inch of earth intervened between the putrid and decomposing corpse and the surrounding atmosphere. The health of the inhabitants residing in the vicinity has, in the opinion of the physician, been seriously affected by this circumstance. These pernicious effects have been considerably aggravated by the fearfully increased numbers of deaths daily occurring here through the distressful calamity that has this year afflicted our unfortunate country.
> Your memorialists beg leave to state that there is a piece of ground lying immediately adjacent to this hotbed of pestilence, a piece of ground containing about three roods within

[457] Quoted in John Burke, *Athlone in the Victorian Era* (Athlone, 2007), p.219
[458] Ibid, p.219

a stone's throw of the Poor House, purchased by the Shannon Commission, which is of no manner of use for the purpose intended.

Your memorialists beg and most earnestly entreat Your Lordships that in your kindness and benevolence you will direct the Shannon Commission to give us that piece of land for the public accommodation, if possible gratis, as our means are very limited in the present time of distress, or at least for the sum of money paid for its purchase.

And your memorialists will ever pray,

John Robinson, Chairman.

J. Nulty, Town Clerk.[459]

Unsurprisingly, the public health situation reached crisis point in Athlone during the famine years; fever and food poisoning became rife and almost inevitably a serious outbreak of cholera occurred in 1848. Neither the town commissioners nor the local board of guardians, whose workhouse was inundated with the impoverished, were able to provide much appreciable relief. Two committees had been formed to help deal with the cholera outbreak, each member on the committees was given a defined area to inspect and to report on the progress of the decease and a temporary cholera hospital was set up. Almost eight months later it was reported that the disease had subsided somewhat. Within one week of a declaration that the epidemic was at an end this temporary establishment was closed and its staff disbanded.[460]

6.3 Public Water Supply

The availability of a clean water supply, then as now constituted a vital element to the health and well-being of urban dwellers. It can be said that little improvement was made to this aspect of public health during the early decades of the nineteenth century.

At Ardee, in 1845, the inhabitants of the town used the river, not only for their drinking water, but also to do laundry and as a means of sewage removal. Access to the river from its banks was poor so in October of that year the town commissioners proposed 'to have steps descending to the river on the southern side to enable the inhabitants to wash linen and procure water. Also to have an inclined plane made parallel to the mill-race on the northern side to procure water and to wash'.[461] This was an example of how few resources the commissioners had to expend on such a vital issue. It is also quite typical of

[459] Minutes of Athlone Town Commissioners, ATC/1, 4 February, 1847
[460] John Burke, *Athlone in the Victorian Era* (Athlone, 2007), p.220
[461] Minutes of Ardee Town Commissioners, ATC/MB/1, 6 October, 1845

how the inhabitants of many such towns depended on rivers and streams for the most part of their water requirements.

In general, the towns examined here relied on local wells over which, in some cases, a mechanical pump of limited efficiency and reliability was erected. This was the only system of supplying drinking water to the poorer inhabitants.

In Trim, though a state of severe neglect regarding the provision of water pumps was evident up to 1845, the inhabitants were eventually comparatively well supplied with such public pumps by the town commissioners appointed after the disbandment of the old corporation. Public water pumps were erected under their directions in 1846 at Haggard Street, Loman Street, Market Street and Wellington Place.[462] Others were erected at Navan Gate Street in 1847, at Post Office Lane in 1849 and at Castle Street in 1851.[463] In this respect, Trim's inhabitants found themselves in a similar situation to most other market towns in this study. Those fortunate enough to live in proximity to a natural spring well within the town boundary could now depend on manual pumps such as these to supply drinking water. However, continuous usage often led to either the well going dry or to the pump mechanism becoming defective. The minutes of the Trim commissioners contain many references to these occurrences.

At Carlow, the inhabitants were fortunate in having two rivers, the Burrin and the Barrow, flow through their town. An opening was made during the eighteenth century at two recognized watering places for cattle and horses and in the early 1850s a large tank was erected beside one of them at Water Lane by the town commissioners. Water was pumped from the river into this tank in order to supply the town watering carts, used for spraying the streets to help lay the dust.

6.3.1 Improvement...the 1854 Act

The Act of 1854 contained three sections pertaining to town commissioners' duties and penalties regarding the supply of 'pure water'. The wording of the Act made clear the government's empathy with private enterprise and gave warning of any hindrance to such enterprise by the town commissioners. For example:

> Clause 52: Commissioners may provide sufficient supplies of pure and wholesome water, and erect waterworks, and the water may be kept constantly under high pressure. But they are not to construct water works etc, if any

[462] Trim Town Commissioners' Minutes, Ms 5819; 17 August, 1846; 29 August, 1846
[463] Ibid, 11 September, 1847; 4 January, 1849; 18 August, 1851.

water works company within the town be able and willing to supply water for all reasonable purposes for which it is required by the commissioners.

Clause 53: Service pipes for the water to be laid down by owners of houses, who shall defray the expenses. If the owners of the houses shall not lay down and connect service pipes with the main pipes, the commissioners are empowered to do so, and charge the owners with the expense – the water to be used for domestic and ordinary purposes only, unless by agreement with the commissioners.

Clause 54: Prescribed the penalties for injuring the water works, diverting streams or washing water, or causing water in reservoirs to be fouled; it also prescribed heavy penalties on the 'proprietors of gas works who shall wilfully do any act connected with manufacture of gas whereby the water in any stream, reservoir or water works belonging to the commissioners be fouled'.[464]

Perhaps it is understandable that tax-paying inhabitants of some of the towns being studied here were less than enthusiastic to adopt the 'water' element of the new act when they considered the establishment a body of town commissioners. They foresaw the threat of further taxation and one more demand on their finances couched within the clauses of these new regulations.

The supply of drinking water in Mullingar, when the first town commissioners were elected in 1856, was by means of public pumps erected above some natural wells at various locations in the town. These pumps were constantly failing to provide water, whether as a result of the pumps themselves becoming ineffective or, the actual wells drying up because they were not sunk to a sufficient level in the first place. The early minutes of the commissioners meetings are littered with references to what required to be done to remedy the poor public water supply. Pollution of wells by inadequate storm water shores resulted in polluted water from the streets entering some of the wells, as was reported to the commissioners by Mr. Mooney who pointed out 'there is a shore in Main Street, above the pump, which wanted repairs; the pump also should be removed'.[465]

---

[464] From an abstract of the provisions of the 1854 Act as published by the *Leinster Express,* 16 July, 1854
[465] *Westmeath Guardian,* 19 June, 1856

At a later meeting, Dr. Middleton wished to know whether this pump at Main Street should be removed, or if the commissioners should 'sink a proper well for supplying water thereto'. Mr. Dooner said he had known that pump to be there for the last thirty years and it never could be kept in repair. A great deal of rubbish was allowed to accumulate below the pump, which aught to be removed'.[466] At the next meeting of the commissioners Dr. Middleton moved that this pump at Main Street 'be moved, it being dangerous to life, so that a clear passage be made to the railway'. However, Mr. Kenna thought that if the pump 'was put in proper repair it would be a great benefit to the inhabitants of that part of the town. It was there for the last sixty or seventy years and had never occasioned any injury to life'. Mr. Allen also objected to its removal stating that 'when it was in repair the water was excellent'. Mr. Nesbit thought it 'ought to be repaired and properly enclosed and a certain hour appointed for drawing water each day. The inhabitants would consider the commissioners very niggardly if they refused to supply them with pure water'. He proposed, in an amendment, that this pump be repaired. It was ultimately decided that the pump be properly repaired and enclosed.[467]

The commissioners also had to contend with wilful and malicious damage being done to public pumps. At a meeting later in July they decided to offer a reward of £10 'to any person who shall, within six months from the date hereof, prosecute to conviction the person or persons who wilfully and maliciously cut down the Royal Oak pump at Mullingar; or £5 for such private information as shall lead to the conviction of the person or persons concerned in the outrage'.[468] The Royal Oak was an inn on the corner of Oliver Plunket St. and Dominick Place, which had a public pump outside its front door. In order to restore this facility the town clerk was instructed to seek contractors to have the pump replaced.

At the next meeting he told the commissioners he had written to 'several parties with reference to the cost of erecting a pump in the place of the one which was destroyed'. He had received replies from Mr. J. Strong, of Dublin, and Mr. Sheridan of Dublin, the former stating he would 'supply a pump, etc., for the sum of £15 and the latter for £2. 15s., with 2s. a foot for ascending pipes and 1s. 6d. per foot for the suction pipe'. Dr. Middleton observed that they ought to get the clerk to write to other parties and perhaps they would

[466] Ibid, 3 July, 1856
[467] Ibid, 10 July, 1856
[468] Ibid, 24 July, 1856

get it done more cheaply. Mr. Nesbit suggested that three or four of the commissioners be appointed to 'see after the erection of the pump and give what directions they may deem necessary on the subject'. He thought they should also 'wait on Mr. Dooner and learn his opinion as to the best mode of erecting the pump'. Consequently, Dr. Kelly, Messrs Dooner, Keegan and Nesbit were elected to a committee 'to make arrangements for the erection of the pump'.[469]

Similar suggestions for usually quite limited efforts to improve the public water supply appear regularly in the commissioners' minutes of most of the towns in this study throughout the decade from 1855-65. Improvement was piecemeal at best. For example, by 1858 the Ardee town commissioners made decisions to improve their water supply. It was resolved 'to ask Mr. Sheckleton if he would undertake to repair the public pumps and to keep same in order'. They also ordered 'that the well opposite Mr. John McKeevers be closed and the pump there be transferred to and erected in the well adjoining the courthouse'.[470]

Such limited initiatives did little generally to improve matters and often led to particular members of these bodies being accused of local partiality and private interest in reaching these decisions. The actual location in which new public pumps were to be erected often became the subject of controversy at the meeting of many town commissioners. It was sometimes alleged that favouritism and cronyism was being indulged in and this may indeed have given rise to the derogatory term of 'parish pump politics'.

In Carlow in 1854 the commissioners questioned the expenditure required to keep their public water pumps in order. They acknowledged that they took over from the old corporation eleven public pumps, 'one not completed'.[471] In July, 1854, their meeting had long discussions on whether the expense of the erection of a pump at Granby Row was justified. No conclusive conclusion was reached.[472] A pumps' committee was set up and by September it was informed that Graigue was 'badly supplied with water'. The pumps there were not producing any water and required urgent attention. The committee decided to consider offering a contract 'for twelve months' to any contractor prepared to do this.[473] Later that month the commissioners, on being told that there was no water supply at

[469] Ibid, 7 August, 1856
[470] Minutes of Ardee Town Commissioners, ATC/MB/2, 2 August, 1858
[471] John Ellis, 'Water supplies in Carlow, in *Carloviana, Journal of the Old Carlow Society*, (1) 2 (Nationalist, Carlow, Jan 1948), p.62
[472] *Carlow Post,* 8 July, 1854
[473] *Carlow Post,* 2 September, 1854

Montgomery Street, decided to have the pump at the courthouse moved and erected at Montgomery Street.[474] Thus began a system of 'robbing Peter to pay Paul' as pumps were moved from one part of town to another, depending on the local pressure applied to and by, individual commissioners.

When the town re-established their commissioners on adopting the 1854 Act, this new body was provided with greater legal powers to impose some improvement in water supply in the town. However, the public water supply problems continued unabated and little immediate remedial action was taken. Indeed, the politics of pump location seemed as prevalent as before. For example, in June 1855, long discussions and disputations raged at town commissioners meetings regarding the New Street water pump. The chairman, Mr. O'Shea was forced to hotly dispute the allegation that this pump was erected 'in an area where the chairman had property and was meant solely to benefit people in his area'.[475]

In Maryborough (Portlaoise) at this time the public water pump situation was little better than at Carlow and somewhat similar issues regarding the location of the public pumps were being addressed by the town commissioners. Although the Inspector of Nuisance,[476]reported they were 'in good working order' in May, 1856, by September of that year the contractor complained to the commissioners that 'it was impossible to keep the pumps in order. The shafts were old and leaked, along with being nearly always choked with stones thrown into them by mischievous persons'. Mr. McEvoy suggested they requested tenders for three new metal pumps which would be more durable and 'contribute to the ornament of the town'. He gave Naas as an example, where wooden pumps were successfully replaced by metal ones.[477] However by November of that year little improvement had occurred. The postmaster, Mr. Millen, told the commissioners that 'people paying their taxes wanted water – not ornament – so wooden pumps were as good as metal ones'.[478]

By February of the following year, the commissioners were spending much of their meeting time discussing the locations of public water pumps. Sites were suggested for pumps to be erected 'near Rev' Harper's end of the town and also near Dr. Jacob's north end of the town'. Mr. McEvoy said 'anyone wanting running water for general purposes at

---

[474] *Carlow Post,* 23 September, 1854
[475] *Carlow Post,* 23 June, 1855
[476] It was another of the many duties of the Inspector of Nuisances to inspect water pumps
[477] *Leinster Express,* 6 September, 1856
[478] *Leinster Express,* 8 November, 1856

that end of town can go to the river which is at their hand; when they want spring water for occasional use it will be no great trouble to go to the pump'. Mr. McEvoy was a hotel owner and town commissioner since its inception and saw Dr. Jacob, who was not a commissioner, as exerting too much influence in this delicate matter. He told his fellow commissioners 'you have left the selection of the pump site to Dr. Jacob, who is the largest cess-payer in the place'.[479] However, Mr. McEvoy himself was soon to come under unfavourable notice regarding the location of a public pump at his own hotel. During further discussion of this matter in May, 1857, when the advantages of wooden versus metal pumps still had not been resolved and the sites of wells on which pumps could be erected were still controversial, Mr. McEvoy was bluntly told that 'it was dam humbug to put one (pump) in McEvoy's lane where there was little use for it but for him to clean his cars'. It was eventually agreed by the majority of the commissioners 'to write to Paul and Vencent to send down metal pumps'.[480]

As the summer of 1857 continued, the Maryborough (Portlaoise) pumps stubbornly refused to exercise the function for which they existed. In June, the Inspector of Nuisance reported that two of the pumps were out of order. In July he reported that 'one of the new pumps was not working' adding his opinion that 'the wells were not sunk properly or deep enough'.[481]

Perhaps unsurprisingly considering the forgoing, the Maryborough (Portlaoise) public water pumps were still under-performing one year later. When the Inspector reported their poor condition in July, 1858, the commissioners 'resolved to take up the metal pump at the river and put it down at the Post Office in place of the wooden pump there which is to be rejected'. When it was asked if Mr. Miller, the Postmaster, would allow a metal pump to be put down at the Post Office, it was said that 'the old gentleman seemed to have insuperable objection to pumps of metal material; his opinion was that there was nothing like wood for water'. In reply to the question it was intimated that 'the substitution of the metal pump would only be temporary as Mr. Cassan would look out in his demesne for a tree suitable for a pump-stick and then make a present of it to the commissioners'. Despite this somewhat comical exchange of information, the more serious question of political pressure to determine pump sites continued. Consequently, it was agreed 'during next

[479] *Leinster Express,* 14 February, 1857
[480] *Leinster Express,* 9 May, 1857
[481] *Leinster Express,* 6 June; 11 July, 1857

October to sink a well for a new pump at some convenient spot at Dr. Jacob's end of the town'.[482]

Nonetheless, by October the one item on the Inspector's report which he deemed most unsatisfactory continued to be the chronic under-performance of the water-pumps. He told the meeting that the pump at the Post Office, of which so much time and space had been given at previous meetings and for which £4 had been paid to the contractor, had failed to perform just a few days after being put down. Also pressure was being applied to have a new pump erected 'at Rev' Mr. Harper's end of the town'. It was contended that a pump had already been erected at the Protestant Rector's area, so the Catholic priest, Fr. Harper felt one should be provided at his area also. Most of this meeting was taken up with argument over who was 'the best and cheapest contractor to keep the pumps in repair.[483]

At Naas the town commissioners, in their first annual report, informed the inhabitants of the advances they had made in just one year with regard to water supply. The recognized a great necessity for supplying the people of Naas, especially the poor, with pure spring water and had resolved on erecting two public pumps. Sites were chosen at either end of the town and contracts entered into for the sinking of wells and erecting the pumps. Having advertised for tenders, the commissioners selected the firm of Paul and Vincent of Dublin, being the cheapest and because this firm had given much satisfaction in the erection of the weighing machines at the market. These pumps were acknowledged to be a great benefit and accommodation to the poor. Hitherto, they were obliged to use the filthy water of the streams, which carried off the drainage from the army barracks and the workhouse Now, the commissioners proclaimed, the 'poor of Naas were supplied with spring water of the best and purest description'.[484] Prior to this improvement one can only imagine the risk to their health which the poor of Naas suffered in obtaining their drinking water downstream from where both an army barracks and a workhouse used the same stream to dispose of their waste.

Considering the general neglect of the town of Naas by its local administrators for over half a century and in particular the non-existence of any public supply of clean water to the poorest inhabitants, it is perhaps understandable that the new commissioners believed

---

[482] *Leinster Express,* 17 July, 1858
[483] *Leinster Express,* 9 October, 1858
[484] Minutes of Naas Town Commissioners, 16 June, 1856

they had reason to be proud of the efforts which they had made in the early years of their existence.

6.4 Lodging Houses

During the early decades of the nineteenth century a feature of urban accommodation for the travelling and local poorer classes was what was euphemistically called lodging houses, within which the almost destitute could at least acquire some kind of lodgings at minimum expense. These establishments were totally unregulated and by the 1840s had deteriorated to such an extent that overcrowding by carriers of various illnesses resulted in their becoming centres of both contagion and miasma. Overcrowding and filthy conditions became the norm, but of necessity they were in many instances the only places where the poor, often one step away from the dreaded workhouse, could obtain a roof over their heads.

The onset of the famine further exacerbated the already appalling conditions within these lodging houses. While it is not within the scope of this study to outline in any detail the effects of the great Irish famine, it is felt necessary to give here an indication of some of its effects on market towns' lodging houses.

Of all the efforts made by various organisations to alleviate 'distress' in Ireland during and immediately after the famine, perhaps as a philanthropic organisation, the Society of Friends stands high above most others. Their central relief committee worked extremely hard, particularly in garnering and organising support in the United States. Pertinent to this study are the letters written by secretaries of their relief committee, from various locations in Ireland, informing the head of their Society in New York, Jacob Harvey, of the terrible extent of Irish conditions. These letters, written contemporaneously with the worst period of this calamity and its aftermath help explain some of the population pressure experienced by the towns in this study.

For example, Jonathan Pim, a secretary of the Central Relief Committee of the Society of Friends in Dublin, sent an account to Jacob Harvey describing the conditions as he found them in his travels through the midlands and west of Ireland, in January, 1847. He described how:

> The number of destitute is greatly increased by the farm servants, who have almost invariably been discharged, on account of the inability of their employers to feed them; and by the tailors, shoe-makers and other artisans who used to work for the small farmers and

> the poor...(these) people are deserting their cabins, crowding into the towns and cities, spreading themselves over our eastern counties, where the destitution is less.[485]

The legacy of this influx is later evident in the numbers of poor being found in wretched quality lodging-houses by the officials of the town commissioners of such eastern county towns as Carlow, Maryboro, Naas, Navan, Mullingar and Dundalk. Even some years prior to the famine, on visiting county Meath in 1843, the Halls described how:

> The towns...into which the poor have been driven, are thronged with squalid countenances. Starvation stalks at noonday through the streets; and perhaps in no other part of the world could be found so much wretchedness 'huddled' together in an equal space as in the town of Navan. All around the suburbs, the cabins are filthy to the last degree; a very large proportion of them have no other outlets for smoke but the broken window; the roofs of many have partially fallen in.[486]

Connell's study of Navan during this period describes how '...two decades of in-migration of landless labourers...without a corresponding growth in the town's economy placed unbearable strains on its housing stock and imposed a wandering band of desperate people on an already cluttered community'. He also described a system whereby applicants for admission to the workhouse from rural areas were immediately admitted, 'whereupon their cabins were demolished by their respective landlords'. Then, later, when a batch of similar applicants was received, the original group was forced out of the workhouse and placed on outdoor relief. In this way 'the pool of paupers in the town grew, concentrated in the Brews Hill area closest to the workhouse and subletting went unhindered'.[487] These were housing and lodging-house issues which presented themselves to the Navan town commissioners on adopting the 1854 act.

In February,1855, the *Westmeath Examiner* published a description of the population distribution in the town of Mullingar. It quoted from a report submitted to the local board of guardians in October of 1854, which stated:

> In Blackhall Street we find many of the houses are without any means of ventilation, having from six to ten inmates and in most instances, a pig. In a wooden hut measuring six feet by about fourteen, without window or chimney, bedstead or other furniture, lives eight

---

[485] Jonathan Pim to Jacob Harvey 'Extracts from American Correspondence' in *Transactions of the Central Relief Committee of the Society of Friends during The Famine in Ireland in 1846 and 1847* (Edmund Burke Publisher, Dublin, 1996), pp 252-255

[486] Quoted in Peter Connell, 'Changing faces shaping a nineteenth century town: A case study of Navan' in *Occasional Paper Series, No.1,* (Geography Department, St. Patrick's College, Maynooth, May, 1978), p. 28

[487] Peter Connell, 'Changing faces shaping a nineteenth century town: A case study of Navan' in *Occasional Paper Series, No.1,* Geography Department, St. Patrick's College, Maynooth, May, 1978, pp 25; 49

human beings. In a similar hut, less than eight feet square, live a family of four and in another equally wretched hovel, a family of seven and a pig.

This report went on to instance the number of lodgers which some of these already overcrowded, single roomed hovels contained:

Barrack St.	T. Z., house consisting of two damp rooms, four in family, eleven lodgers, pig in house.
Rear of Barrack St.	P.M., house, six in family, eleven lodgers.
	P.M., house, six in family, three lodgers.
Fair Green	C.C., house, six in family, six lodgers, rain pouring in through roof.
	W.W., house, seven in family, four lodgers.[488]

This list contained similar information on a total of fourteen separate houses.

This was fairly typical of the condition into which these so called lodging-houses had deteriorated prior to, during and immediately after the famine. Most of the towns in this study had their quota of such establishments during these decades and prior to the enactment of the 1854 Towns' Improvement Act. Little impact had been made on improving their condition by either the town commissioners, the boards of guardians or indeed the county grand juries.

The 1854 Act contained the following clauses relating directly to the regulation of lodging-houses:

Clause 36: In any town with a population over 3000 it shall not be lawful to use as a lodging-house any house except a licensed victualling house or a registered lodging-house.

Clauses 37 to 40: Incorporate so much of the towns' improvement clauses act, 1847, as relates to lodging-houses save as provided in clause 36 above.[489]

It was thus intended that by at least registering and inspecting these establishments, some improvement would be brought about and this responsibility was given under the 1854 Act to the new town commissioners.

The situation regarding lodgers and lodging houses in the town of Mullingar, on the enactment of the Towns' Improvement (Ireland) Act, 1854, had reached a deplorable state and became a major issue for the town's newly elected commissioners. They were now obliged to inspect and licence all lodging houses within their town boundary.

---

[488] Report to Mullingar Board of Guardians, quoted in the *Westmeath Guardian,* 15 February, 1855

[489] From an abstract of provisions of the 1854 Act as published in the *Leinster Express,* 16 July, 1854

By July, 1856, they began to address this obligation. Mr. Kenna stated 'that the only thing they could do at present was to prepare a register for them and a small fee should be collected to defray the cost of such registration'. Mr. Nesbitt stated that 'there are a great many houses in the town which accommodates lodgers at present that will not get a license, such as those of bad repute and some poor cabins'. Dr. Middleton thought the Inspector of Nuisances ought to visit those houses before granting a licence.[490] At their meeting a week later, the commissioners were made aware of the extent of the lodging house problem. While some members said they believed the Act gave them no control over houses valued under £10, Dr. Middleton stated that, 'none but licensed victualling houses are authorised to entertain lodgers, unless registered according to the provisions of the Act'. This interpretation was then agreed and a day named 'for parties to come in and register their lodging houses and that a code of regulations be drawn up for their guidance'.[491]

The editor of the local *Westmeath Guardian* was anxious to point out where he believed the responsibility lay and what should be done to affect an immediate solution:

> Middle-landlordism, we conceive to be the crying grievance of the ratepayers...creating as it does, and has been doing for many years, a large amount of pauperism which never would have existed except through the instrumentality of this vile system, which by increasing the poor rates impoverishes the industrious and honest portion of the community for the vicious and immoral.

It may seem somewhat simplistic to suggest that by forcing lodging–house owners out of existence, the 'problem' of their impoverished inmates would also cease to exist. Nevertheless, this editor concluded by advising: 'Let the commissioners manfully apply the axe to the root of this evil by a rigid enforcement of the lodging-house act, and they will discharge one of their most important duties, for which they need no funds'.[492] Perhaps understandably, this gentleman was well aware that the fear of increasing rates was of paramount importance to Mullingar's rate paying inhabitants, they having shown themselves as being less than enthusiastic in establishing a town commission primarily due to the taxation increase it would inevitably bring with it. He knew he was on safe ground in denouncing any proposal likely to further increase these rates.

The Mullingar commissioners appointed a committee 'to draw up rules, etc., for the guidance of lodging–house keepers', and this committee reported at the next meeting that

---

[490] *Westmeath Guardian,* 3 July, 1856
[491] Ibid, 10 July, 1856
[492] Ibid, 23 October, 1856

they 'considered the following rules necessary for ensuring cleanliness and ventilation in addition to the general regulations laid down by the Act':

1. That all lodging-houses should be daily cleaned up and open for inspection to the officer appointed by the commissioners for that purpose before 11 o'clock each morning.
2. That the windows of all sleeping apartments be kept open from 9 o'clock in the morning until sunset, unless while it be raining or snowing.
3. That every lodging-house keeper be obliged to report to the Inspector upon the occurrence of any sickness amongst the lodgers, so that if found to be a contagious disease, the case may be removed to the proper hospital.
4. That every person obtaining a certificate of registry shall be required to have the words "Registered Lodging-house" printed on a sign-board in front of the said house.
5. That copies of all rules and regulations be printed and given to all persons obtaining a certificate of registry and that they be furnished with a card on which shall be written the number of lodgers to be received into such house.[493]

Despite these strict regulations, the Inspector told the commissioners there were about 136 lodging-houses eligible for registration. The inspector was then directed to 'keep a strict watch on some of these houses and see that none of them harboured improper characters or were in any way irregular'.

Kells town commissioners made strenuous efforts to get to grips with the licensing of their lodging houses soon after being elected. They appointed a committee whose initial task was to make a return of the number and capacity of the Kells lodging-houses. On the 9 June 1855 they reported having found that there were thirty-nine lodging-houses in the town where strangers are accommodated with beds. The number of apartments in these houses was ninety-three. The total number of beds was one-hundred and ninety-one. In most rooms there are two beds, but in Connell's of Cannon Street seven beds were found to be squeezed into one room in which nine lodgers were accommodated at once. In such dwellings as these, where people were crowded together without regard to age or sex, illnesses were generated and spread through the town and its vicinity. The removal or regulation of such establishments was probably one of the most useful measures to which the commissioners could direct their attention.[494]

---

[493] *Westmeath Guardian,* 7 August, 1856
[494] *Meath Herald,* 9 June, 1855

The minutes of the commissioners meetings attest to the fact that this situation remained a priority for some weeks at least. In trying to enforce lodging-house regulations they made a resolution 'that a copy of the section of the Act 1854, relating to lodging house keepers be embodied in a placard and a copy of it left with every lodging house in the town'. This seemed to have had the desired effect, as at the next meeting their minute's record:

> The following attended and had their houses registered as lodging houses:
>
> Fifteen (named) in Carrick Street
>
> | | | |
> |---|---|---|
> | One | do | in Church Street |
> | One | do | in Newmarket Street |
> | Five | do | in Cannon Street |
> | One | do | in Fair Green |
> | Two | do | in Farrell Street |
> | Two | do | in Suffock Street |
> | Four | do | in Bective Street |
> | Two | do | in Back Street |
> | Two | do | in Crops Street |

A committee of seven commissioners was established in order to inspect these lodging houses.[495]

In April, 1855, Carlow town commissioners were informed that lodging houses in the town 'were kept in a very ill-regulated and improper state'. It was reported that the Catholic clergy, on sick calls at night, visited them and complained of irregularity and of demoralizing scenes. The commissioners agreed the new Act was clear on this matter...hovels kept in a filthy and overcrowded state were the hot-beds of fever and malaria...small pox was raging in the lanes. The Nuisance Inspector was directed to 'go through the town and make a list of the number of lodging-houses, the owners' names and the probable accommodation they could afford'. [496]

At their meeting the following month, their Inspector of Nuisance was able to inform the commissioners of some of the dreadful conditions pertaining to the lodging-houses of the town. He had found a 'cellar in Tulow Street, where a number of persons were 'huddled together, some in a state of nudity'. He had also found six young females aged from ten to fifteen years sleeping near a lodging-house on the workhouse road 'without a shred to cover them from the night air save their scanty and torn garments'. They

---

[495] Minutes of Kells Town Commissioners,KTC/M/1, 4 July; 11 July, 1855
[496] *Carlow Post,* 21 April, 1855

had left the workhouse some days earlier 'because of the hard labour there'. The commissioners discussed 'the necessity to apply the reformatory clauses of the Towns' Improvement Act in such cases...They (these lodging-houses) spread disease and offered lodgings to strollers (prostitutes).[497]

In most of the towns in this study a ghetto of sorts developed over many decades in a particular area. Such was the case in Athlone, where lodgers were almost exclusively segregated to the west side of the river Shannon. Here the laneways off Connaught Street had become such a ghetto. A laneway called Butlers Row contained eighteen separate cabins, fourteen of which were occupied by lodgers. They had no privies or back yards and were valued by Griffith's Valuation at £1 to £2. Even as late as 1876 the sanitary inspector found that they still housed pigs as well as humans and had piles of filth piled outside their front doors.[498]

In Navan, the area of Brews Hill had become so congested with cabins that by 1850 a complete clearance was ordered. One hundred and twenty households were made homeless in a matter of weeks. Many moved to the Fair Green but the cabins or temporary shelters they erected there were soon after also demolished.[499] Connell quotes the *Meath People's* description of the resulting conditions generated by 1860, when most of these poorest of Navan's inhabitants had crowded into the minor streets and alleyways. As these lanes were situated in a low-lying area they suffered even more:

> Traverse Trimgate Street or Accademy Street, not to speak of the minor streets, lanes or alleys and you have the accumulated filth of all the higher parts of the town, as well as that of there own natural creation...In minor streets, a dung heap at every door is a matter of course.[500]

Similar ghetto areas developed in the Hanover Road area of Carlow, the Lyster Lane area of Maryboro, the Blackhall St., Barrack St. and Chapel lane area of Mullingar and in the Carrick St. and Back St. area of Kells.

---

[497] *Carlow Post,* 12 May, 1855

[498] Jim Lenehan, 'Politics and Society in Athlone, a Rotten Borough, 1830-85' in Raymond Gilespie (ed) *Maynooth Studies in Local History,* No 26, 1984, p.10

[499] Quoted in Peter Connell, 'Changing forces shaping a nineteenth century town: A case study of Navan' in *Occasional Papers Series No.1,* Geography Department, St. Patrick's College, Maynooth, Co. Kildare, 1978, p.23

[500] Quoted in Peter Connell, 'Changing forces shaping a nineteenth century town: A case study of Navan' in *Occasional Papers Series No.1,* Geography Department, St. Patrick's College, Maynooth, Co. Kildare, 1978, p.36

6.5 The Value of Street Manure

During the early decades of the nineteenth century there was no organized system to remove sewerage from populated areas. In this regard Irish towns were no worse than their English counterparts. Even in the London metropolis an efficiently engineered system of sewers were not established until well into Queen Victoria's reign. The market towns of Leinster during the time period of this study were almost totally devoid of any such sewage disposal system. Both human and animal waste was allowed to collect in the street outside peoples' homes until the locally appointed scavenger decided to remove it.

Animal droppings etc., swept from the streets and lanes of towns had for over a century become a valuable resource. During the administration of the old corporations it was usually auctioned in lots to the highest bidder. However, in line with all other inefficiencies characteristic of these bodies in the early decades of the nineteenth century, the proper disposal of these street sweepings became haphazard. The result was that stinking mounds of this substance, onto which was piled the 'nightsoil' from the adjoining houses, often littered and obstructed the streets and particularly the lanes for long periods. The job of actually sweeping away the manure was usually entrusted by the corporations to an appointed scavenger, but too often this individual was unwilling or unable to perform this duty. This situation was compounded by individual householders being denied the right to cleanse the area in front of their own doors as they would then be interfering with property which did not belong to them.

These conditions were endured by the inhabitants of all the towns in this study. In Athlone in the 1830s, the *Athlone Independent* published letters complaining of inefficiencies of their scavenger and in a satirical piece the problems of the person who took on the job of a scavenger was outlined in a reporter's 'report':

> On the subject of the cleansing of the filthy streets of Athlone, and your proposing to give the manure to whosoever should undertake the Herculean task little inferior to that of the stable of Augeas - I had the boldness to offer myself to the Sovereign as Scavenger-in Chief and had the honour of being graciously accepted, and was immediately installed into that office with free an uninterrupted privilege to sweep, clean, take, convey and carry away, all dung, dirt, filth and manure from the Queen's Arms on the bridge down to, and through Irishtown, as far as I pleased and back up again, on the one side; then up Connaught Street and so on in a westerly direction and back again on the other side.
>
> Duly impressed with the honour of this grant I forthwith commenced and swept, and swept, and swept with the diligence of a housemaid who had lost a penny, and neatly collected at

> convenient distances my little heaps of mud ready for shovelling into my carts on this blessed morning. But at dawn of the day I had the mortification of finding that the choicest and richest of my little heaps had been feloniously carried away, conveyed, taken or otherwise surreptitiously disposed of, during the night; and several men, women and children, without any fear of their Sovereign before their eyes, audaciously opposed my carting away any portion of what I had conscientiously believed to be my own sole right and property. I remonstrated in terms as strong and expressive as the nature of a case of such earthly importance very naturally warranted, but, all in vain! In vain I assured my clamorous opponents that I was Scavenger-in-Chief of the town of Athlone. "The Devil scavenger you!" said one, "for coming here to take the widow's morsel" – "Bad luck to the one spoonful of my dung shall you ever taste" said another. "Silence, you thieves" said I. "I am Scavenger-in Chief of the town of Athlone! and that dung is all my own, and if you prevent me from taking it I'll call out the police". "I don't care one fart-thing (farthing, I suppose) for all the Poleesh in Connaught" was the indecent and rebellious reply. "Neither you nor they shall ever take my dung from before my face or again my will, and if you attempt to take one pound of it, we'll make you ate it on the spot". Not feeling inclined to stomach these threats I withdrew my men and carts.[501]

This mocking 'report' purports to outline the opposition of local householders to outsiders being paid to carry away 'their dung' when they could receive no such payment themselves.

Some decades later, the new commissioners elected on the adoption of the 1854 Act, in most towns decided to continue the practice of selling this resource to the highest bidder in order to increase their funds. For example in Kells, this resource was swept from the streets and collected both in the Town Hall yard and at Carrick. At their meeting in October 1855, the town commissioners decided to auction both of these heaps of manure to the highest bidder on 'a convenient day'.[502]

At the commissioners' court at Naas, the consequences if found guilty of stealing the town manure were highlighted. Thomas Gereghty was summoned by the Inspector of Nuisances for sweeping a portion of the Fair Green and carrying away the manure. When the impropriety of this act was pointed out to Gereghty, he refused to desist and compounded his conduct by using offensive language towards the Inspector. He was fined 1s.0d. and costs.[503]

---

[501] *Athlone Independent,* 11 December, 1833, quoted in John Burke, *Athlone in the Victorian Era* (Athlone, 2007) p. 217

[502] Minutes of Kells' Town Commissioners, KTC/M/1, 1 October, 1855

[503] *Leinster Express,* 30 January, 1858

In Mullingar, the manure issue was exercising the minds of the town commissioners at this period. Their Inspector of Nuisances, on whose shoulders the burden of directing where the manure collected from the streets of the town should be stored, found himself caught on the horns of a dilemma. He reported to at least one of his masters - the town commissioners – that he had been desired by another 'master'- Mr. Maxton, agent of the town patron – not to put any more manure collected from the streets into the green. He had taken it on himself to deposit the excess manure on the Longford road. In consequence, the Inspector was admonished by one of the commissioners, Mr. Dooner, who stated the Inspector had no right to do any such thing without first informing the meeting; 'there was too much business done out of doors which was not at all regular; any objection Mr. Maxton had to make should be laid before the commissioners'. The dilemma in which the Inspector found himself was at least partially dissolved when it emerged that Mr. Maxton's fear in allowing the manure to be on the green was, that the surface of the land would be removed by the purchasers of the manure. He (Mr. Maxton) would look out for a better place to deposit the manure.[504]

Earlier, this much put upon Inspector had received instructions from the commissioners which were to gain for him few friends in the poorer quarters of Mullingar. When called before a meeting to report on the progress in cleansing the streets, the Inspector explained that about half of the main streets had received attention. This had cost £1. 4s. 6d. It was hoped to recover this sum from the sale of the manure. However, none of the back streets or lanes had been cleaned yet. The Inspector was then directed to 'visit the back lanes and give notice to all parties having heaps of manure therein to remove them at once, if not, to have it done himself, the manure so taken to be the property of the commissioners'.[505]

At Naas, the commissioners had been trying to engage with the issue of the efficient removal of manure from the streets since their establishment in 1855. As the largest accumulation occurred on fair days and market days, special arrangements to deal with these days had to be made. Nobody was found willing to pay for this. By December, 1857, the commissioners decided to accept 'Patrick Whelan's proposal to scrape, gather up and carry away all dung or nuisance on the market square for the sum of 2s 6d. for each market

[504] *Westmeath Guardian,* 4 December, 1856
[505] *Westmeath Guardian,* 10 July, 1856

day and for each day on which a fair was held, not being a market day, to perform the like labour on the fair green for the sum of 6s 0d. for each fair day'.[506]

As late as 1862, it was obvious that the Mullingar town commissioners still had much to do. A letter to the editor of the *Westmeath Guardian* in January of that year reads as follows:

> Sir,
>
> Is it a fact that, at the last meeting of the Mullingar Town Commissioners, a resolution was unanimously adapted to the effect that the heaps of mud and dirt should, in future, remain in the streets for ten days – instead of six, as heretofore – before being removed by the scavengers? I can scarcely credit this, but, nevertheless, the state of filth in which the streets of this town are at present, would lead any person to believe it.
>
> Surely, Sir, the Commissioners might, at least, afford us clean streets for our shilling in the pound; or if they would employ a few crossing sweepers, it would be a great advantage to the ratepayers,
>
> Yours respectfully,
>
> One who pays his Rates.

Indeed this issue continued unresolved and in many cases virtually no visible improvement could be discerned for some decades. While these market towns depended to great extent on their respective agricultural hinterlands to provide trade, commerce, tolls and customs, their inhabitants had to pay a price for this largesse by having to endure the unsanitary environment which the same agricultural communities' farm animals and birds inflicted upon them.

6.5.1 Duties of the Inspector of Nuisances

In the area of public health and hygiene this official had many onerous responsibilities. The 1854 Act laid down many regulations in this area and most town commissioners passed responsibility for detecting and prosecuting breaches onto the shoulders of their Inspector of Nuisance.

As well as regulations regarding lodging-houses, clauses 46 and 47 also laid down regulations regarding slaughter houses, but declined to allow commissioners interfere with rights of persons already authorised by any local act to make or retain slaughter houses.

Clause 48 provided against the sale of unwholesome flesh, fish etc, under a penalty of £5, unless it is conspicuously labelled as such, and is apart from wholesome flesh, fish etc. It also empowered officers of commissioners, inspectors of nuisances etc., to enter and

---

[506] Minute book of Naas town commissioners, NTC/M/1, 12 December, 1857

examine all places kept for the sale of flesh, fish or poultry, and all slaughter houses, at reasonable times and to seize all food unfit for the use of man; and the chairman of the commissioners, upon evidence that it is so unfit, shall order it to be destroyed, and the person to whom such food belonged, or in whose custody it was found, shall be liable to a penalty not exceeding £5 for every animal carcase, fish or piece of meat, flesh or fish, or any poultry or game so found, and as to which a magistrate shall be satisfied that it was intended for the food of man.

Clause 49 subjected, to a penalty of 40s, any person 'who shall sell or expose for sale any article of food knowing it to be adulterated, the food to be forfeited, and a warrant may be granted to the chairman of the commissioners to enter the premises, search for and seize adulterated food left for sale'.

Clause 50 demanded that offensive trades newly established such as blood boiling, cattle slaughtering, soap boiling etc., 'must be established subject to the regulations of the commissioners, and whosoever offends against this enactment shall be liable for each offence to a penalty not exceeding £20, and a further penalty nor exceeding £2 for each day the offences continue'. The commissioners were empowered to make such bye-laws as they may think necessary to prevent or diminish the injurious effects of such trades.[507]

Thus, amongst his many other onerous and often unpopular duties, the Inspector of Nuisance became a less than likeable figure to the town inhabitants who offended against these various regulations.

Kells town commissioners, in an effort to make life a little easier for their hardworking but poorly paid Inspector of Nuisances resolved 'that one of the houses at Maudlin St., belonging to the commissioners be roofed at once and the Inspector of Nuisances be put in at 1d, per week rent'.[508]

At least one of the town commissioners at Maryborough (Portlaoise) had a less than satisfactory relationship with the official, John Robinson, who held this post. In May of 1858 the chairman informed the commissioners that a fellow commissioner, Mr. Fitzpatrick, 'would attend no more meetings unless John Robinson, the Inspector of Nuisances, was dismissed'. Commissioner Fitzpatrick accused Robinson of neglect of duty, in not having nuisance in Tay Lane removed. However, when it emerged that Fitzpatrick

[507] Abstract of the provisions of the 1854 Act as published by the *Leinster Leader,* 16 September, 1854
[508] Minutes of Kells town commissioners, KTC/M/1,8 November, 1855

owned the land at the end of Tay Lane and that he was not prepared to go to the meeting and 'make his charge in a manly manner', the case against Robinson was not sustained.[509]

Thus, being appointed an Inspector of Nuisance for any of the towns being studied here seems to have been a rather thankless and extremely difficult occupation. The duties of this appointee were onerous, dangerous often ill-defined and poorly paid. The following notes of the first such official on being appointed by Naas town commissioners in 1855, give in indication of his somewhat timorous and less than enthusiastic attitude to his new duties:

> My name is Patrick Lawlor, I live on Sallins Road, Naas.
>
> I applied for the post of Inspector of Nuisances as advertised by the New Town Commissioners. I am not too sure what the job entails or what is expected of me. It may be a very unpopular job but in nineteenth century Ireland jobs are very hard to come by and money is very scarce. Oh, by the way, one of the commissioners told me that I should write in again as the letter that I sent in first was not as he said in the right parlance? He suggested that I should now reapply as follows;
>
> Gentlemen.
>
> I respectfully offer myself as a candidate for the situation
> of Inspector of Nuisances, and if appointed will carry out the provision
> of the Act to the best of my ability according to the instructions given me.
>
> I am Gentlemen,
>
> Your Humble Servant.
>
> Patrick Lawlor.
>
> Well, I'm happy to say that the new letter worked, because I got the job, The Salary is £10 per year.
>
> The job is not a popular one, because it is necessary to report many people in the town for a lot of things...[510]

Unfortunately for Mr. Lawlor, the position of Inspector of Nuisance for Naas town commissioners was to have serious implications for his health and mental well-being. It was later recorded in the minutes of the commissioners' meetings that Mr. Lawlor had to be let go from his post due to mental illness.[511]

As town commissioners' administrations continued into the 1860s, their appointment of this official and his varied duties remained one which caused much agitation and deliberation at their meetings. By 1865, in an effort to re-define and clarify

---

[509] *Leinster Express,* 22 May, 1858

[510] I am grateful to Paddy Behan, former town clerk of Naas Town Council for these notes from his personal archive

[511] Minutes of Naas Town Commissioners, 23 June, 1861

this official's duties, the Navan town commissioners decided to have the duties of their Inspector of Nuisances itemised and recorded in the minutes. Under the heading, 'Scale of duties of Inspector of Nuisances' it can be deduced how difficult it now became for this official to earn his pay:

> To see the inhabitants have footpaths cleaned before 10 am., each morning.
>
> To attend to the sweeping and cleaning of the street – to the regulation of Standings in the streets and removal of nuisances.
>
> To direct the attention of constabulary to debauchery and persons drunk in the streets and have them dealt with according to the provisions of the Act and to summons parties himself.
>
> To call on the Chairman at eleven o'clock every morning and report the business done on the previous day and what is to be done on the day he calls.
>
> To commence his daily duties when the watchman ceases – say about 4am.in the summer and 6am. in the winter seasons.
>
> To light and clean half the lamps.[512]

If this official consciously attended to all of the above directions then his very modest stipend was indeed hard-earned. At Naas in December 1855, he was given the responsibility of inspecting butchers' shops. When complaints were made to the town commissioners regarding 'the frightful state of butchers' premises' permission was given to the Inspector of Nuisance to 'visit every slaughter-house within the boundary' and report his findings to the commissioners.[513]

6.5.2 Assistance to the Impoverished

In March, 1855, it was reported to Carlow town commissioners that 'filth and nuisance had accumulated at a row of houses on the Hanover road'. The Inspector of Nuisances found 'that James Brennan had stopped up the back doors of eight houses where several families resided in a very dirty state'. He also reported on other districts of the borough which were similarly circumstanced. The chairman declared that they 'should take immediate steps to remedy so great an evil...occupants were in so miserable a state that they had scarcely decent coverings'. He directed the clerk to communicate with the landlord, Mr. Brennan, to have the nuisance removed and to compel him if necessary.[514]

In May of that year, the commissioners allocated the sum of £5 'for the whitewashing of homes of the poor'. This amount was considered adequate to have '108

---

[512] Navan Town Commissioners' Minute,NTC/M/1, 12 August, 1865.
[513] *Leinster Express,* 1 December, 1855.
[514] *Carlow Post,* 3 March, 1855

hovels whitewashed inside and outside'. The commissioners were informed that overcrowding was such in the poorer lanes of the town that 'nine individuals inhabit three rooms in some places... in one instance four sleep in one room'. [515]

In the summer of 1856, the poor of Naas, residing in hovels in the back lanes of the town, rather than being assisted were given warning of the consequence of not assisting the commissioners. Part of the commissioner's first annual report states:

> The new sewer, which has been made in the Back Lane, is intended for the carrying off of drainage etc, of the adjoining yards; and if the occupiers do not, when called on, to the satisfaction of the commissioners, make proper sewers to empty themselves into the main sewer, the commissioners will be obliged to perform the work themselves (for the preservation of the health of the neighbourhood) and charge the expenses thereof to the occupier as a private improvement rate.[516]

In September of 1865, Navan town commissioners resolved: 'That fifty barrels of lime be bought and distributed to the cabin-holders of the town, to whitewash their homes'. [517] Connell described this 'contribution' as the greatest which the Navan commissioners made to assist the poor of the town in the first ten years of their existence.[518]

6.6 Comparisons with Contemporary English Urban Sanitary Reform

It has been said that deterioration in urban public health conditions in Britain during the second quarter of the nineteenth century, somewhat paradoxically went hand in hand with increased attention to public health and sanitation by some local authorities.[519] After 1840, many English town commissioners were frequently overwhelmed by the rising populations' increasing sanitation requirements, an issue for which rampant industrialisation was primarily responsible. Many such urban bodies too often concentrated their efforts solely on the middle-class districts of their towns, leaving numbers of streets inhabited by the poorer classes almost totally without essential services. In this regard, the poorer inhabitants of many English towns fared little better than their Irish counterparts, particularly during the second quarter of the nineteenth century.

---

[515] *Carlow post,* 5 May, 1855
[516] Minutes of Naas Town Commissioners , NTC/M/1, 16 June, 1856
[517] Navan Town Commissioners' Minutes, NTC/M/1, 7 September, 1865
[518] Peter Connell, 'Changing forces shaping a nineteenth century Irish town: A case study of Navan' in *Occasional Paper Series No. 1*(Geography Department, Maynooth College, 1978), p.37
[519] M. Finn, 'The origins of sanitary reform' in M.W.Finn (ed) *E.Chadwick, Report on the sanitary conditions of the labouring population of Great Britain* (Edinburgh University Press, 1965), pp 3-18

It had become commonplace for immigrant Irish people to receive blame for the rising incidence of disease in English towns during the first half of the nineteenth century. Several witnesses before the 1836 Irish Poor Enquiry had stressed the role of the Irish in disseminating disease. The enquiry commissioners themselves concluded '...the unclean habits...the numbers which, without distinction of age or sex, are closely crowded together, they [the Irish] are frequently the means of generating and communicating infectious disease'.[520] As late as 1859, the wave of immigrant Irish which arrived in English towns during and after the famine years were deemed responsible for typhus epidemics in Britain.[521]

Despite the success of industrialisation, the poorer inhabitants of many English towns and cities could be said to suffer equally with their Irish counterparts. The following excerpt taken from an address to a Sanitary Conference at Birmingham in 1875 illustrates the continuing shortcomings of municipal government approaching the final quarter of the nineteenth century:

> ...We find bad air, polluted water, crowded and filthy homes and ill-ventilated courts everywhere prevailing in the midst of our boasted wealth, luxury and civilisation. A paternal government provides for our criminals in gaol 1,000cu.ft. of air as a minimum; and these criminals, after their confinement is terminated, go back to their homes in which 300, 200, and 100 cubic feet of air is the minimum. Even the air they have is contaminated by unmentionable impurities and filth. Hardly a gleam of sunshine ever comes into the dark and dreary courts...The dead and living lie together in the same room for days; all reverence is blotted out from the minds of the people subjected to such conditions: as for common decency, it is an empty name; it is obliterated from the category of virtues.[522]

Recent studies on aspects of the hazardous living conditions of the poor during nineteenth century industrialisation have pointed to other physiological as well as administrative and political determinants. Haines' examination of the declining adult human stature in nineteenth century urban centres of the United States, England and the Netherlands, points to an adjustment of the human organism to new nutritional circumstances.[523] Likewise, the specific ways in which sanitation infrastructure mattered politically has been recently examined by McFarlane when considering Bombay's history

---

[520] Quoted in M. Finn, 'The origins of sanitary reform' in M.W.Finn (ed) *E.Chadwick, Report on the sanitary conditions of the labouring population of Great Britain* (Edinburgh University Press, 1965), p.7

[521] Ibid, p.8

[522] Joseph Chamberlain, *Mr. Chamberlain's* Speeches (Constable and company, ltd, 1914), p.64

[523] M.R. Haines, 'Growing incomes, shrinking people – Can economic development be hazardous to your health? Historical evidence for the United States, England and the Netherlands in the nineteenth century' in *Social Science History*, 28(2), 2004, pp 249-270

of sanitation. By connecting modes of urban government, infrastructure and public health discourses, his paper traces an aspect of the historical geography of urbanisation which he sees as splintered, unequal and contested.[524] By contrast, Sandberg and Steckel maintain that in Sweden at least, industrialisation was not as hazardous to the health of the poor as may have been the case in Britain.[525]

6.7 Conclusion

Both British and Irish urban-dwellers of the early nineteenth-century inhabited a highly unsanitary environment. Inadequate and often polluted water supplies, almost non-existent sewage systems, together with a horse-based transport system and the keeping of domestic animals and birds within the towns and cities resulted in conditions within which infectious diseases became endemic and infant mortality rates soared. These general conditions continued to deteriorate as urbanisation increased in the nineteenth century's early decades. Then, as now, in underdeveloped areas of the world, these conditions affected the poor and the destitute most of all.

The Irish towns under study in this thesis suffered these unsanitary conditions with their associated effects on health and well-being, being endured to varying degrees by their inhabitants. Similarly, during this period water for domestic use was manually drawn from pumps or open wells within the towns, or from rivers and/or streams flowing through them. Irish climatic conditions assisted the pollution of both sources, as storm water from filthy surfaces of streets and lanes entered the wells as well as the rivers and streams.

The almost non-existence of sewage disposal within these towns was common. Most towns depended on the partial clearance of nuisance from the streets by the forces of nature's sun, wind and rain. The value of manure as an agricultural fertiliser exacerbated the situation, as this 'resource' was usually auctioned to the highest bidder and the inhabitants were prohibited from removing it even as it built up in mounds and middens outside their doors.

A situation, particular to Irish towns in the late1840s arose, which had significant ill-affects on the general health of their inhabitants. During the great famine many of the

---

[524] See Colin McFarlane, 'Governing the contaminated city: Infrastructure and sanitation in colonial Bombay' in *International Journal of Urban and Regional Research,* 32(2), 2008, pp 415-435

[525] See Lans G. Sandberg and Richard H. Steckel, 'Was Industrialization Hazardous to your Health? Not in Sweden!' in Richard Steckel and Roderick Floud (eds), *Health and Welfare during Industrialization* (1997) pp 127-160

poorest and most destitute of rural dwellers were forced from their homes and when unable to gain entry to the overcrowded workhouses, moved to any accommodation they could find in the towns. Consequently, a serious situation developed when so called 'lodging-houses' became overcrowded, unhygienic and catalysts for contagion.

Little of any consequence in the improvement of these conditions was achieved by the old Irish municipal corporations, indeed it could be argued that their neglectful or non-existent administration over many decades in the towns being studied here resulted in these conditions deteriorating further. Evidence suggests that this trend continued after their eventual abolition in 1840, with little appreciable improvement occurring for a further fifteen years. The famine added further impetus to already deteriorating hygienic, sanitary and health facilities and conditions within these towns.

Thus when the new commissioners, established under the 1854 Act, came to administer their towns, the task facing them was a daunting one. The need for improvement in public water supplies, in establishing an efficient system to remove nuisance and sewage and in regulating the vastly overcrowded and unhygienic lodging-houses became an imperative task. While the 1854 Act provided the town commissioners, for the first time, with the legal powers to carry out improvements, the provision of financial assistance in the considerable cost of such improvements was another matter. Only by the further taxation of ratepayers of their towns could the new commissioners hope to finance improvements and then, as now, this was not a method which endeared them to their electorate. In these circumstances it is little wonder that the work of these obviously well-intentioned commissioners to alleviate decades of neglect or to improve sanitary and hygienic conditions during the early years of their administrations was at best, piecemeal. Notwithstanding their financial constraints, the examples outlined in this chapter indicate that most of the commissioner bodies being examined here strove earnestly to improve matters. A case in point as mentioned earlier in this chapter, was the Mullingar commissioners, on being faced with atrociously overcrowded and unsanitary lodging-houses and not being possessed of any funds to grant-aid any worthwhile improvement in the early years of their establishment, at least shouldered the responsibilities which the 1854 Act placed on them regarding the registration and regulation of these premises. The same can be said for most of the other commissioner bodies being examined here.

The post of Inspector of Nuisances became a significant appointment by the new town commissioners. This official became the eyes and ears of the new administrators and

his reports to their meetings were entered in the official minutes for the first time. This at least provided an often detailed official record of the seriousness of the water and sewage shortcomings within each particular town as well as the regulatory breaches of the new laws regarding lodging-houses. The services of this official were obtained at the relatively meagre cost of between £10 and £12 per anum, providing excellent value to a necessarily penny-pinching administrative body.

Town commissioners' finite financial circumstances also determined that, despite their best efforts they could only provide a rudimentary water supply to their towns' inhabitants. As outlined in this chapter, this often entailed merely trying to keep in repair the water pumps already in place. Similarly, efforts to improve the sewage situation proved more costly than the commissioners' coffers could bear during this first decade of their incumbency. Nonetheless, in most of the towns under study here, more effort was applied to the longstanding issue of manure removal from the streets and lanes. The bonus of acquiring additional much needed revenue by auctioning this valued agricultural resource to the highest bidder was appreciated by the new commissioners in all the towns being examined here. The collection of tolls and customs and increase in trade which vibrant fairs and markets brought to the towns had to be balanced with the unsanitary manure-covered streets and their attendant dangers to the health of the inhabitants. Even after the adoption of the 1854 Act, this was a trade-off which the new commissioners of these market towns seemed willing to make.

CHAPTER 7

IMPROVING AND ADORNING THE STREETS: PUBLIC LIGHTING AND STREET PAVING

One of the principal criticisms of the old municipal corporations was that their membership, being undemocratic, elitist and non-resident, had little concern for the living conditions of the inhabitants or the maintenance or appearance of these town streets and lanes. The new town commissioners on the other hand, resided with their families and earned their living within their towns' boundaries. Therefore, one would expect the new administrators to have a personal incentive and to become proactive in the improvement and adornment of the streets. This chapter examines the state of two vital aspects of town streetscape improvement and adornment during the period 1835-65. First, it deals with the provision of public lighting and the introduction of gasworks. Secondly, it discusses the paving and surface maintenance of streets and lanes.

7.1 Public Lighting - Gasworks

Among other services such as cleansing and watching the streets, which were deemed vital to urban civilization by the government in its 1828 Act, public lighting was considered to be of major importance and in much need of improvement. Particularly in the winter months when darkness began to fall as early as 4.30 in the afternoon, a town with no public lighting was an unattractive and often potentially dangerous environment. It is difficult in modern times to imagine the danger and inconvenience of not having public lighting. In the early 1800s, few of the rural towns of Ireland had public lighting of any description apart from some candles and a few oil lamps, and none had access to town gas. Towns after dark gained a reputation for crime and vice and it was considered highly dangerous for 'respectable people' to wander abroad after dark.

However, the cost of providing a public lighting service was considered prohibitive by the old municipal corporations of the towns being examined here. In certain towns, the Vestry attached to local Protestant churches made efforts to collect sufficient funds to provide some public lighting. For example, in Dundalk as early as 1812, the vestry attached to St. Nicholas Church raised the substantial sum of £280, with which they had erected

some lamp standards and lamps to provide a limited public lighting service for the first time.[526] But few other such bodies could afford the expense of such a venture and how long Dundalk continued to provide this service is unknown.

While central government gave assent in its 1828 legislation for town commissioners to provide public lighting, it was less than forthcoming in providing any financial assistance for such a service. Consequently, the inhabitants of most Irish towns observed little improvement in this regard for many more decades.

As the century progressed, the provision of town gas became more available. Public liability companies were established. These 'gas companies' were usually funded by local landlords and businessmen, sometimes providing the site of the gas-works and becoming shareholders in them. Gradually from the 1840s onwards, the built environment of many towns came to include the buildings, gasometers and lamp standards associated with these gas companies. It is intended to examine the interaction of town commissioners with these companies and the success and failures of these enterprises. First, a brief outline of how this new technology became available and its introduction to urban areas in Britain will be made.

7.1.1 New Lighting Technology

Prior to the invention of coal gas or 'town gas' as it came to be known, public lighting, where it existed at all, had to rely on oil lamps or candles. Up to the 1840s, street lighting by oil lamps based on the design of the glass chimnied oil lamp was quite common in many cities and large towns in Britain and Ireland. Indeed in Britain, street illumination of a very limited kind was, since the early decades of the eighteenth century, provided by the burning of train oil in public lanterns.[527] As may be imagined, these provided very limited illumination and as urbanisation progressed it became necessary to furnish a superior means of illumination. Fortunately, the technology to provide this service had for some time been invented and developed.

Some centuries earlier, it had been discovered that by heating coal a highly inflammable gas could be produced. The Flemish scientist Jan Baptista van Helmont (1577-1644) discovered that a 'wild spirit' escaped from heated wood and coal which he named *gas* in his *Origins of Medicine* (c.1609). But the first authentic record of the fact that the

---

[526] J.Duffy, 'Duffy's Dundalk' in *Dundalk Examiner* (Special supplement, 1946), p.57

[527] Michael Reed, 'The transformation of urban space 1700-1840' in Peter Clark (ed) *The Cambridge Urban History of Britain Volume11* (Cambridge, 2000), p.626

distillation of coal would produce an illuminating gas that could be collected and stored for future use occurred in a letter to the Royal Society in Britain, dated 1688, from the Rev. John Clayton, D.D., Rector of Crofton near Wakefield. He wrote:

> With some sulphurous spirits which I have drawn from coals, that I could no way condense, yet were flammable, nay would burn after they had passed through water, and that seemingly fiercer if they were not overpowered therewith. I have kept this spirit a considerable time in bladders, and tho' it appeared as if they were only with Air yet if I let it forth and fired it with a match or candle it would continue burning till all was spent.[528]

In the late eighteenth century, one of James Watt's partners, William Murdock (1754-1839), is reputed to have heated coal in his mother's teapot to produce gas. He went on to discover ways of making, purifying and storing gas; illuminating his house at Redruth in 1792; the entrance to Manchester Police Commissioners' premises in 1797; the exterior of a factory in Birmingham and a large cotton mill at Salford, Lancashire in 1805.[529] The first commercial gasworks was built by the London and Westminster Gas Light and Coke Company in Great Peter Street, London, in 1812, where wooden pipes were laid to illuminate Westminster Bridge with gas light on New Years Eve in 1813.

Depending on the process used, coal when heated gives off a mixture of caloric gases: hydrogen, carbon monoxide, methane and volatile hydrocarbons, as well as small amounts of impurities or non-caloric gases such as carbon dioxide and nitrogen.[530] At this early stage of development a very high human price was paid for the luxury of the public illumination which it provided. A French visitor, Flora Tristan described the working conditions at the company's Horseferry Road Works, London, in the 1830s:

> Two rows of furnaces on each side were fired up; the effect was not unlike the description of Vulcan's forge, except that the Cyclops were animated with a divine spark, whereas the dusky servants of the English furnaces were joyless, silent and benumbed...The foreman told me that stokers were selected from amongst the strongest, but that nevertheless they all became consumptive after seven or eight years of toil and died of pulmonary consumption. That explained the sadness and apathy in the faces and every movement of the hapless men.[531]

---

[528] E.G. Stewart, *Town Gas; Its Manufacture and Distribution* (Her Majesty's Stationary Office, London, 1958), p.5

[529]. See Robert Millward, 'The Political Economy of Urban Utilites' in Peter Clark (ed) *The Cambridge Urban History of Britain Vol.111* (Cambridge University Press, 2000), pp 315- 350

[530] See E.G. Stewart, *Town Gas ; Its Manufacture and Distribution* (Her Majesty's Stationary Office, London, 1958)

[531] See Flora Tristan, *Promenades Dans Londres* (1840), translated by Palmer, D. and Pincetl, G., *Flora Tristan's London Journal, A survey of London Life in the 1830s* (George Prior Publishers, London, 1980)

While William Murdock and his pupil Samuel Clegg could install gas lighting in factories and work places with no legislative hindrance, digging up the streets to lay pipes required legislation and this delayed the development of street lighting and gas for domestic use. Central government reluctantly became involved only because rights of way through private property were required in order to lay gas-pipes. The first proper public gas supply was to thirteen gas lamps, each with three globes along the length of Pall Mall, London, in 1807, credited to the inventor and entrepreneur, Fredrick Winsor and the plumber, Thomas Sugg who laid the pipes.[532]

Plate 7.1: The public stares in wonder at the first public gas-lights erected at Pall-Mall, London, in 1807. (Source: E.G. Stewart, *Town Gas; Its Manufacture and Distribution)*

The development and installation of this coal or town gas to provide public lighting paralleled the industrial revolution and urbanization. Though beset with many technical difficulties, development continued and by 1814 it had laid 122 miles of main pipes,

[532] E.G. Stewart, *Town Gas; Its Manufacture and Distribution,* (Her Majesty's Stationary Office, London, 1958), pp 9-11

supplied 31,000 lamps and had made 249 million cu. ft. of gas from 50,000 tons of coal. By 1820, fifteen of the principal towns of England and Scotland had their own establishments. Ten years later this had become two hundred. The demand for the new light continued to become insistent and eventually, country-wide. By the late 1830s gas companies had been established in most British cities and towns.[533] Consequently, by this time only a small number of towns with populations of around 10,000 did not have at least their main streets lit by gas. In 1832, when the commissioners of High Wycombe provided a public gas lamp it was, a contemporary wrote, 'a revelation...the light rendered by this lamp has rendered nearly useless those which are close to it'. The gas holders and street lamps became entirely new street furniture and building forms and the post of lamplighter became an entirely new occupation.[534]

In Ireland, the first of the new private gas companies was established in 1825. It was founded by the 'Liberator' Daniel O'Connell, when he was Lord Mayor of the city of Dublin and it was named the Alliance and Dublin Consumers' Gas Company.[535] Other such private companies followed, Cork gaining its first gas public lights in 1826.[536] This was almost a decade later than many English cities; Manchester's first gas works being built by the Manchester street commissioners in 1817 and The Birmingham Gas Light and Coke Company, founded in 1819.[537] Unlike the towns of England and Wales which had native supplies of coal often on their doorsteps, Irish towns had to bear a higher cost for this new illumination as almost all of the coal required had to be imported. Water transport was slow and expensive; consequently early coal gas processing plants were located near quaysides in Irish cities and near canal quays and later railway stations in Irish towns.

When gasworks first became established in the Leinster market towns they were sometimes built and controlled by private individuals with engineering experience. Generally however, the early establishments were owned and controlled by joint stock companies.

The story of the first Carlow gasworks is fairly typical. In 1845 a Scottish engineer, Mr. Colquhoun rented from Samuel Haughton a site in the town beside the navigable river

---

[533] Ibid, p.43
[534] Quoted in Michael Reed, 'The transformation of urban space 1700-1840' in Peter Clark (ed) *The Cambridge Urban History of Britain Volume11* (Cambridge, 2000), p.626.
[535] http:// Bord_Gais 7/12/1007, p.1
[536] http://www.corkcity.ie/aboutcork/historyof cork/19thcenturycork. 4/12/2007, p.5
[537] Ernest P.Hennock, *Fit and Proper Persons; Ideal and reality in nineteenth century Urban Government* (London, 1973), p.117

Barrow and erected the first gasworks. He laid supply mains through the main streets and charged 12s 6d per 1,000 cubic feet of gas to any individual or company wishing to avail of his product. However, in the following year (1846), a joint stock company was set up by local businessmen in opposition to Mr. Colquhoun's enterprise. It was named 'The Carlow Gaslight Joint Stock Company'; its chairman was a local miller, Simon Clarke and its first five trustees were Henry Bruen, M.P., Oak Park, Carlow, Robert Clayton Browne, Browne's Hill, Carlow, John Alexander, Milford House, Carlow, Thomas Tench Vigors, Eirendale, Carlow and Rev. James Taylor, D.D., President of Carlow College. They originally raised capital of £3.000 in shares of £5 each, which was later increased to £3,230. It was expressed in the deed of the company that 'in no event shall the Capital of the Company be increased beyond a total capital of £9,000'.[538]

Despite much early difficulty with a poor site – the gas tank had been built over a spring well which caused the floor to crack and leak – this company won its competition with Colquhoun's gasworks, who soon thereafter sold his works and interests to his rivals for the sum of £1,500.[539] However, despite holding the monopoly, the company struggled to become profitable. By 1849, it needed further borrowings to continue in operation and no dividend was paid for many years. Its efforts in providing public lighting for Carlow town will be dealt with below when the Carlow town commissioners' dealing with it began in 1853.

7.1.2 The Cost of Gas-Lighting in Irish Market Towns

The high cost of providing their towns with this service became paramount in the decision to adopt a public lighting scheme and sometimes in deciding whether to have anything to do with the 1854 Towns' Improvement Act in its entirety. Very few such market towns had made the decision to establish a public gas lighting system prior to the 1854 towns' improvement legislation.

One of the exceptions was Athlone where a committee was set up for this purpose in 1851. Long deliberations ensued and eventually, two years later the contractor hired to design and draw up specifications began work for the proposed gasworks in November, 1853. It was decided by the commissioners that public gas-light should be seen as 'a beacon for progress which Athlone would need if were to improve'. When the gas-works

[538] Teresa Kelly, 'Carlow Gas Works' in *Carlowvinia,* Vol 1, no 10, new series (Carlow Nationalist, Dec, 1961), p.18
[539] Ibid, p.19

were ready to supply its product to the town commissioners, the price was fixed to provide gas to private houses also at the rate of 10 shillings per 1000 cubic feet. Gas was extended soon after its introduction to religious houses with St Mary's Church of Ireland church being the first to receive it. The commissioners appointed a 'lamplighter' to light and extinguish the street-lights at times provided. However, his dereliction of duty in not lighting particular lamps was a continuing complaint at commissioners meetings. Another criticism by locals was that the reason for erecting certain lamps was based more on the route taken by certain commissioners on their way to meetings than on the convenience of the town's inhabitants.[540]

The town commissioners of Trim also decided to procure a gasworks for their town in 1853. They formed a gas committee to get the enterprise underway and by June of that year gas mains were being laid through the streets of Trim. To encourage and provide ease of access, a simple application form was drawn up by the commissioners which inhabitants of Trim merely had to sign in order to be provided with the new technology.[541] By July a list of locations in which public lamps were to be erected was agreed.[542] However, by March of the following year not every customer in Trim was pleased with the quality of the product. At a commissioners' meeting on 6 March, a letter from Mrs Cullen, wishing to 'resign her gas light' was read. The gas committee was directed to deal with her complaint.[543] The quality of the coal used to produce town gas varied in its suitability and the Trim commissioners found it necessary to change from one provider to another in an effort to obtain better quality. The efficiency of the fitters and stokers employed at the gasworks also required the attention of the commissioners on an ongoing basis. In 1857 a new contract was awarded to John Kirwin as stoker and fitter. It awarded him the sum of 17s. 0d. per week, which had to pay for his house rent, coal and wages if he agreed to 'do all works of the commission to keep the gasworks in repair and if leaving, to give one months notice'.[544] They directed the repair and construction of boundary walls at the gasworks, ordered lime and coal as required and in general maintained a hands-on control of its operation.[545]

---

[540] John Burke, *Athlone in the Victorian Era* (Athlone, 2007), p.238
[541] Minutes of the commissioners of the borough of Trim,Ms 5819, 20, June, 1853
[542] Ibid, 4 July, 1853
[543] Ibid, 6 March, 1854
[544] Ibid, 6 July, 1857
[545] Ibid, 5 June, 1854; 5 July 1856; 4 July 1859

By 1858 however, the expense of the enterprise was a cause for concern. A direction was given that 'lamps only to be lit on dark nights and no commissioner to interfere with this order'.[546] In July of that year, the question of delegating responsibility for the running of the gasworks was considered but it was decided that the 'tender from Mr. Young offering to take the gas works for seven years was not accepted as it was not to the benefit of the borough'.[547] The commissioners continued to administer it themselves, though the enterprise continued to be less than satisfactory. Coal distributors were frequently changed in an effort to improve efficiency and the roof of the gas works required ongoing attention.[548] By 1861, leaking from mains was eroding profits and it was directed that 'joints be cleaned out and red lead be used to properly fill-up; the whole lot to be made gas-tight'.[549] Compared to most other towns in this study, the Trim commissioners stood out as excellent administrators of their own gasworks. They were unusual in providing continuous public lighting some years prior to the 1854 act and as described later, they set an example to other towns in the successful administration of their enterprise.

Generally where public gas lighting was provided in these market towns, a limited liability public company was set up. Local residents, including town commissioners and local landlords obtained shares in these companies and were thus keenly interested in their profitability. These companies then sold their product to the town commissioners who were often obliged to recoup the cost of the gas used for public lighting by increasing the rates.

In Carlow in 1853, while discussing the merits of adopting the lighting regulations of the 1828 Act, a local businessman, J. Hancock Houghton, was 'fearful' of the financial burden that local taxation to pay for lighting the town would place on the ratepayers. He carried out research as to exactly what this was already costing the ratepayers of many of the Irish towns which had gas lighting installed. His letter to the *Carlow Post* articulates his research and is posited as a good example of the argument, as he saw it, against placing this financial burden on the ratepayers of Carlow at that time. Interestingly, it also outlines in summary fashion the typical sums of money collected from many towns' ratepayers at this time:

> The ratepayers will not consent to tax themselves at 6d., 9d. or 1s. in the £ for ever, for the very doubtful benefit of having a few handsome lamps erected in the principal streets – for

[546] Ibid, 5 April, 1858
[547] Ibid, 5 July, 1858
[548] Ibid, 4 July, 1859; 7 November, 1959; 6 December, 1859; 7 October, 1861
[549] Ibid, 12 August, 1861

a revenue of £307 will not afford much more to be done. This is self-evident as by the reference to *Thom's Almanac* I find that the following boroughs are lit under commissioners and 9th Geo. iv, viz:

Armagh has a population of 9306 and revenue of £519.

Bandon has a population of 9049 and revenue of £727.

Colraine has a population of 5980 and revenue of £1915.

Dundalk has a population of 9995 and revenue of £641.

Enniskillen has a population of 5998 and revenue of £477.

New Ross has a population of 7070 and revenue of £700.

Youghal has a population of 7410 and revenue of £714.

These towns have incomes from other sources besides that levied under 9th Geo' iv. Taking boroughs like Carlow that have no other revenue besides what they can levy under 9th Geo'iv, I find that:

Ennis has a population of 8693 and revenue of £187.

Kilsale has a population of 5506 and revenue of £255.

Mallow has a population of 5436 and revenue of £363.

Tralee has a population of 9957 and revenue of £330.

These towns are not lighted, although the two latter have gas works established in them.

It would thus appear that no town as above, having a revenue of much under £500 per anum, attempts to light, I suppose for the very simple reason that they could not afford to do so effectively and prefer having no lights to a miserable attempt at half-lighting.

For my own part, I am very desirous to see our town lit by gas…but this cannot be done for £300 per anum…[550]

His sentiments were echoed at meetings of many towns' commissioners, even after the Towns' Improvement (Ireland) Act 1854 was adopted and for many years after that. Indeed the fear of punitive taxation to pay the cost of gas-lighting became the reason why some towns decided not to adopt this Act in its entirety until well into the 1860s.

More enlightened opinions were being aired which were at variance with this view. The editor of the *Carlow Post* was in favor of having gas-light established. He put forward the example of the commissioners of Trim and made a plea for the support of Irish art and industry:

> We beg to direct the attention of the gentlemen appointed to …establish a town commission in Carlow, to the report of a public dinner in Trim…to Messrs Jones and Reidy – contractors who put up the gas lamps in that town… Carlow people need not go out of Ireland to procure the gas lamps etc.,…let its expenditure for the gas lamps be local if possible, if it cannot be local let it at least be Irish. Let us on some fine evening, as they had

[550] *Carlow Post,* 29 October, 1853

> in Trim, have the delightful reflection that Irish art and Irish industry have been made auxiliary to our improvements...[551]

The time had obviously arrived when many of towns' leading citizens began to feel at a distinct disadvantage if their streets were not lighted by the new technology. This disadvantage was often articulated by the local town patron, who in some cases was willing to contribute to the establishment of town gas.

7.1.3 Patronal Dependency

In early 1856, the town commissioners of Maryborough (Portlaoise) believed they had been promised the generous sum of £1,500 for the improvement of their town by the local wealthy landlord, Sir Henry Parnell. This offer had been made through Parnell's agent, John Hamilton, but by September, 1856, the offer had not been delivered. Now that the commissioners were planning to light the town with gas and were searching for funds to begin constructing a gasometer, they decided to apply to Hamilton to fulfill this 'large sum, so kindly promised...Should this be forthcoming, they would then experience no difficulty in building a gasometer and lighting the town'.[552]

When in January, 1857, it was eventually decided to form a limited liability company to light Maryborough (Portlaoise) with gas, the local newspaper editor credits another local landlords' generosity, but was scathing with regard to the slow pace of progress. The capital to be invested in the new gas company was to be £2,000 in shares of £1 each and that 1300 shares had already been subscribed. The intended site for the works is a small field, the property of Lord De Vesci. When the position and resources of Maryborough (Portlaoise) was considered, the editor was surprised that it was not one of the best inland towns in Ireland, stating that: 'It aught to be tenfold better than it has ever been...(we) give credit to Mr. Turpin for the example he has given...'.[553]

Indeed at a commissioners meeting Mr. Turpin was reported as proposing 'warmly and earnestly to solicit the kind co-operation of Viscount Lord De Vesci', being a landlord and proprietor in the town, to permit the company to erect the necessary works on that piece of waste ground called the old tanyard, on his property'.[554] Thus it seems that progress was only possible in providing Maryborough (Portlaoise) with gaslight through

---

[551] *Carlow Post,* 5 November, 1853
[552] *Leinster Express,* 6 September, 1856
[553] *Leinster Express,* 24 January, 1857
[554] *Leinster Express,* 21 February, 1857

the donations of wealthy local patrons coupled with the energetic enterprise of local solicitor, Mr. Turpin.

In Kells also, the power of the local patron with regard to the installation of gas-light required careful handling by the town commissioners. A public meeting was held according to notice in local newspapers, immediately after the commissioners had held their meeting to address the lighting issue. The local reporter described how 'the principal persons of the town attended' which included 'The Most Noble Marquis of Headford, who took the chair, Major Dalton, Captain Claire, James Killeen J.P. etc'. The Marquis was quoted as saying: 'It was a shame that Kells was not lit before this with gas when so many smaller towns had the benefit of such a light'. Major Dalton pointed out that the commissioners 'had a meeting this morning' and it would be 'well to hear what they had done'. On hearing this, Mr. Killeen, chairman of the town commissioners called on his fellow member - Mr. Landy - to read the resolution quoted above, which Mr. Landy did 'in a loud voice'. Major Dalton then said he believed that Mr. Edmondson was highly qualified to carry out any contract entered into. That up to 400 lights would be required 'at first'. Lord and Lady Headford and the Earl of Bedford undertook to 'support a company and take shares' if such were found. It was finally resolved: 'That it is the opinion of this meeting that an arrangement be entered into with Mr. Edmondson for supplying the town with gas for three years, at the rate of 9s. per 1,000 cubic feet for the first year and for 8s. 4d., per 1,000 cubic feet for the following years'.[555]

The town commissioners held a public meeting in March 1859 at which it was reported 'the principal persons of the town attended'.[556] The lighting of the town of Kells with gas was the sole reason for the calling of this meeting. The neighboring town of Trim had given the lead to all nearby towns as its successful gas lighting was praised by all who witnessed it.

Both the cost and the legal implications of site and pipe-laying became serious stumbling blocks both to the Kells commissioners and the inhabitants in general. At a special meeting 'to consider the question of gas or no gas' it was resolved:

> That the commissioners of Kells being unable to erect gas-works for the lighting of the town and being anxious to encourage some private firm or company to undertake same, they will guarantee to any such firm or company a site for the necessary works on their

[555] *Meath Herald,* 26 March, 1859
[556] *Meath Herald,* 26 March, 1859

> premises at Maudlin Street at a rent of £4 per anum for such period as be agreed upon; and the commissioners undertake to have at least forty public lights, for which they will pay for a period of three years at the rate of 8s. 4d. per 1,000 cubic feet, and the first year at 9s. per 1,000 cubic feet...

The question was raised as to whether the commissioners had the legal right to open and close ground for the laying of gas-pipes by private speculators. This was difficult to resolve as can be seen in the conclusion of their resolution which states; '...the commissioners will also, if legally authorized so to do, in order to encourage such firm or company, open and close main cuttings in the main streets within the borough boundary, for such firm or company, at their own expense'.[557]

At the Kells commissioners next meeting, the gas contract was awarded to Mr. Edmondson. However, the contract specified that the commissioners would limit its lease of the premises on which the gas-works were to be erected to 74 years and would demand further rent of £10 per anum if this site was used for any other purpose. The contract further specified that the commissioners could only open trenches along the main roads for the laying of gas-pipes and were not permitted to interfere with the service pipes laid for private purposes.[558]

Perhaps the town at which the local patron had the greatest influence in establishing a town gas system was at Athy. In May of 1857 the Duke of Leinster and Marquis of Kildare proposed to Athy town commissioners:

> That we perceive with great satisfaction the establishment of a joint stock company under the Limited Liabilities Act, for the purpose of lighting the town with gas, and we earnestly recommend our fellow townsmen to give that long-desired and useful project every assistance and fair play.[559]

The proposal was passed and having received the above encouragement of the marquis, the project went ahead with expediency and dispatch. In fact just one week later the local newspaper had this to say:

> It is wonderful how a few energetic individuals can, in the course of a few days, divest matters of general importance of what may be looked upon at first view as stumbling blocks in the way of attainment...Within the limits of the above town (Athy) are to be found sufficient shareholders to organise ...the contributing of £2,500 with a view to

---

[557] *Meath Herald,* 26 March, 1859
[558] *Meath Herald,* 9 April, 1859
[559] *Leinster Express,* 9 May, 1857

> lighting the town forthwith…An important consideration (has been) the gratuitous site from His Grace the Duke of Leinster, backed by the liberal subscription of £150.[560]

By the following January the 'directors and friends of the (Athy) gas company' met for a celebratory dinner at Kavanagh's Hotel in the town to 'commemorate one of the greatest events in the annals of Athy – the lighting of the town with gas for the first time'. In the chair was the owner of the hotel, Martin Kavanagh, a town commissioner and gas board member. He was 'supported by Rev. J. Harper and Mark Cross Esq., another town commissioner. The 'vice-chair was filled by the newly elected chairman of Athy town commissioners, E.R. Butler, Esq.' who proposed the first toast of the evening to 'His Grace the Duke of Leinster, our honored and worthy landlord'. Further praise was lavished on the duke by all speakers present and it was stated that 'His Grace gave us a donation of £100 and a free site for the gasometer and also took shares'. In fact, 'His Grace' was said to be 'always willing and ready to do anything in his power for the prosperity of Athy'. In replying to a toast to himself, the contractor of the newly built gasworks, Mr. Holloway, stated that 'indeed the word "model" has become household in Athy by the erection at one end of the town of your beautiful Model School and now, at the other end, your gasometer'.[561]

7.1.4 Variations in Adaptation

Generally, the greatest fear and the principal cause of delay by town's commissioners in initiating the lighting of their towns with gas were the cost and the punitive rates this would impose on the inhabitants.

In 1858, the Ardee town commissioners found it difficult to afford with the expense of the earlier established gas lighting in the town. Their clerk was ordered to contact the Ardee Gas Company and to 'express the commissioners' regret at their inability to discharge the large arrears now due, but that measures were now adopted to enable them to liquidate all their liabilities…that they are prepared to contract for the lighting the town on terms similar to those of former years'.[562] At their next meeting, in an effort to cut down on costs and encourage more efficiency, they issued the following rules as to the times their public lamps should be lit and the penalties applicable if these rules were not obeyed:

October	6pm-12 midnight
November	5pm-12 midnight

[560] *Leinster Express,* 16 May, 1857
[561] *Leinster Express,* 2 January, 1858
[562] Minutes of Ardee Town Commissioners, ATC/MB/1/1, 20 September, 1858

December	5pm-12 midnight
January	5pm-12 midnight
February	6pm-12 midnight
March	6pm-12 midnight
April	7pm-12 midnight

If public lamps be found lighted ten minutes after the stated time, then one hour is to be deducted from the general consumption of the night.[563]

In a further effort to defray costs, it was resolved at their next meeting 'that the lighting of the public lamps be commenced at either end of the town every alternate month'.[564] These give an insight into the extremely limited amounts of public gas-lighting time the commissioners felt they could afford. However, as the most of the neighboring towns had public gas lighting by this time, they were determined not to appear less progressive, and so continued the struggle to pay the cost. It merely meant that Ardee inhabitants were obliged to choose carefully the times they could comfortably wander abroad after dark.

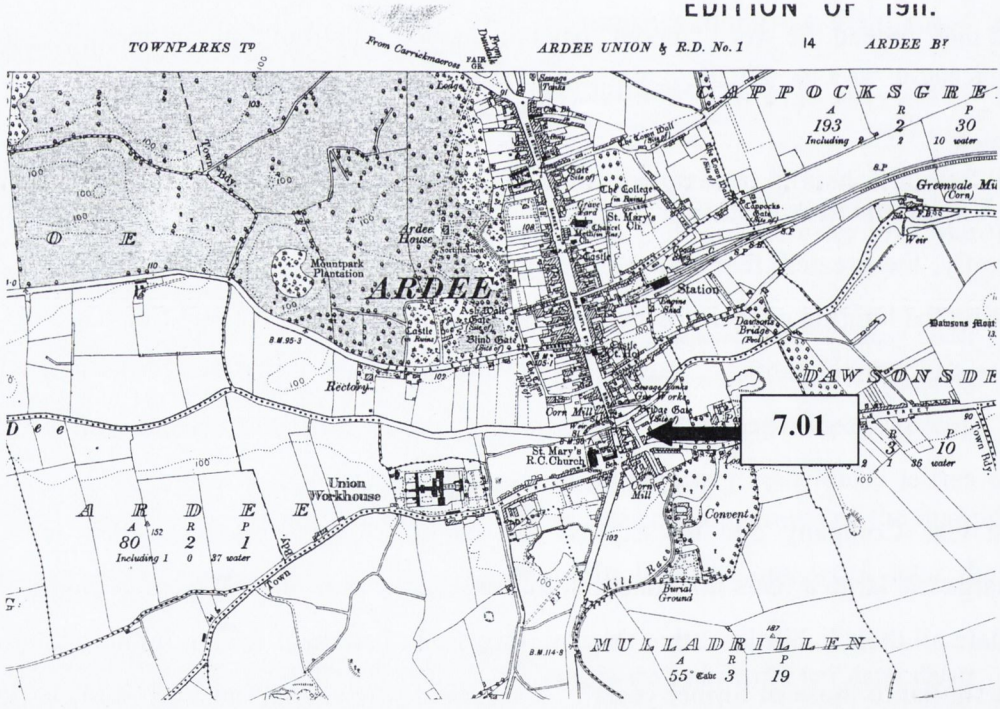


Figure 7.1: Pointer 7.01 indicates the location of Ardee gasworks located between the railway station and the river (Source: OS Sheet 17, surveyed 1908, scale 1:10,560, Map Library - Trinity College Library, Dublin,)

[563] Ibid, 4 October, 1858
[564] Ibid, 1 November, 1858

In Maryborough (Portlaoise) the town commissioners had set about having their town lit with gas almost two years earlier. Their aforementioned energetic commissioner, Mr. Turpin, had been appointed to take charge of a loan fund to assist its establishment. In a speech to his fellow commissioners in March, 1857, he said:

> I hope in a short time we will have no commissioners tax upon the towns people...the public in general have not seen the improvements as they were done in backward places...as they being out of the general view, had been neglected. In a short time the townspeople will see the fruits of the commissioners labor more prominently...(There has been) progressive improvement, and in the end you will have your town flagged from one point to the other; an abundant supply of spring water in every direction; and yet the taxes will be a mere trifle. The erection of a gasometer and the lighting of the town...will contribute to the general welfare and prosperity of the Maryboro (Cheers).[565]

Unfortunately, not all towns had the benefit of the dynamic vigor and rhetorical persuasion of Mr. Turpin to encourage them in acquiring gaslight. As described in Chapter 2, the inhabitants of the town of Portarlington roundly rejected having anything to do with the Towns' Improvement Act, principally on the basis of the high cost to ratepayers of a town gas supply.

7.1.5 Mullingar Turf Gas – State of the Art!

In the town of Mullingar, in November of 1859, an Irish scientific breakthrough was celebrated. The town's local newspaper published the following piece of purple prose in explanation and commemoration of the event:

> On Monday evening the public lamps of Mullingar were for the first time lighted with gas, which was produced from the bog turf of Rathconnell, Marlinstown, Wooddown, &c., under Mr. R.L. Johnson's Patent. The retorts, too, were heated by the turf of these bogs, so that our immediate neighbourhood furnished material which yielded a gas and light of great brilliancy, and not to be surpassed even by the gas of the metropolis. At about 7 o'clock on Monday evening the first lamp was lighted, but ere the third lamp was touched by the ingenious talisman, the street were thronged with people of every age, sex and condition; even the sick and infirm were out to see the Peat Gas, and the lamplighters were borne from lamp to lamp by a quickly swelling, cheering and enthusiastic tide of human beings. And now the lamps burn brilliantly, and the lighters, exhausted, lean their backs against the last lamp-posts, and the children cry "hurray for peat gas;" and those of more mature age say "there is something in turf" and the knowing ones ask, "will the turf be dear?" and "would all the bogs in the neighbourhood supply gas to a town for a single year?" And so matters

[565] *Leinster Express,* 21 February, 1857

went on up to 10 o'clock, at which time the lamps were extinguished. Thus were lighted with peat gas the first public lamps in Ireland.[566]

This was the eventual fruition of a project which the commissioners, on their inauguration in 1856, had put forward as an aspiration. Their initial research into securing a gas supply to light the town led them to estimate the cost of having a 'gas-works' established to be in the region of £3,000, as this figure was what 'works of that kind have cost in other towns of similar size'.[567]

Neither the commissioners nor the *Westmeath Guardian* cared to mention the fact that this innovative method of procuring a gas supply from peat rather than coal, was originally inaugurated by a local engineer on the Scottish island of Lewis some decades earlier. What came to be called the Lewis Chemical Works began, in 1830, to extract gas, tar and paraffin oil from the local peat. It successfully supplied the island with these materials for over four decades before finally closing down in rather discreditable circumstances in 1875.[568] Coincidently, both Lewis and Westmeath possessed an abundance of the same natural raw material. Thus, credit must be given to the Mullingar commissioners for their ingenuity and research in this matter.

7.1.6 The Late Conversion of Naas to Gas

For the town of Naas, perhaps surprisingly as of all the towns being studied here it was situated closest to the capital; the lighting of its streets by gas was not contemplated by its commissioners until 1859. In February of that year, Naas inhabitants were notified by the *Leinster Express* that a meeting would be held in the grand jury room of Naas court house 'to establish a gas company in the town'. The meeting was called by Mr. John McElwain, a member of the town commissioners, 'pursuant to a requisition signed by the principal inhabitants of the town'. Thus, it was indicated that a majority of the 'principal inhabitants' of Naas was in favor of having gas installed in the town. The notice went on that it was 'to be hoped that the parties who wish to see the town of Naas as enlightened as its neighbors will come forward and support the object for which the meeting is to be convened'.[569] The inference being made here of course was that forward-looking progressive towns had already embraced the new technological wonder of gas street lighting and gas for domestic use. This had already occurred successfully in neighboring Athy, Maryborough (Portlaoise)

---

[566] *Westmeath Guardian,* 10 November, 1859
[567] Ibid, 23 October, 1856
[568] BBC TV2 *Coast* (12 December, 2006), 8pm
[569] *Leinster Express,* 12 February, 1859

and Trim some years earlier and it was inferred that Naas was being left behind in this regard.

Later that month the same newspaper reported that a large gathering – considering that it was a market day – attended the meeting at the court house Naas to consider establishing a gas company in the town. 'Dr. Hayes moved and Dr. Clarke seconded that Mr. McElwain be appointed chairman' and this was agreed. All three abovementioned were members of the Naas town commissioners. Dr. Hayes read letters received from members of Athy and Maryborough (Portlaoise) gas companies which advised setting their company under the Limited Liabilities Act and proposing the figure of £1,500 in a share issue to be suitable for town the size of Naas. After discussion, it was agreed that the capital for this company would be £2,000 and that shares would issue at £2. 10s. each. A committee of eleven was elected by the attendance, named as follows: John McElwain, James Murphy, R.S. Hayes, C. Clarke MD., Thomas Douse, Patrick Farrell, W. McEvoy, James Farrell, James Fagan, J. Kellett MD., and James Masterson. Mr. Douse was called to the chair.[570]

It is interesting that although eight members of Naas town commissioners attended and were elected to the committee of the proposed gas company, one member of the commissioners was conspicuous by his absence; John Hickey, who was first chairman of the town commissioners and magistrate of the commissioners' court. Perhaps this was a harbinger of the lack of success of the proposed Naas gas company. Little seems to have been carried out in the town with regard to having gas installed until 1863. Even then gas-lighting only came to Naas town commissioners meeting's agenda because the governor of Naas gaol was determined to install gas-lighting. Minutes of a November, 1863 meeting reveal: 'Mr. Armstrong, Deputy Governor of the Gaol came forward and explained a project which the Board of Superintendence of Naas Gaol had on foot, relative to lighting the Gaol with Gas and asked for the co-operation of the commissioners for the purpose of lighting the town'. Any decision at this meeting was postponed.[571]

[570] *Leinster Express,* 19 February, 1859
[571] Minutes of Naas Town Commissioners, 14 November, 1863

Plate 7.2: Naas gasworks, with chimney in background, was sited beside the Grand Canal, half a mile from the centre of the town. Today the gasworks building and the manager's house have been converted into a modern home (Photo: Patrick Hester, March, 2008)

The deputy governor, unhappy with any 'long-fingering' tactics by the commissioners, immediately wrote a letter which was read at the commissioners' next meeting. Mr. Armstrong pleaded:

> All I ask from the commissioners of the town is that they give permission to have the gas pipes laid along the streets – this is the question at present.
> Afterwards, what I will propose will be submitted first to the Board of Superintendence of this Gaol and afterwards to the commissioners:
> Twenty lamps to be erected (if the commissioners wish) - £42.
> Twenty lamps to be paid for yearly - £60.
> This is really all the commissioners have to do with.
> A company must be formed to carry out the lighting of the private houses, for which I have added in my private estimate of £75.[572]

The clerk was directed to reply saying the commissioners had no objection to the streets being opened to lay down gas pipes in the event of a company being formed.

[572] Ibid, 25 November, 1863

How does one explain this late and unimpressive effort by the commissioners of Naas in facilitating a public gas lighting system compared to the apparent success of the Trim town commissioners many years earlier? As described by a *Meath Herald* reporter back in March, 1854, Trim had established a gasworks on a good site and its success was such that 'a better lit town or better gas could not be had'. This reporter described how he gazed in wonder at the night-time scene in front of the Trim court-house, which was 'brilliantly illuminated by a blazing star composed of four-hundred and eighty gas jets, which shed its light all around the vicinity rendering the street as clear as noon-day'. He concluded that this brilliant success brought about by the valiant efforts of the Trim town commissioners made their town 'look like a miniature city when lighted up'.[573]

Once again, an obvious explanation of the progress of Trim compared to the backwardness of Naas in its adaptation of public gas lighting appears to relate to the land and property-owning class's local interests. At Naas the Grand Jury, which took over the town's administration after the abolition of its discredited corporation in 1840, had made no effort to improve the town's illumination. By contrast, immediately on the abolition of Trim's old corporation in 1840 a body of town commissioners, with whom the improvement of the town's illumination was a priority, were immediately established.

Plate 7.3: At Moore Abbey, Monastrevin, this is one the few mid-nineteenth century local gasworks buildings still standing. It was erected c.1845. Though now converted to a retail outlet, the building still retains most of its original form and character (Source: Buildings of Ireland, http://www.buildingsofireland.ie, Mooreabbey House, Dublin St., Monastrevin, Co. Kildare, 13/2/0)

[573] *Meath Herald,* 4 March, 1854

7.1.7 Mid-Century Comparison with the Rest of Britain

By the mid-eighteen fifties, unlike Irish towns, most of the towns of Britain were illuminated by gas. However, the British consumers' interest was only slowly being recognized by government. The mid-century stance of government was broadly determined by its interest in property and it was only when questions of rights of way arose - land had to be dug up to lay gas-pipes - that it was reluctantly drawn into the operations of utility companies. Thus, the *laissez-fare* system resulted in numerous gas companies competing for profitable areas which resulted in a rising tide of complaints, often from authoritative sources. The marketing structure of many of these newly established utility companies were blisteringly critiqued by government sponsored reports of enquiry. Consequently, some government regulation tried to tidy up the situation and control prices and dividends, but the sheer numbers of applications coming forward during the mid-century Victorian economic boom proved these somewhat half-hearted measures rather ineffectual. Much of the legislation had no teeth and the numbers of gas companies continued to expand at an astonishing rate, from 145 in 1851 to 330 by 1871.[574] Indeed it was not until the 1870s that parliamentary opinion recognized the harmful effects of competition in the provision of public gas lighting. The duplication of gas mains had resulted in greater leakage and as service pipes were changed from one set of mains to another the streets and lanes were constantly being broken up. Manchester became the first town council to buy out private gas companies in 1863, but its example was not followed for a further seven years by other town councils.[575]

Thus, while the new Irish town commissioners may have envied their British counterparts access to numerous companies from which to buy the product to illuminate their towns, the old axiom of quantity not always leading to quality applied. Apparently British gas consumers had much to complain about in the quality of service being provided and too often found these complaints falling on deaf ears at Whitehall.

---

[574] See Robert Millward, 'The Political Economy of Urban Utilites' in Peter Clark (ed) *The Cambridge Urban History of Britain Vol.111* (Cambridge University Press, 2000), pp 315- 350

[575] E.P.Hennock, *Fit and Proper Persons; Ideal and reality in Nineteenth Century Urban Government* (London, 1973), p.117

7.2 Paving Streets and Footpaths

As in England during this period, the construction and maintenance of roads and the paving of urban streets and footpaths in Irish towns was seen as providing not just ease of transport but was also of vital significance to the health and wellbeing of urban inhabitants. The establishment and upkeep of footpaths and walkways in particular became the responsibility of town commissioners during the period of this study. The surface of these roads, streets, lanes and footpaths were hazardous, particularly in an era where horses, donkeys, cows and indeed pigs were as regularly using these surfaces as humans. They also provided an environment conducive to the spread of disease. For example, it was estimated that on the streets of London in one year during the 1850s, animals alone deposited 39,592 tons of manure.[576] While not on the same scale as that of the London metropolis, the surfaces of streets, lanes and walkways of the towns under study in this thesis, provided many problems with which the town commissioners were expected to provide solutions. Decades of neglect had exacerbated the necessity for improvement. Both surfacing materials and associated labour became a major expense and a considerable strain on town commissioners' yearly budgets.

7.2.1 Surface Materials

The material cost of laying and maintaining surfaces such as gravel, macadam (an impermeable surface made from small uniform concave pieces of granite often produced by the labor of paupers in workhouses), granite setts or stone flags varied from town to town depending on local availability and the cost of transport. Differing road surfaces here as in English urban areas were found to produce varying amounts of dirt and some were more difficult than others to keep clean. They produced differing volumes of noise when driven over and their traction and stability influenced the chances of accidents to pedestrians and horses.

Here, as in Britain, surfaces of gravel or macadam, while relatively cheap to construct, were found to be difficult to clean. Granite paving stones and stone flags were more expensive and while easier to clean were noisier from the clatter of hooves and iron-rimed carts and carriages. They were also slippery in the rain and allowed less traction. While the pros and cons of each surface material had to be considered by town

[576] Martin Daunton, 'Introduction' *The Cambridge Urban History of Britain Volume 1,* (Cambridge University Press, 2000), p.11

commissioners, the capital cost became a major issue. In England it was one of the largest expenditures of local authorities, ahead of police, public health and education.[577]

7.2.2 Paving Conditions During 1830s

The findings of the 1835 commission of inquiry gives an overview of the generally poor condition the roads, streets and lanes of the market towns of Leinster.

At Naas, the enquiry commissioners found the streets of the town 'in bad repair, even though they form portion of the county roads'. This implicitly criticized both the grand jury and the trustees of the turnpikes, whose duty it was to attend to these roads. They also pointed out that the streets 'were not often cleansed by the authorities, who at the same time prevent the inhabitants from doing so'. They blamed the system whereby one of the corporation portreeves was entitled to the sweepings as valuable manure and had people who removed heaps of filth from outside their doors fined. They also found that 'no attempt had been made to introduce the provisions of 9 Geo.1V. c.82 for the purposes of ...paving the town'.[578]

Comparatively, the town of Kells stands out in the enquiry commissioners view in that even though the provisions of 9 Geo.1V. c. 82 had not been introduced there, they found 'the streets generally well kept and the town presents an appearance of cleanliness and comfort beyond what is generally met with in county towns'.[579]

At Navan, the commissioners found that 'streets and bridges are in a much neglected state, and there is no fund to repair them'. While the portions of the main streets forming portions of the county roads had been kept in repair, 'the bye-ways and smaller streets are not county roads and have not been repaired for several years'. They also pointed out that some of the inhabitants 'endeavoured to procure the introduction of the Act of 9 Geo.1V. c.82...but the portreeve successfully resisted the attempt'. His contention was that 'the proper persons could not be had to fill the situation of commissioners under the Act', but many of the rate-paying inhabitants thought otherwise.[580]

---

[577] Ibid, p.12
[578] *First Report of the Commissioners appointed to inquire into the Municipal Corporations in Ireland.* Pt 1. H.C.1835 (23) xxvii. p.222
[579] Ibid, p.187
[580] Ibid, p.232

At Maryborough (Portlaoise), the commissioners found 'the internal regulations of the town are deplorably bad', and that the Act of 9 Geo.1V. c.82 was 'not put into operation here'.[581]

At Carlow, this Act was found not to have been adopted. The commissioners declared that 'all the streets are repaired by the county presentment, and the two principal at the expense of the county at large, the others by the barony in which the town is situate'.[582]

At Athy also, the commissioners found 'no effort has been made to introduce the provisions of 9 Geo.1V. c.82 for the purposes of paving...'.[583] Being fearful of the re-appearance of the dreaded cholera, and criticising the paving condition of the streets in Athy, County Kildare in 1834, the editor of the *Leinster Express*, under the heading, "Buy a broom, ah do buy a broom" went on to say how sorry he felt in being obliged to complain of the dirty conditions in which the streets of Athy and its vicinity were being kept and stated that cleanliness should be strictly observed 'now that a disease which before committed such fearful ravages, is reappearing in the country... manure should be collected daily, not left in heaps...people whose duty it is should see this is properly done'.[584]

It is fair to say that little was done to improve the situation over the following twenty years. In fact in many instances, particularly in towns such as Naas where the local grand jury took over the local government of the town consequent to its old corporation being disbanded in 1840, little capital was advanced toward their improvement and the condition of the town's streets and lanes became even worse.

7.2.3 Delegation of Financial Responsibility

From 1840, new town commissioners of Leinster's market towns (where established) quickly came to realize that the cost of providing surface improvements was often way beyond their meager means and where possible, they tried to pass responsibility onto other local agencies.

The local county grand juries, principally made up of local landlords and substantial farmers, had been responsible for most road and bridge building during the eighteenth and early nineteenth centuries. However, by 1850, hit hard by the famine, many of the Irish gentry could no longer continue to afford either to construct the pleasant late Georgian

---

[581] Ibid, p.210
[582] Ibid, p.170
[583] Ibid, p.146
[584] *Leinster Express,* 18 January, 1834

houses which many of their class had built in the early 1800s or indeed the lavish lifestyle and conspicuous consumption of their ancestors. This also put an end to the practice of their using parts of the public road network almost as private avenues to and from these estates. Many landlords held a distrust of towns. They believed most of those they considered sharp operators who espoused nationalism to be urban dwellers who could not be trusted.[585] Accordingly, when presentment time came around they controlled the purse strings and 'presenting' monies to pay for the upkeep of streets and lanes within the towns was to them, not considered a high priority. As a consequence of the 1854 Act, they became ever more aware of where the town commissioners' responsibility began and became more adamant in enforcing this dividing line.

Another agency which the town commissioners hoped would provide for at least some of the cost of road and street building and maintenance were the lately arrived railway companies. By this time the railway companies' Victorian public buildings became prominent in the urban landscape. The rival railway companies vied with one another in the splendor of the architecture of their stations and termini. They came in many styles – Gothic, Tudor, Classical and Italianate.[586] Thus in the market towns of Leinster these building, were often situated on the edge of a town and became a focus for road improvement between the railway-station and the centre of town. In some cases, new roads were constructed for the expeditious transfer of passengers and goods from the railway station to the town centre.

Notwithstanding the expense of street and lane paving within these towns, the new commissioners established under the 1854 Towns Improvement Act found themselves in charge of urban environments which, due to the decades of neglect and decay, were dangerous to the health and welfare of the inhabitants. Under pressure from the local inhabitants to instigate improvements, they had little option but to work within budget constraints.

7.2.4 Paving Issues Following from the Adaptation of the 1854 Act

By the mid nineteenth century, the streets and lanes of Irish towns had to cope with increased traffic and consequently local commissioner bodies were faced with increased costs for maintenance and cleansing. Paradoxically, the arrival of the railways became a major cause of extra pressure on the streets and lanes of towns connected to them. Goods

[585] K.T. Hoppen, *Elections, Politics and Society in Ireland1832-1885* (Oxford, 1984), p.116
[586] Jacqueline O'Brian and Desmond Guinness, *Great Irish Houses and Castles* (London 1992), pp 210-211

and passengers arriving and departing required increased horse-drawn vehicles to convey the increasing numbers of passengers and goods tonnage of all kinds, to and from the railway station to various areas of the town. The numbers of car-owners and carters consequently increased in these towns and the increasing numbers of their horses, donkeys and other assorted draft animals caused continuous and growing nuisance.

The fact that these towns were, by the 1850s, becoming central places with increasing numbers of fairs and markets (already alluded to) placed further strain on the structure of the streets and lanes. While Sunday may have been a 'day of rest', this did not apply to the usage of streets and lanes. An increasing numbers of worshipers attended the growing number of places of worship within these towns; their horses, ponies and donkeys being oblivious of the fact of it being the Sabbath when nature called them in the usual manner. Thus, on the establishment of new town commissioners and on their adoption of the 1854 Act, the paving, cleansing and maintenance of the streets and lanes of their towns became both contentious and expensive.

As the issue of paving and street maintenance varied considerably from town to town, it is intended to provide a synopsis of how each town commissioner body dealt with this aspect of their administration in the sub-sections below.

7.2.5 Naas

At Naas, the appalling state of the streets became one of the first items to be attended to on the establishment in 1855 of the new town commissioners. In June of that year they issued the following resolution:

> Resolved: - That we prepare to perform the following works in the name of our clerk, Viz:-
> The flagging of the street of Naas. No. 6.
> The repairs to the Back Lane. No.1.
> The repairs to the grates of the town of Naas. No. 10.
> And that we guarantee to make up any deficiency beyond the sums guaranteed by Special Sessions out of the Town Rates.
> Passed.
> Thursday 7th June 1855.[587]

The commissioners set about having some paving laid down. In August, 1855, they directed their clerk to write to quarries in the Carlow area regarding terms to supply a sufficient number of flags to cover an area of over 100 perches. Each flag should measure

[587] Minutes of Naas Town Commissioners, NTC/M/1, 7 June, 1855

three feet wide and two inches in thickness. Unfortunately, at the next meeting the chairman was informed that stone flags were not available at any price due to the demand for this material by the military authorities at the newly-built Curragh Camp. However, this high demand for flagstones only lasted some months.[588] By January, 1856, material was again available and Naas commissioners requested 'tenders for 101 perches of flagging for the streets of Naas at 1s. 8d. per sq. yard from the Royal Oak quarry, Bagnalstown, Co. Carlow'. This quarry was chosen as it was near to the Barrow waterway and could deliver its products by river and canal right to the canal harbor at Naas. The commissioners also requested tender for 1,600 feet of granite kerbstone at 8d. per foot.[589]

Plate 7.4: Remaining portion of 'flagged' footpath laid by Naas town commissioners in 1856, beside the Presbyterian Church at South Main St., Naas (Photo: Patrick Hester, March, 2008)

The chairman of Naas town commissioners, John Hickey, was by now appointed a Justice of the Peace and was doing his utmost to ensure the new footpaths were being kept in order. At his court in March, 1856, he fined two Naas householders 2s. 6d. each for not

[588] *Leinster Express,* 11 August; 18 August, 1855
[589] *Leinster Express,* 19 January, 1956

sweeping the footpaths outside their houses and, at the same court, fined car-proprietor Peter Grady the sum of 10s. 0d. and costs for obstructing the footpath with his horse and car and for 'using abusive language to the Inspector of Nuisance, Mr. Lawlor'.[590]

In their first annual report,[591] the commissioners were pleased with their paving progress. The fact that the cost had been borne by the county at large was acknowledged when they declared:

> On the 7th of June the commissioners caused application to be made at a Special Sessions for a presentment towards flagging on side of the street - (that leading from Cavanagh's corner to the Chapel) - also for making a new sewer in the Back Lane and setting a number of granite grates in room of the iron ones which had been stolen from time to time. The presentments having been granted, the commissioners became (in the name of the clerk) the contractors - and said works have been well and permanently done and approved by the County Surveyor The flagging is acknowledged by all to be a great and lasting improvement to the town. It appears in rather an unfinished state at present, but this is owing to the irregularity of the houses. The commissioners propose shortly directing their attention to this subject and completing the flagging into the houses, the expense of which will be defrayed by the occupiers and assessed as a private improvement rate under the 66th section of the 'Town's Improvement Act' - the commissioners expect in a year or two to have the other side of the street similarly flagged...The commissioners also obtained two presentments at the last Special Sessions: one for making a new sewer from the main street to the canal harbor - the other for making a paved channel along the new line of flagging. When this is done, and the flagging made perfect into the houses, the commissioners flatter themselves, it will be as creditable and useful a piece of work as has been done in any country town for many years.[592]

The minutes of Naas commissioners' meetings during subsequent years contain many references to the cost to the ratepayers of street maintenance of various kinds.

7.2.6 Athy

At the neighboring town of Athy, the commissioners' minutes contain little reference to street paving or maintenance by comparison to Naas. An unusual decision was taken in January, 1856, to rip up the stone paving on Market Square and to have this area 'powder paved' instead.[593] It was suggested this would be both safer in preventing slippage by people and animals and also cheaper than flagging.[594] As time passed, this was found not to

---

[590] *Leinster Express,* 29 March, 1856
[591] *Minute Book of Naas Town Commissioners,* NTC/M/1, 16 June, 1856
[592] Ibid, 16 June, 1856
[593] A mix of loose sand and gravel spread evenly over the area
[594] *Leinster Express,* 12 January, 1856

be such a good idea. By 1859, the commissioners resolved 'to get flags from Bagnalstown or elsewhere' to pave some areas of the town.[595] In subsequent years, the minutes of their meetings contain references to the cost of 'flagging', particularly in the lists of bills being paid.

7.2.7 Maryborough (Portlaoise)

Maryborough (Portlaoise) town commissioners were grappling with the paving issue and the cost of having improvements carried out in July, 1855. A contractor called Farrell had tendered to pave Lyster's Lane at a set price per sq. yard and this had been accepted provided he completed the job by 1st, August. This stipulation would only allow Farrell seventeen days to level and pave an area 450 yards in length. Perhaps the main reason why the commissioners choose to pave this particular lane lay in the fact that some of their members; Dr. Fitzpatrick, J. McEvoy, P.Quigley, W.Lewis and W.Murphy either lived or had property on that lane. These five men agreed to pay half the cost of the paving and the remainder was paid for by the commissioners as a whole.[596]

Progress in constructing properly 'flagged' footpaths in Maryborough (Portlaoise) continued at a very slow pace indeed, primarily due to the cost. By November, 1856, the commissioners were informed that 'very little had been done towards the flagging of the town. The price of flags at present is enormous. Rosenallis flags were spoken of but Mr. Fitzpatrick said he would not give 6d. per yard for them. Mr. Quigley recommended Kilkenny flags, but the subject was dropped and the meeting adjourned'.[597]

An unwillingness to undertake the expense of paving the town of Maryborough (Portlaoise) and to shift the responsibility off to some other agency is evident in the meetings of the town commissioners. For example, when in December, 1857, the local Protestant Pastor, Reverend Harpur, complained to Commissioner Turpin on the state of the footpath at the Protestant church, the town commissioners' response was to enquire if the ecclesiastical commission could be of assistance. They were told 'it was not customary for the ecclesiastical commission to do repairs outside the range wall of the church'. The continuing poor condition of footpaths in various parts of the town continued to be a

[595] Minutes of Athy Town Commissioners, ATC/M/1, 3 January, 1859
[596] *Leinster Express,* 14 July, 1855
[597] *Leinster Expres,s,* 8 November, 1856

problem. The response from the town commissioners was to make application to the presentment sessions of the county grand jury for repairs at various sites.[598]

7.2.8 Mullingar

At Mullingar, in September 1856, the commissioners began to assess the necessity and expense of improving the paving of their streets. They appointed a committee to 'report on the improvements required to be done by virtue of the Towns' Improvement Act'. Regarding the town's footpaths, this committee reported that:

> Except in very few cases where the taste of persons in the Main Street has shown itself, in permanently flagging before their doors, we find the footways and channels worn down, uneven and unsafe to walk on especially by night – the channels more calculated for receptacles of nuisance than the medium for the conveyance of such matter, and therefore we recommend the flagging and paving of the various footways in the several streets named in the estimate.

Regarding the streets themselves, the committee was willing to abrogate responsibility to the grand jury in some cases, but felt obliged to recognize how serious the situation was, particularly in the lanes: The grand jury of the county granted presentments for some of the streets of the town, 'we pass over these under the care of that body, and respectfully and earnestly press upon your attention the neglected and almost impassable state of other streets and lanes'.[599]

The local newspaper, whose editor was anxious to confirm everything the committee said, told his readers that (the commissioners) may have the evidence of every person who walks the streets, 'possessing the faculty of feeling, seeing and smelling'. The tortuous state of the footpaths 'renders necessary no small degree of skill to preserve the centre of gravity whilst threading them after dusk'.[600]

However, it seemed that the town commissioners were less than enthusiastic in taking on the expense of paving. If any other agency could be found to provide finance to carry out this work, the commissioners were more than willing to delegate their responsibilities. At a meeting in August 1856, while considering the appointment of a committee 'to take into consideration what works within the boundaries require to be done by presentment' (by the county grand jury), Dr. Kelly advised the commissioners should reserve any motion on the subject until after the next road session, ' as they could then be

---

[598] *Leinster Express,* 19 December, 1857
[599] *Westmeath Guardian,* 23 October, 1856
[600] *Westmeath Guardian,* 23 October, 1856

capable of judging from the amount of the presentments granted to the repairs of the highways and bye-ways of the town, whether the sum annually paid as grand jury cess was expended for such a purpose'. The commissioners could then judge how much of it went to the credit of the barony at large and if the grand jury were 'inflicting a positive wrong on the inhabitants, at the same time that their bye-ways and covered sewers especially were left in a most wretched state of repair indeed'. Dr. Middleton thought that 'if the grand jury could get the work done without any extra charge on the inhabitants, they (the commissioners) ought not to interfere with it'. The chairman observed that if they 'took the roads from the grand jury, they would still have county cess to pay'. This discussion continued for some more time but was eventually dropped without any agreement or resolution.[601]

Figure 7.2: The railway had arrived and made a significant impact on the 'footprint' of Mullingar when the new commissioners became established in 1856 (Source: OS map, Sheet 19; Surveyed 1875; Scale: 1:10,560. Map Library – Trinity College Library, Dublin)

Some two years later at their meeting of December, 1858, they issued a direction to their clerk 'to apply at the next Special Sessions (of the grand jury), for the flagging of the

[601] *Westmeath Guardian,* 21 August, 1856

footpath from Mary Street to the corner of Martin's Lane'. It was also suggested at the same meeting, that Colonel Greville (patron of Mullingar) should 'be waited upon for the purpose of ascertaining what assistance he would give them in continuing the flagging of the town'.[602]

A further two years later, in October, 1860, the cost to the town commissioners of street paving carried out during the previous year was written into the minutes as follows:

> 446 yards (linear) of permanent flagged footpaths on the North side of Greville and Earl – streets....£397. 18s. 3d.
>
> 198 yards (linear) of footpaths on the south side of Greville- street...£150. 0s. 0d.
>
> 47 yards (linear) of gravel footpaths on Green Bridge...£1. 14s. 0d.
>
> The commissioners acknowledged the sums granted by 'the generous landlord of the town, Colonel Greville'(who gave £205. 6s. 8d. for 'improvements) and also the Grand Jury who gave £150. 10s. 0d. for footpaths.[603]

But four years later in 1864, the paving of at least certain areas of the town still left much to be desired if one believes the contents of a letter to the local newspaper. It says:

> Dear Sir, - As it is a question often asked by frequenters of Mullingar, why is it that the town commissioners have not flagged the pathways from Kiernan's Bridge as far as the Dublin Bridge, same as other parts of the town. I beg to ask the commissioners through the medium of your journal, the reason why?
>
> Now this end of the town is really scandalous and at the same time, very dangerous to pedestrians. What must the gentlemen of our county think of the commissioners, whenever business requires their presence in the asylum or the infirmary, and that they prefer walking to any of these places? Why, they will just say this, that the Austin Friars end of Mullingar must be disreputable in the extreme and that there must be no ratepayers living in it who could claim the luxury of flagged pathways, same as granted to other parts of Mullingar. Now there are some of the heaviest ratepayers living in this part of the town, and who have expended as much money in building and improving as any one of their fellow townsmen.
>
> Trusting you will excuse my intrusion on your valuable space,
>
> I remain, yours truly,
>
> A householder, though not a ratepayer.[604]

Obviously, this inhabitant of Mullingar was convinced the blame for inadequate paving lay squarely on the shoulders of the town commissioners and that the 'gentlemen of our county', who might get their shoes dirty if they deigned to walk while attending the board

---

[602] *Westmeath Guardian,* 16 December, 1858
[603] *Westmeath Guardian,* 26 October, 1860
[604] *Westmeath Guardian,* 24 November, 1864

of guardians or the grand jury, were not in any way responsible by not assigning adequate funds at their presentments to assist in this work.

7.2.9 Carlow

At Carlow in 1854, the town commissioners established only a short time under the 1828 Act, had much to do to improve the condition of the streets and lanes of their town. In March, 1854 they issued an order calling on the inhabitants to 'cleanse the footways at their doors before 8 o'clock on each day (Sunday excepted)'. They instructed that the manure collected by this cleansing should be 'left in the streets for the contractors'. They warned that any person neglecting to do this would 'forfeit a sum of two shillings'.[605]

The obstruction of the streets by vendors, as well as their very poor surface was debated at meetings. For example, in August there were complaints that unsold vegetables were dumped on Church Street which obstructed the passage of traffic. When Dr. Porter complained that the wheel of his car was 'nearly broken' as he tried to pass through this area, the commissioners resolved that 'a row of paving be placed along one side of the street for the coal carts, and all persons be fined who exposed coal for sale outside it'. This would allow cars and carriages to pass through the market unobstructed. Mr. Byrne wanted to know 'have we a prospect of more efficient service from Reddy' (scavenger), to remove obstructions without further cost to the commissioners. They also discussed whether they should 'pay sweepers to clean the streets on Sunday'.[606]

The warm dry weather of that August, 1854, had exacerbated the clouds of dust being raised by passing traffic from the streets of the town. Fears were raised of the affect on health this would cause, particularly as cholera was in the news at this time – in the Crimea (where British troops were at war), in cities and towns in England, as well as some Irish towns. Closer to home, and thus more frightening to all classes in the town, the commissioners became aware that cholera had broken out in the Carlow workhouse in September, 1854.[607] In order to assist in keeping the dust from rising at least somewhat, the commissioner were informed that a private subscription was available to supply a watering cart to water the streets.[608] However, the success of this venture was sporadic, to say the least. The said watering cart was quite often out of action through disrepair. When the town

---

[605] *Carlow Post,* 4 March, 1854
[606] *Carlow Post,* 5 August, 1854
[607] *Carlow Post,* 23 September, 1854
[608] *Carlow Post,* 2 September, 1854

commissioners re-established themselves under the 1854 Act and considered this subject in April 1855, they were told that the watering cart was out of order but 'would be ready by the 1 May to help cleanse the town and prevent decease'.[609]

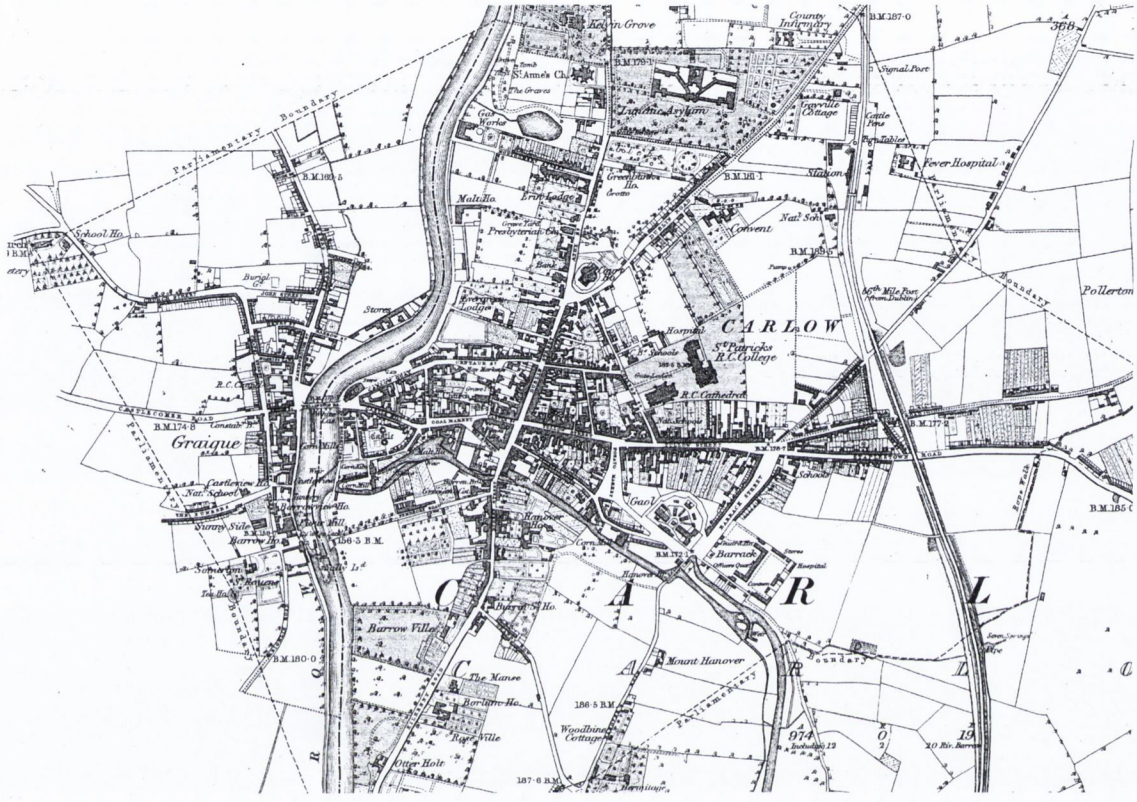


Figure 7.3: In Carlow the urban area west of the river Barrow was the responsibility of Queen's County (Source: OS map of County Carlow, sheet 7, revised 1874. Map Library, TCD Library)

7.2.10 Athlone

At Athlone, the cost of paving became a major consideration for the town commissioners and as funds were in short supply, little of note was achieved for many years. The need for repair of many of the streets was still the cause of much complaint by 1860. Queen Street in particular was highlighted because it was 'a considerable thoroughfare and the approach to a place of worship'.[610] As already alluded to at Carlow, the warm summer of 1860 required the usage of a 'watering cart' on the streets of Athlone also. However, the expense of providing this service was considered exorbitant. An invoice for the amount of 9s. 4d., was

[609] *Carlow Post,* 21 April, 1855
[610] *Athlone Sentinel and General Advertiser,* 9 May, 1860

sent to the commissioners for the watering of Church Street, the contractor stating that he was required to water this stretch of roadway 'four times in one day'. Some commissioners were less than happy that this service was being carried out impartially, having discovered that while Church Street was receiving treatment many times each day 'only half a cart of water was used on the Connaught side of the bridge'.[611] When the need for improvement of Excise Street was being considered in June, 1860, the commissioners were informed that 'new kerb-stones, 6 inches wide and flagging would be cheaper than dressing the sides of the street with old stones'.[612]

Athlone, one of the largest of the towns, in terms of population, being examined in this study, was one of the most neglected as far as its paving was concerned; its commissioners having failed to carry out any worthwhile improvements until the 1860s. Eventually a footpath was laid outside St. Mary's Church of Ireland church in January, 1861 and a flight of stone steps placed at Scotch Parade on the outskirts of the Leinster side of the town in 1864.[613] But still the vast majority of the town's thoroughfares were left untouched by any improvements and the rough mix of gravel and earth already in place remained as the most common surface, with all its attendant disadvantages, for many more years.

The fact that all of these towns had more than one local authority in charge of its affairs often became a factor in limiting any improvement. Where more than one body was responsible, none was responsible. Athlone, like Carlow had four such local authorities dealing with local issues such as the paving and road maintenance of various areas; the town commission, the local board of guardians, and two county grand juries. Bourke maintains that lack of co-operation between these bodies led to a large number of infrastructural problems persisting longer than necessary: 'Each separate authority was liable to have a singular interpretation of each act leading to an unworkable overlap of duties and responsibilities between mainly, in the case of Athlone, the town commissioners and the grand juries'.[614]

---

[611] *Athlone Sentinel,* 30 May, 1860
[612] *Athlone Sentinel,* 6 June, 1860
[613] John Burke, *Athlone in the Victorian Era* (Athlone, 2007), p.222
[614] John Burke, *Athlone in the Victorian Era* (Athlone, 2007), pp 207-8

7.3 Conclusion

In the early decades of the nineteenth-century the public lighting of Irish towns was seen as a virtuous aspiration. At night urban dwellers faced a twofold problem. Under cover of darkness they became convinced that if they ventured abroad, crime and vice awaited them round every corner. But while they would have liked a system of public lighting, the urban ratepayers were keenly aware of the financial implications of establishing this service. The old corporations, in keeping with the neglect and mal-administration of other badly required services, failed to provide public lighting in the towns under this study. Parish vestries with meager means made somewhat limited efforts in a few towns, but without financial assistance from either local grand juries or central government, the new commissioners of the 1830s and 1840s were unable to address this issue. Accordingly, little of consequence was provided to alleviate the distress of urban inhabitants when darkness fell.

The availability of town gas became an option, though quite an expensive one, to many more towns as the century progressed. Towns such as Trim led example in establishing local gas supplies through purchasing the produce of limited liability gas companies. On the adoption of the 1854 Act, towns not already lit by town gas began to be seen as backward and non-progressive. Their commissioners felt pressurised, notwithstanding the added expense to ratepayers, to be seen to seek to achieve the advantages good public lighting was evidently bestowing on neighboring gas lit towns. Some local patrons became pro-active in encouraging the establishment of the new lighting technology, through the provision of sites and/or by becoming shareholders in the gas companies such as these established at Athy, Maryborough (Portlaoise), Kells and Mullingar. Other towns such as Carlow and Athlone were not so fortunate in acquiring local patronal largesse. Their ratepayers bore the expense in the hope that better public lighting would further encourage trade in their town. In other towns, such as Naas, the ratepayers were more reluctant to pay for gas lighting. Portarlington, refused to adopt the provisions of the 1854 Act in its entirety through fear of the expense to its ratepayers.

However, by the early 1860s most of these towns had improved their street illumination. Their British counterparts had achieved this improvement some decades earlier and by this time had a range of gas companies competing for business. The *laissez-fare* system encouraged by Whitehall in which market forces were allowed to persist

unfettered by central government, often meant that consumers' rights were low on the government's agenda. The rights of private property ownership remained sacrosanct and only where rights of ways became an issue did government see itself having an interventional role.

Perhaps because our modern urban streets and lanes are generally laid out with footpaths for pedestrians and in general reasonably clean and free from obstruction, one finds it difficult to imagine how different the case was in the mid-nineteenth century. In Britain, as well as in Ireland, the cost of paving materials and the continuous upkeep of urban streets and lanes was one of the highest financial burdens to be borne by town administrators in the nineteenth century.

The paving of the streets and lanes of Irish towns had been neglected by the discredited old corporations. When these corporations were disbanded in 1840, the responsibility for the upkeep of the streets often fell on the county grand juries. As these bodies were principally made up of landlords whose priority were things rural and who had little interest in the well-being of town dwellers, the neglect of street paving continued for a further fifteen years.

Thus on the adoption of the 1854 Towns' Improvement Act, the new town commissioners were faced with streets and lanes whose paving conditions were in the main dangerous and unhygienic. As has been elucidated in this chapter, of the towns being studied here few had any footpaths or walkways for pedestrians. The streets were rutted and often obstructed by nuisances and the laneways were seldom little more than dirt-tracts. This situation was exacerbated by the increased traffic brought about by the arrival of the railway system to these provincial towns plus the increased growth and frequency of fairs and markets in the post famine era.

Many of the new commissioners were property owners of one kind or another and it became commercially important that the streets and lanes leading to their premises were made to encourage rather than discourage access to and from their shops, hotels, public-houses etc. It was important to them also that their female relatives, in particular, could 'perambulate' along proper footpaths to places of worship, or carry out commercial business or make social calls on friends, without having the ends of their dresses fouled by the often ankle-deep mud and refuse which covered the streets and lanes.

As can be seen from this chapter, the new commissioners of these towns had striven earnestly to improve the situation with varying degrees of success. A common disadvantage

which they all had to contend with was very limited finances with which to pay for these expensive improvements. Towns such as Naas, whose administration was taken over directly by the grand jury in 1840, had such poor and long-neglected street surfaces and no footpaths whatsoever, that this issue became the first priority of the newly elected commissioners in 1855. On the other hand, the streets of Trim were found to be in good condition in 1833 and continued to be maintained by a commissioner body elected soon after the disbandment of their old corporation in 1840. Consequently by 1855, the streets of Trim were vastly superior to these of Naas.

It may seem somewhat ironic that when the Naas commissioners decided to expend some of their meager funds on stone flags from the quarries at Bagnalstown, they found that the army had placed such a large order for flags for their new installations on the Curragh plains that the quarry was unable to supply any other customer. It was just another example of the almost all-embracing power of the army in Ireland in the 1850s during the military build-up to the Crimean war.

In general, the limited annual income from local taxation, tolls, customs and fines, allowed the new commissioners to instigate only limited and piece-meal improvements. At Carlow and Athlone during the warm dry summers of 1854 and 1860, this financial embarrassment even limited the repair and use of water-carts to douse the constant clouds of dust being stirred up by passing traffic in these towns. It raised still further fears that this dust would assist in the spread of the dreaded cholera during these post-Crimean war years.

What becomes most evident from the local records of the meetings of these new administrators after the adoption of the 1854 Act, was the genuine efforts now at last being made to improve the paving and cleansing of their own local streets and lanes and the pressure they began to apply for additional assistance from other agencies – grand juries, railway companies, local landlords and military authorities – in order to improve the paving situation which they inherited. Often mitigating against efficient improvement, however, was the very multiplicity of agencies and local authorities, all of whom bore some responsibility for certain areas of roads and laneways, but through lack of co-operation (as at Athlone), fudged and failed to carry out their duties.

CHAPTER 8

RELIGION AND SECTARIANISM

When one considers how religious divisiveness had become such a major theme in the general government of the country during the most of the nineteenth century, it is little wonder that this same divisiveness should also be an impediment to good cohesive and inclusive government at local municipal level. After all, perhaps the most obvious defect which had become manifest in the old municipal corporations was its religious sectarian and exclusive nature. These traits had developed and become endemic over more than a century and it was not until the 1830s that the first serious challenge to the continuing Protestant exclusivity within Irish municipal government was made. Though the most draconian attributes of the Penal Laws had been relaxed since the concluding decades of the eighteenth century, it was only with the granting of Catholic emancipation in 1828 that the Catholic clergy could become assertive leaders, not just in religious matters but also in the political field. It has been said that the dominant theme of Irish politics in general during the period 1820-40 was the sectarian contest for the diminution or retention of the protestant ascendancy, material and symbolic alike.[615]

8.1 The Rise of the Catholic Clergy in Local Politics

Among the central realities of not just the time period under examination here, but indeed modern Irish history in general, is the role and influence of the Catholic clergy. Given the expansive nature of this subject, the following is presented as indicative of the changing religious atmosphere of the time.

Perhaps, as Hoppen indicates, much of what was to take place throughout the century regarding the increasing influence of the Catholic clergy 'depended ultimately upon simple numerical change'.[616] From 1800 onwards, the number of secular priests, as well as both male and female catholic religious orders grew steadily. One obviously significant consequence of this increase was a change in the ratio of priests to the general catholic population, particularly as the general population decreased during mid-century.

---

[615] Oliver McDonagh, 'Introduction, Ireland and the Union, 1801-70', in W.E.Vaughan (ed), *A New History of Ireland, V, Ireland Under the Union, 1, 1801-70* (Oxford, 1989), p.lv

[616] K. Theodore Hoppen, *Elections, Politics and Society in Ireland 1832-1885,* (Oxford, 1984), p.171

Year	Bishops	Parish Priests	Curates	Total Parochial Clergy	Number of Catholics to each Clergyman
1800	26	986	628	1,614	2,676
1835	27	993	1,166	2,159	2,991
1845	28	1,008	1,385	2,393	2,773
1851	29	1,014	1,354	2,368	2,214
1861	33	1,036	1,491	2,527	1,783

Figure 8.1: Number of Parochial Clergymen and Ratio to Catholic Population, 1800-1861 (Source: 'Table 31' in K. Theodore Hoppen, *Elections, Politics and Society in Ireland 1832-1885,* Oxford, 1984, p. 171)

By 1850, Hoppen estimated there were about 312 members of the major male orders, while 'the world of the female religious had experienced dramatic growth from 122 in 1800 to over 1,500 half a century later'.[617]

This numerical increase in the catholic clergy was mirrored in the built urban environment to such an extent that the mid-nineteenth century Irish town came to be dominated by the spires and belfries of catholic churches. Particularly after emancipation, these tended to be built on prominent sites and designed by some of the leading architects of the day. Known in England as 'the pope's architect' for his design of Catholic cathedrals and churches in the 1830s and 1840s, Augustus Welby Pugin (1812-52) was persuaded to design the new seminary at St. Patrick's College, Maynooth, in elaborate style to celebrate the new catholic confidence. J.J.McCarthy (1817-82) was the architect of Maynooth college chapel. As instanced in the *Irish Historic Towns Atlas* series of fascicles, a veritable feast of church building took place at this time. Of significance to this study, a catholic church of considerable architectural importance was built at Mullingar (St. Mary's 1836) and new parochial houses were built at Athlone, Maynooth and Mullingar by 1837. In Carlow, the home town of future Cardinal Cullen, building of the catholic cathedral began in 1820 and was completed in 1833.[618] Indeed catholic architectural enclaves became evident in many Irish towns including Kilkenny, Thurles, Bandon and Killarney. At Kells, the area of

[617] Ibid, p.173
[618] William Garner, *Carlow's Architectural Heritage* (An Forus Forbartha, Dublin, 1980), p.26

Headford Place became an enclave with St. Colmbkill's church and parochial house (1798), flanked by the Convent of Mercy (1844) and the Christian Brother's school (1844). The Christian Brothers also established schools for the secondary education of catholic boys in many Irish towns, such as Mullingar (1856) while other catholic religious orders like the Presentation Sisters, Loretto Sisters, Sisters of Mercy, the De La Salle and Marist Brothers offered primary and secondary education to the various emerging constituencies of catholic laity.[619]

Connell describes how the emerging importance of the Catholic Church was reflected in the Navan townscape and how the quality of its buildings and the change in location of the catholic enclave reflected its growing importance in these years, indicative of how it had established itself socially and geographically.[620] Thus, as McDonagh describes, by mid-century, Catholicism had 'completed its basic ecclesiastical reorganization and had begun to move into outer fields - into education and the social services, into the fostering of the regular clergy...'[621]

Considering the significant role which the catholic clergy played in support of Daniel O'Connell, it is not surprising that local political considerations and initiatives increasingly came under the ambit of this more numerous and assertive catholic clergy. After all, catholic seminarians were recruited predominantly from provincial farmer class and indeed before the famine many priests had been directly engaged in farming. Also, just as many Irish Protestant landowning families had for centuries provided clergymen to their church, catholic families were now seen to contribute powerful clerical groups which inevitably reinforced partisan local interests. Examples which stand out include Fr. James Maher of Carlow, who had Cardinal Cullen as a nephew, Archbishop Moran as a cousin and two sisters and eighteen nieces as nuns. Another ecclesiastical patriarch was Rev. Mathew Kelly, professor at Maynooth seminary from 1841 to 1858, who could claim one priest as a brother, a nun as a sister, a bishop as an uncle and a dean as a grand-uncle. Thus, as Hoppen maintains, families which 'specialized in the production of priests' saw themselves as privileged in more than just areas of faith. The clergymen which they

---

[619] John Bradley, 'The Irish Historic Towns Atlas as a source for Urban History' in Clarke, Prunty, Hennessy (eds) *Surveying Ireland's Past*, (Dublin, 2004), pp 727-744

[620] Peter Connell, 'Changing forces shaping a nineteenth century Irish town: A case study of Navan' in *Occasional Paper Series, No.1,* (Geography Department, St Patrick's College, Maynooth, May, 1978), p.26

[621] Oliver McDonagh, 'Introduction, Ireland and the Union, 1801-70', in W.E.Vaughan (ed), *A New History of Ireland, V, Ireland Under the Union, 1, 1801-70* (Oxford, 1989), p.lv

provided were then bound 'not only to one another, but to large farming, commercial, or professional kinships...'[622]

Plate 8.1: The Convent of Mercy at Ardee, Co. Louth was built c.1855. Designed by John Neville in the Gothic Revival style, with its tall stepped tower it exemplifies the Catholic 'triumphalism' of the period (Source: National Inventory of Architecture, http://www.buildingsofireland.ie 13/2/08)

It is important to note that religious revival in the early nineteenth century was not only confined to Catholicism in Ireland. The accompanying church and religious building boom was also experienced by Irish people of other religious convictions during these decades. Although the heartland of Methodism may have been in south-west Ulster, its religious revival at the beginning of the 1800s gave rise to its founding new churches in many towns further south, including Mullingar (1806) and Athlone in 1836. Presbyterianism also experienced a similar revival which resulted in the establishment of meeting-houses in many southern towns, including Mullingar in 1825 and Athlone in 1838. The Church of Ireland also contributed to this revival and to the church building era. Monies made available by parliament to the Board of First Fruits, enabled the Church of Ireland to build glebes and repair churches. Among its legacies in the Irish urban landscape is the rebuilt All Saints' church at Mullingar (including the addition of a spire (1814-19)

[622] K. Theodore Hoppen, *Elections, Politics and Society in Ireland 1832-1885,* (Oxford, 1984), p.232

and the construction of a new church at St Marys, Athlone (1826-7). Later, under the guise of the ecclesiastical commissioners, work was carried out at St. Peter's, Athlone (1840) and St. Mary's, Maynooth (1858-9).[623]

8.2 Religious Makeup of Irish Urban Corporations in 1835

In 1835, the commissioners of enquiry into the municipal corporations of Ireland reported on their findings with regard to the religious make-up of these corporations. They were at pains to point out that the 'system...in reference to Your Majesty's Roman Catholic subjects...deserves peculiar notice'. They observed that in only one of the corporations in the whole country, that of Tuam, were the majority of members of the Roman Catholic religion. With regard to the general exclusion of catholics, they reported that while the laws, which for a series of years operated to exclude those professing the Roman Catholic religion from corporations, were repealed in the year 1793, by the statute 33 Geo. III. c.21, the Roman Catholics had 'hitherto derived little practical advantage from the change'. In the Irish market towns they were almost universally excluded from all corporate privileges. In the more considerable towns they had 'rarely been admitted even as freemen', and with few exceptions, they are altogether excluded from the governing bodies. In some '...their admission is still resisted on avowed principles of sectarian distinction...'

The enquiry commissioners discovered that, prior to the relaxation of the Penal Laws, the number of 'opulent Roman Catholics' residing in the corporate towns was necessarily limited. However, since these changes in the laws, which had enabled them to share in the 'general diffusion of wealth and in the benefits of unrestricted industry, they had risen and multiplied in the middle and upper classes'. This meant that, in most of the towns, they then constituted not only a majority of the whole population but 'a large proportion of the more opulent orders'.

Thus, they felt 'bound to submit to Your Majesty that a system of municipal polity, which excludes such a class of Your Majesty's subjects from all substantial corporate privilege and power, must be essentially defective in its structure'. It failed to secure to the different classes of the local community, participation in the regulation of their own concerns; and it operated far more widely and 'mischievously', than by the mere denial of equal privilege to persons 'possessing perfect equality of civil worth'. In places where the

[623] John Bradley, 'The Irish Historic Towns Atlas as a source for Urban History' in Clarke, Prunty, Hennessy (eds) *Surveying Ireland's Past*, (Dublin, 2004), pp 727-744

great mass of the population was Roman Catholic, those of that persuasion were, 'for all efficient purposes, excluded from corporate privilege'. The result of that situation was that the 'principal magistracy belongs entirely to the other religious persuasion'. The dispensation of local justice, and the selection of juries, was 'being committed to the members of one class exclusively'. Thus, it was less than surprising that the administration of the laws was regarded with 'distrust and suspicion by the other and more numerous body'. The enquiry commissioners concluded that the unpopular character of the municipal bodies was, in too many cases, aggravated by their being 'considered inimical, on the ground of sectarian feelings', to a great majority of the resident population, and they become instrumental to the 'continuance of the unhappy dissentions which it has so long been the policy of the legislature to allay'.[624]

When these enquiry commissioners examined the particular Leinster market towns being studied here, they discovered many examples of sectarianism and exclusiveness. For example, at Navan they discovered that 'no Roman Catholic or Protestant Dissenter' had been admitted as a freeman to the corporation. Though it was stated that two Roman Catholics had been elected between 1793 and 1829, they had not been admitted as they 'refused to take the oaths of supremacy and abjuration, which they were required to do'.[625]

Occasionally, subsequent to the Catholic Emancipation Act of 1829, the powerful influence of the local patronal landlord could overcome this almost countrywide discrimination. At Kells, Co. Meath, the enquiry commissioners found that on the proposal of Lord Headford, two Roman Catholics had become freemen after the passing of the emancipation Act. But they also discovered that 'although no other person supported by Lord Headford had ever before encountered the slightest opposition, these gentlemen...obtained their admission only by a majority of one'. They concluded that 'nothing short of personal exertion on the part of the patron could procure admission for a Roman Catholic into this corporation'.[626]

The final report of the commissioners of enquiry into Irish corporations in 1835 was in effect informing the government in no uncertain terms that unless the increasingly prosperous catholic majority was soon accommodated as administrators of their local

---

[624] *First Report of the Commissioners appointed to inquire into the Municipal Corporations in Ireland. Pt 1.* H.C.1835. (23) xxvii, General Report, pp 16-17

[625] *First Report of the Commissioners appointed to inquire into the Municipal Corporations in Ireland. Pt 1.* H.C.1835. (23) xxvii, p.228

[626] Ibid, p.184

towns, then the British government would have serious difficulty in continuing to rule this country.

8.3 Reform Delayed = Reform Denied

Notwithstanding this implied warning, the bill to abolish the old corporations was delayed and was not passed by both houses until five years later in 1840. The conservatives were unable to argue for a system so inherently corrupt, religiously exclusive and immoral as the old corporations had been exposed as being, and so could not resist their abolition; but they contended that the Irish people were not fit for self-government; that as the great majority of the Irish people were Roman Catholics, they would of course elect catholic commissioners and consequently the supremacy of the protestants in these bodies would be transferred to 'Papists'.[627] Such religious considerations were put forward as delaying tactics by both Conservative members of the Commons and unsurprisingly, by Irish peers in the House of Lords.

An example of this opposition may be observed in a speech by Sir Robert Inglis in 1840 as the bill reached its final stages. Though willing to admit the monopoly, corruption and sectarianism of the existing system, he continued to assert that this new bill would, if passed, operate 'as a heavy blow and great discouragement' to the Protestant Religion in Ireland. In the House of Lords, Bishop Phillpots of Exeter protested that 'because of this willful and deliberate abandonment of the cause of true religion', and the security of the Church of Ireland, 'we have provoked the justice of Almighty God, and have given too much reason to apprehend the visitation of divine vengeance for this presumptuous act of national disobedience'.[628]

Such divisive attitudes by such influential members of parliament ensured not just a delay of five years but a significant watering down of the original bill. Consequently, the Municipal Corporations (Ireland) Act of 1840, as a measure to correct the wrongs of the old corporations, was unsatisfactory and bore little resemblance to the measures adopted to abolish the old corporations of England, Scotland and Wales five years earlier. It took a further fourteen years before the 1854 Act allowed the establishment of democratically elected local town commissioners.

---

[627] James Taylor, *The Age we live in- A History of the Nineteenth Century,* Vol ii (London, 1895) p. 257
[628] Quoted in James Taylor, *The Age we live in- A History of the Nineteenth Century,* Vol 11 (London), p.358

When the new town commissioners began to establish themselves, the question of religious evenhandedness and co-existence became a significant issue. Perhaps because of the delicacy of this issue, little appears to have been officially recorded regarding the religious persuasion of the newly elected town commissioners. As can be seen in the returns submitted regarding the age, rating and profession of these members, there is, perhaps understandably, no mention of their religious affiliations.

8.4 Irish Religious Divisive Atmosphere of the 1840s and 50s

The middle decades of the nineteenth-century were an era of high religious enthusiasm on all sides.[629] Within Catholicism, a kind of Irish 'counter-reformation' occurred with the purpose of winning back perceived ground lost to Protestant missionaries in the 1830s and 1840s.

Meanwhile, within Protestantism, the Presbyterians began to initiate, in evangelical fashion, its great religious revival which reached its peak in the late 1850s. This was part of a trans-national desire to rediscover a lost golden age of non-catholic denominations, to return to a past of simple piety as was the case in the seventeenth century.[630] While the resulting religious divisiveness of this period has been the subject of many studies, the intention here is merely to provide a general explanatory overview of the atmosphere in which the new town commissioners of the mid 1850s existed and operated.

Unfortunately, the timing of new town commissioners' arrival on the scene of Irish municipal government coincided with a sharp decline in any form of peaceful religious co-existence. By 1857, the religious atmosphere of the country could be described as distantly poisonous as the increase in proselytisation and Orange violent confrontation met with a Cardinal Cullen led catholic post-emancipation assertiveness. The following text provides some notable examples of how this atmosphere manifested itself.

8.4.1 'Cribbing' in Carlow

A somewhat extreme example of the extent of this religious divisiveness within the Catholic fold manifested itself in Carlow in 1841. In the election of that year, the O'Connellite candidates, John Ashton Teates and Daniel O'Connell Jnr., were beaten by the Tory candidates by only nine votes. Immediately, some local priests took it upon

[629] D.George Boyce, *Nineteenth –Century Ireland: The Search for Stability* (Dublin, 1990), p 133
[630] Ibid, p.133

themselves to assist the O'Connell supporters vent their fury on the hapless catholics who voted for the Tories.

One of the methods employed to penalize them and their unfortunate relatives, was to segregate them from the congregation at Sunday Mass. Treated as the 'black sheep of the flock', they were placed in a crib or creel in the chapels. Kavanagh describes how on Sunday, 25 July, 1841, 'an old lady called Nolan, two Coughlan children and a young Regan of Ballyloo' were treated in this manner. Amongst other examples of such victimization, Kavanagh tells of how Margaret Nolan was driven from her local chapel on Sunday 19 September and that a child of Charles Nolan was put in a crib on Sunday 22 August. It was alleged that some of this 'cribbing' was personally supervised by a Rev. Thomas Farrell, who was parish priest of Tinryland, Carlow, from 1823-43.[631]

At the time, Rev. Farrell's actions were not seen as extraordinary; merely that as a man of his time when attitudes were highly sectarian. It was regarded that a catholic who voted Tory, voted against his/her religion should suffer the consequences. This was the religious atmosphere into which the fledgling Carlow town commissioners were established in the early 1840s.

8.4.2 Orange Sectarianism Intensifies

Orange 'twelfth of July' parades attested to the enduring intensity of sectarian loyalties during this decade. An Ulster parade of 1849 had become riotous resulting in the killing of about twenty catholics in a skirmish at Dolly's Bray. In addition, comparatively minor disturbances had occurred almost every 'twelfth' during the 1850s. However, the riots which claimed the lives of an unknown number of victims in 1857 were to become historically significant. Lee maintains that between 1841 and 1851 famine refugees flocked to Belfast as to other towns and that the number of immigrants there rose from 17,000 to 43,000, from twenty-three per cent to forty-three per cent of the population. Thus Belfast, hitherto relatively free from strife now became the 'prisoner of Ulster's rural past'.[632] The rise in proselytizing zeal during and after the famine was now confronted with the newly appointed Carlow-man, Arch-bishop Paul Cullen (later to be elevated to Cardinal), who

[631] Brother P.J.Kavanagh, 'A priest in politics; Rev. Thomas Tyrell, P.P., Tinryland, 1823-43' in *Carlowvinia*, (25) 2, (Carlow Nationalist, 1976-77), pp 19-21

[632] Joseph Lee, *The Modernization of Irish Society 1848-1918* (Gill and Macmillan, Dublin, 1989), p. 50

was determined, as the Pope's chief whip in Ireland, to meet the challenge head on. It became his mission to have catholics advanced at all levels.[633]

An example of this determination can be gleaned from his denunciation of the 1857 Orange riots when he proclaimed that:

> 'the bigoted fanatical proselytizing Orange faction (was) a faction hostile to every liberal Protestant no less than to every Catholic. They are anxious to repeal the Catholic Emancipation Act, to exclude every Catholic from even the lowest office, to raise a clamor if any Catholic receives the reward of his talents…'

Unsurprisingly, considering the rising temperature of religious divisiveness, within a few months of this utterance the Rev. Dr. Thomas Drew, Grand Chaplain of the Orange Order issued what he described as 'an everlasting rebuke to all intolerance, and of legislative and ecclesiastical cruelty'. In practical terms he intended this to construe that Catholic Emancipation should indeed be repealed and all catholics expelled from parliament, for a monopoly of state jobs formed part of 'the true Protestant birthright'. He went on to dismiss the widespread belief that Ireland was a predominantly catholic country on the grounds that the official census was a conspiracy 'by reason of a falsified census the numbers of Protestants were set down vastly below their real amount'. The mission of the United Kingdom, he concluded was 'to aim at Protestantising the world'.[634]

8.4.3 Dundalk's 'Ranter' Invasion

One example of the highly charged religious strife within protestantism in the 1850s became known as the 'ranter' invasion at Dundalk. It began in the town in 1854 when a party of lay preachers was introduced to the town by Rev. Mr. Ashe of Barronstown against the wishes of the local protestant community. In England at this time, the derisive name of 'ranters' was applied to a sect of Methodists. However the 'ranters' of Dundalk had no connection with Methodism; described locally as 'men of more than average ignorance' whose mission was to enlighten the towns-men and women of Dundalk on religious 'error', to which end they 'declaimed readymade tirades'.[635] There were repeated disturbances at their centres. These centres were camps which they set up in the grounds of the Free School, Wellington Place and at other locations within the town. The disturbances often led to these preachers appearing at the local petty sessions on charges of disturbing the peace.

---

[633] D.George Boyce, *Nineteenth-century Ireland;The Search for Stability* (Dublin, 1990), p.132
[634] Quoted in Joseph Lee, *The Modernization of Irish Society 1848-1918* (Gill and Macmillan, Dublin, 1989), p.51
[635] Thomas Duffy, *Duffy's Dundalk* (Dundalk Examiner, 1946), p. 40.

Such evangelical campaigns were quite common during the decade of the establishment of town commissioners under the 1854 act.

8.5 Naas - A Case Study

In keeping with the general trend of sectarian exclusivity, the old Naas corporation was a totally protestant body. From 1800 to 1840 the Earl of Mayo and members of his family, both clerical and lay, held the office of town Sovereign between them. Regarding the members of Naas corporation in 1833, the enquiry commissioners, in their 1835 report, had this to say:

> There is no instance of a Roman Catholic or Protestant Dissenter being a member of the corporation. A desire to obtain their freedom has existed amongst the inhabitants; but, being generally of the Roman Catholic persuasion, they were deterred from applying for admission by a feeling, that, on that ground alone, they would be rejected. The experiment was, however, made about the year 1832, by a Mr. Wilson, a resident Roman Catholic, and his rejection fortified the impression that had previously prevailed.
>
> The strongest sectarian feeling is observable in this corporation, which, in a district where Roman Catholics are stated to numerically to all other sects, in the proportion of thirty to one, has the natural consequence of general odium towards the body.[636]

This gives a very clear description of the sectarian nature of the old Naas corporation. When it was dissolved by the 1840 Act, government of Naas town fell upon the Grand Jury, a body of whom the majority was protestant. Accordingly, the catholic inhabitants of Naas continued to be excluded from having any input into their local administration.

However, after the establishment of the Naas Poor Law Union, these inhabitants seized their opportunity to elect catholic members to the Board of Guardians. They were so successful that the religious make-up of the members of the Board of Guardians elected to oversee the Naas Poor Law Union on its establishment in April, 1839, became a somewhat controversial issue. There was criticism following the election, particularly in the *Leinster Express,* where its editorial declared:

> ...the whole thing is in the hands of the priests. At Naas out of 29 guardians, 26 are Roman Catholics...Some days before the election took place, Priest Doyle publicly called on the people from the alter to vote for none but Mr. Hickey, Mr. M'Donnell and Mr. Headon.

---

[636] *First Report of the Commissioners appointed to inquire into the Municipal Corporations in Ireland. Pt 1.* H.C.1835. (23) xxvii, p.215

> Although the most respectable landlords were candidates there was one fatal objection to them. They were Protestants.[637]

Notwithstanding the fact that in these years the ethos of this publication was extremely pro-unionist - referring to Daniel O'Connell as 'Ireland's greatest enemy' because of his repeal movement - this is an interesting piece for a number of reasons. It shows the Naas Union ratepayers had elected an unusually high number of catholics. Among their number are three names, which appear prominently again in 1854 on the establishment of Naas town commissioners. In particular, John Hickey named in the piece was later to become chairman of the commissioners and justice of the peace. The name of Rev' Doyle, parish priest of Naas would also appear again as an attendee and contributor to meetings held to establish the town commissioners.

The novelist William Makepeace Thackeray attended an agricultural show at Naas in 1842 and the prize-giving dinner thereafter. His description of this event portrays the general atmosphere of social gatherings by landowners at this time and is interesting also in providing a test; could Thackeray, a stranger in their midst could determine any religious dissention? One is also struck by the extravagance of the food provided at a time when a high proportion of Naas inhabitants would have been living on much shorter rations:

> When all the prizes had been distributed, a select company sat down to dinner at Macavoys Hotel. At our end of the table we had a saddle-of-mutton, and I remarked a boiled leg of the same delicacy, with turnips. At the opposite extremity I observed a large piece of roast-beef, which I could not observe at the end of dinner, because it was all swallowed. After mutton and cheese we were just beginning to think we had dined very sufficiently, when a squadron of apple-pies came smoking in, and convinced us that, in such glorious cause, Britons never fault. We ate up the apple-pies, and then the punch was called for by those who preferred that beverage to wine, and the speeches began. The chairman gave 'The Queen', nine times nine and one cheer more, Prince Albert and the rest of the Royal Family', great cheering; 'The Lord Lieutenant'. His Excellency's health was received rather coolly, I thought. And then began the real business of the night; health of the Naas Society, health of the Agricultural Society, and health all round; not forgetting the Sallymount Beagles and the Kildare Foxhounds, which toasts were received with loud cheers and halloos by most of the gentlemen present, and elicited brief speeches from the masters of the respective hounds, promising good sport next season. After the Kildare Foxhounds an old farmer in a grey coat got gravely up, and without being requested to do so in the least, sang a song that '*At seven in the morning by most of the clocks, we rode to*

[637] Quoted in Karel Kiely, 'Poverty and Famine in Co. Kildare, 1820 to 1850' in William Nolan and Thomas McGrath (eds.) *Kildare History and Society*, (Geography Publications, Dublin, 2006), p.501

Kilruddery in search of a fox' and at the conclusion of his song, he challenged a friend to give another song. The golly frieze-coated songster who celebrated the Kilruddery fox, sang, it must be confessed, most woefully out of tune; but still it was pleasant to hear him, and I think the meeting was the most agreeable one I have seen in Ireland; there was more good humour, more cordial union of classes, more frankness and manliness, than one is accustomed to find at Irish meetings. All the speeches were kindhearted, straightforward speeches, without a word of politics or an attempt at oratory; it was impossible to say whether the gentlemen present were Protestant or Catholic, each one had a hearty welcome for his neighbour, there were forty stout, well-to-do farmers in the room, renters of fifty, seventy, a hundred acres of land. There were no clergymen present; though it would have been pleasant to have seen one of each persuasion to say grace for the meeting and meat.[638]

The observant Thackeray may have noted a 'more cordial union of the classes' but quite a large cohort of the general Naas community would not have been acceptable at a social gathering such as this and almost all of this cohort would have been catholic.

8.5.1 Naas Adopts the 1854 Act - An Opportunity for Religious Co-Operation?

In December, 1854, a meeting held to decide on the adoption of the Towns' Improvement (Ireland) Act and the establishment of town commissioners for Naas. Both Rev' Doyle of the catholic community and Rev. Mr. de Burg of the protestant community were present and they both made significant contributions to the debate. In fact this meeting was chaired by Rev' Mr. de Burg. However, as evinced in a speech by Rev. Doyle, far from any dissention, a most cohesive attitude seemed to prevail between protestant and catholic towns-men. As can be seen in the following report he was most concerned by 'rumors of sectarian feeling' which needed to be counteracted and this was the principle reason given by Rev' Doyle for his participation as reported in the *Leinster Express*:

The Rev. Mr. Doyle P.P. next addressed the meeting. He said he had been induced to trespass on the time and attention of the meeting principally for the purpose of counter-acting a rumor circulated abroad to the effect that sectarian feeling existed in the town to such a degree as to prevent the inhabitants from coming together to consult for the public welfare (hear, hear). Such a feeling does not exist; it could not exist without his knowledge. He was parish priest of Naas for the last 40 years, and during that time he received from persons differing from him in religious belief, marks of respect, attention and strong friendship (hear, hear). If feelings existed in the town to prevent people of different modes of belief from coming together, he (the Rev' Mr. Doyle) could not have received the respect and attention he did. He was proud to have this public opportunity of expressing the

[638] Quoted in Con Costello, *A Class Apart; The Gentry Families of County Kildare,* (Nonsuch publishing, Dublin, 2005) pp 17-18.

> grateful feelings he entertained towards persons differing from him in religious belief for the respect, attention and friendship he had received from them for nearly half a century.[639]

The report went on in its description of Rev. Doyle's speech dealing with the adoption of measures of improvement for the town. He cautioned that '...if they (the meeting) adopt measures for general improvement without knowing what that improvement was to be, he thought they would not be acting on measures of common sense'. Acknowledging the chairman, Rev' de Burg, he reportedly continued:

> The Rev' gentleman here referred to the different loyalties of the town in which new buildings were recently erected; and said he saw no signs of dis-improvement in the town. Forty years ago when he came to the place, the panes of glass in the windows were no larger than an ink-stand. Now the panes of glass were, some of them, as large as himself (laughter). He did not wonder that they laughed at these signs of improvement being considered as signs of the town being dis-improved. (Rev' Mr. deBurg – no such thing)...
>
> In conclusion, the Rev' gentleman again begged to repeat that he was proud to have this opportunity to say how grateful he felt to the inhabitants of Naas who differed from him in religious belief, for the attention, respect and friendship they had ever evinced towards him (cheers).

At the end of this speech, the chairman Rev' Mr. de Burg, alluded to the word 'dis-improvement' used by Rev'Doyle. He was sure both he and Rev' Doyle could 'refer the meeting to the state of the streets; they were very much in want of water; there was a general want of protection; they needed power to remove nuisances and the moral evils with which the town was infested'.[640] Rev' Doyle was in agreement. The meeting then concluded by agreeing to adjourn proceedings to a later date.

The *Leinster Express* subsequently reported on a meeting of 'the rated occupiers of Naas' which was held in the Court House at Naas. It described how 'nine names were proposed by Reverend Walter de Burg and seconded by Reverend Gerald Doyle'. Following some disagreement, in which it was contended that the members attending should all have the right to propose whoever they wished, the nine names proposed were accepted with two dissenting.[641]

The following Monday the first meeting of the Naas Town Commissioners was held the Grand Jury Room, Court House, Naas at which John Hickey was elected chairman and John Clinch was appointed as town clerk. This meeting concluded by issuing the following

---

[639] *Leinster Express,* 9 December, 1854
[640] *Leinster Express,* 9 December, 1854
[641] *Leinster Express,* 10 March, 1855

resolution: 'At the meetings of the town commissioners, no question of politics or religion shall ever be proposed, discussed or entertained'.[642] Perhaps in hindsight, it could be said the commissioners were leaving a hostage to fortune by the very worthiness of this resolution.

8.5.2 Three Years Later...the Bubble Bursts

In June of 1858 the religious make-up of the members of Naas town commissioners and some underlying religious dissention, which from its establishment until now had not been publicly perceived, surfaced into the full glare of publicity. It mainly manifested itself in an unseemly row between the catholic chairman, John Hickey, and another high profile member of the commissioners since its establishment, Dr.Hayes, a protestant. Interestingly, the local *Leinster Express* newspaper became the organ by which this row was played out and brought to public attention.

At a meeting of the commissioners in June 1858, at which a large group of ratepayers were in attendance in order to elect a new chairman, Dr. Hayes offered his resignation from the body. He stated he could no longer remain a member of a body which was 'violating the rules' as laid out on the establishment of Naas town commissioners. He stated that all were aware of the understanding then agreed that 'the body was to consist of six Roman Catholics and three Protestants'. This he said was 'violated after the death of John Blowney' (a protestant), when a section of the board persisted in electing, for the fourth time, a Roman Catholic chairman. As this action 'exhibited a spirit of intolerance and exclusiveness', he begged to resign. He then left the room. The atmosphere created by this turn of events may be judged by comments made by members immediately upon Mr. Hayes's departure. Mr. P. Farrell said that they (the commissioners) 'would all feel his loss', but Mr. Hickey said he 'hoped they would not feel his loss'.[643]

The fallout from this event was to engage the interest of not just the town commissioners and inhabitants of Naas, but the entire district for many weeks. At the next meeting, the town commissioners received the resignation of another protestant member of the body, Dr. Kellett, who let it be known he was in sympathy with the views of Dr. Hayes. However, John Hickey was standing steadfastly to his viewpoint, saying that the disreputable action of Dr. Hayes 'led the public to believe them (the commissioners) to be 'a parcel of bigots' and that Dr. Hayes 'had insulted them grossly'. Dr. Clarke (a catholic)

---

[642] Minutes of Naas Town Commissioners, 3 March, 1855
[643] *Leinster Express,* 19 June, 1858

said the body 'should call on him (Dr. Hayes) to withdraw them' (allegations). The meeting decided not to accept Dr. Hayes's resignation but to 'defer to Wednesday in the hope that on reflection he will withdraw his resignation and his charge of intolerance against the board'. When they met on the following Wednesday they found themselves in receipt of a letter from Dr. Hayes of which the final paragraph stated:

> I will be most happy to withdraw both my resignation and charge of intolerance when they satisfy me, from the minutes of their preceedings, that they have not appointed a Roman Catholic in the room of the late Mr. John Blowney, a Protestant...should they be unable to contradict my statements, then the charge of exclusiveness and intolerance must remain.
> I am sir,
> Your obedient humble servant,
> Robert S. Hayes.

Mr. Hickey was adamant that Dr. Hayes's allegations were incorrect. He pointed out that on the establishment of the town commissioners the catholic parish priest of Naas, Rev' Doyle, P.P, said he 'did not want any sectionalism in the body'. When Mr. Blowney died, Dr. Hayes had asked that Mr. James Farrell (a catholic) should fill the situation. He pointed also to the fact that the first town clerk was a protestant and 'in Mr. Clinch's absence two protestants were favorites to be elected. He continued: 'I wanted Dr. Kellett (a Protestant) for chairman, but he declined'.

The meeting resolved it was absurd that any understanding agreement was entered into that the body should consist of six Roman Catholics and three Protestants; that no arrangement was violated after Mr. Blowney's death; that as to the election of a chairman, the commissioners had but two persons to choose from, Dr. Kellett and Dr. Hayes. Dr. Kellett would have been unanimously elected at any time if he had consented to allow himself to be nominated. Why Dr. Hayes was not selected to preside over the meeting of commissioners, 'the temper displayed in the document under consideration may explain'.[644]

The next meeting of Naas town commissioners was held on 10 July, 1858, and its first business was to elect Dr. Currin to the vacancy left by the resignation of Dr. Hayes. But Dr. Hayes was not letting go as easily as was hoped and a further letter to the commissioners from Dr. Hayes was read in which he stated:

> I repeat, an arrangement was come to at a preliminary meeting held in the judges room at Naas court house on 3rd March 1855, viz; That the commissioners were to consist of six Roman Catholics and three Protestants; and moreover, the Rev' Walter deBurg and I were

[644] *Leinster Express,* 3 July, 1858

told at that meeting when striving to maintain a more liberal construction of the board that if we did not agree to the list proposed – a list containing nine Roman Catholics would be carried. Not wishing to cause disunion, we assented. Time has revealed low faith has been kept in us.

If (this arrangement) is so absurd, is it an absurdity the Athy town commissioners are guilty of practicing. Mr. Lawlor of Athy, writing to me on 3rd October, 1854 says: "We then entered into a mutual agreement to keep all political feeling out of our meetings and to have as near as possible, half Roman Catholic and half Protestant and to elect a chairman alternately from each side, and at the last election for chairman the Roman Catholics and Protestants showed their liberality by re-electing Mr. Butler.

However, it is an absurdity the Carlow commissioners have been compelled to adopt, after trying the opposite course for a year or two. Their first act was an act of intolerance, for which they had to pay £500 or £900 between damages and law costs; and ultimately they were obliged to open their doors and invite their Protestant townsmen to join them – nay more- the very man they dismissed and who put them to all this expense is now sitting as a commissioner.

Again, the corporation of Dublin practices the same absurdity, for they have agreed to elect the Lord Mayor, alternately, from each side of the house.

As to the assertion that I asked Mr. James Farrell to fill the situation vacant on the board, I utterly deny it, and here give it the most unqualified contradiction. I was present when the commissioners elected him and was prepared to propose a candidate, but when I found that the matter had been arranged beforehand and tat there were five to one against me, I thought it more prudent to sit quiet. So far I acquiesced.

I also deny the commissioners ever offered Dr. Kellett the chairmanship, or that he was ever asked at any meeting of the board to be nominated. It is clear he was excluded from all chance at the last election (for chairman), as a private meeting of six of the commissioners was held at Mr. James Farrell's the morning of the election, when the names of three Roman Catholics were put into a hat, that of Mr. McElwain turned up and this gentleman was forced into the chair, although he had sent a message to the meeting by Dr. Kellett that he would not serve.

As to the election of clerk, it is not true that two Protestants were the favorites; the real favorite was Mr. McDonagh, the national schoolmaster, but he and Mr. Tracy having neglected to name their securities, both were disqualified, leaving no candidate for the choice of the commissioners but Mr. Edward Molloy.

As to the temper of the document accompanying my resignation has been observed on, I should only say that the people in glass-houses should not be the first to throw stones. The board now having nothing to mar their unanimity – all being Roman Catholics – I look forward with anxiety for all the good things that are in store for the town of Naas.

I am, gentlemen,

Your obedient servant,

Robert S. Hayes.[645]

Not only was the above letter sent directly to the town commissioners, a copy was also published in the *Leinster Express,* to which it appeared the said Dr. Hayes had more than normal access. Thus, on having read this letter the 'whole body of the commissioners present formed themselves into a committee to consider the propriety of replying'...After half an hour delay the committee returned and the following report was agreed to:

> The commissioners have read with regret the publication by Mr. Hayes of the charge of intolerance against them. What have the commissioners done that Mr. Hayes should thus persevere in his attempt to injure their usefulness by his repeated calumnies? Simply, they have declined to elect him as their chairman, that is the pith and marrow of all his charges and the commissioners leave it to the candid judgment of all impartial men if they did not use a wise discretion in preferring an amiable and sensible man like Mr. McElwain, who is no party-man, who is one of the heaviest rate-payers in the town, whose charities are unbounded and whose character is so popular amongst all sects and parties – to Mr. Hayes, who has exhibited so much resentment towards his brother commissioners without cause – and so little control over his temper as to come before the public with such groundless charges...

This report went on to deny again any arrangement had been originally been entered into regarding six catholics and three protestants to make up the commissioner body and the speech of Rev. Doyle quoted to support this. It also put forward a letter to the *Leinster Express* by Patrick Farrell as 'proof' that Mr. Hayes supported Farrell to return to the commissioners in place of the late John Blowney. It again declared that Dr. Kellett was asked and declined on three occasions to be the chairman and that 'Mr. Hayes knows this well'. The report concluded:

> The commissioners are now done with Mr. Hayes and his absurd and unfounded charges. Let the charge of intolerance be fixed where it should be. It cannot rest on the shoulders of the electors of Naas, who, consisting of 175 Catholics to 49 Protestants, elected three Protestants out of nine commissioners, although they could of course have elected nine Catholics without difficulty if they wished to sectarian or exclusive. It cannot rest with the commissioners, who, being six Catholics and three Protestants, unanimously elected a Protestant to be their first clerk; and later being seven Catholics to two Protestants, engaged a Protestant, and who were anxious when occasion presented itself to elect a Protestant to be their chairman if he would act...[646]

---

[645] *Leinster Express,* 10 July, 1858

[646] *Leinster Express,* 17 July, 1858

Of course Dr. Hayes responded to this report, and thus claim and counterclaim continued. In the next missive from Dr. Hayes the apparent long-standing antipathy between himself and John Hickey became highly visible. At the next meeting of the commissioners they notified the *Leinster Express* that 'the following document has been sent to us for publication':

> To the Naas town commissioners,
>
> Gentlemen,
>
> I regret I am obliged again to address you in consequence of the "report" which appears in the last *Leinster Express*, apparently emanating from you as a body, but which I am aware is the production of Mr. John Hickey. This gentleman brought it, cut and dry, in his pocket, and having bullied and blustered you for two hours, succeeded in getting you to adopt his bantling...
>
> Now gentlemen, facts are stubborn things and one fact is worth a thousand baseless assertions...I shall condense a few incontrovertible facts, which I call upon you to deny if you can:
>
> 1.That as already stated a list of six Roman Catholics and three Protestants was originally drawn up.
>
> 2.That at the first election for chairman, Mr. John Hickey, a R.C. was elected.
>
> 3.That on the death of Mr. Blowney, a Protestant, Mr. James Farrell, a R.C. was elected in his place.
>
> 4.That on the second election of chairman, Dr. Clarke, A R.C. was chosen.
>
> 5. That on the third election of chairman, Dr. Clarke was re-elected.
>
> 6. That on the forth election of chairman a hole in the corner meeting was held at Mr. James Farrell's where the names of three R.C's were put into a hat and the chairman selected by this means.
>
> 7. That on my retirement from commissioners, Mr. P. Murphy, a R.C. was elected in my place.
>
> 8. That no Protestant now belongs to the board.
>
> 9. That so intolerant and exclusive has the board become, that no Protestant within the boundary can be got to accept a seat on it.
>
> And now as to appointments: First, the solicitor Richard Ennis Esq., is a R.C. Second, Mr. Patrick Lawlor and Mr. John Dalton, the late and present Inspectors, are both R.C. Third, Mr. Murphy, the weighmaster is also a R.C.

This letter then went on to berate James Farrell regarding the letter put forward by him in support of the claim that Dr. Kellett would have been elected chairman if he had allowed his name to go forward. Hayes states that James Farrell 'does not deny the hole in the corner meeting at his house' and then asks: 'Why was not Mr. Patrick Farrell appraised of

said meeting? Because he has always acted an independent part of the board and fearlessly opposed Mr. Hickey's intolerance'.[647]

Confusion had arisen owing to two members of the commissioners being named Farrell. The letter emanating from James Farrell had inadvertently been attributed by the *Leinster Express* to Patrick Farrell. This mistake was to result in a very illuminating turn of events. Patrick Farrell, though a catholic member of the commissioners was indeed, as Hayes had pointed out, an independent-minded person and it seems had for some time been less than happy with the conduct of John Hickey while he was chairman. Now Patrick Farrell, anxious to clarify this name mistake and also to use the opportunity presented to score some points against Hickey, wrote to the newspaper himself pointing out:

> ...As regards the difference of opinion which has arisen between that body (commissioners) and Mr. Hayes, I not only highly disapprove of, but also disavow any connection whatsoever with it, as I consider such quarrels will tend not only to frustrate the objects and intentions for which the Act was framed, but it will tend to create disunion between neighbors and fellow towns-men; an evil which every well-meaning man should end3evour to avert...There is one individual commissioner who monopolizes to himself the management and government of the whole body, and whose whole object would seem to be not the improvement or prosperity of the town, but the advancement of his own ambition; judging by his acts, I can come to no other conclusion; he has managed from the first formation of the body up to the present day to have it so constructed as to have a majority to carry anything and everything he proposes, and whoever opposes him are put down in the roughest and most discourteous manner possible. No wonder our neighboring towns, Athy and Maryboro should prosper and improve while they have their men anxious to pull together; they have their gas company, their reading rooms, their institutes etc., while we, with much heavier rates, have none of these advantages. Since the adoption of the Act in this town we had a rate of 8d in the £ on house property and 2d in the £ on land every year, which amounts to about £120, and even with that we are always in debt. True it is, the flags, the pumps and the weighing machine cost a good deal, but there is more than one half-year's rate been thrown away and I think it is right the ratepayers should know why...

Mr. Patrick Farrell's letter then continued to its conclusion by laying the blame for the waste of rate-payers money at the feet of John Hickey for the fiasco which had occurred in the way the provision a town hall at Naas had become embroiled in indecision which cost much in litigation over breach of contracts.[648]

---

[647] *Leinster Express,* 24 July, 1858
[648] *Leinster Express,* 24 July, 1858

Having been the subject of much attention by the *Leinster Express* for more than a month, the above letter from Patrick Farrell was the final one published concerning the controversy. The minutes of commissioners' meetings for the rest of 1858 contained little reference to further developments in the religious dispute. As other aspects of town administration came to the fore the members seemed anxious to occupy themselves with these aspects rather than prolong this painful religious controversy. One can but speculate on the behind the scenes efforts by the commissioners to end the dispute and mend fences before any further evidence of their disagreements or lack of cohesion was aired in public.

8.6 Conclusion

Catholic emancipation had been granted just a short time before the municipal enquiry commissioners began their work in 1833. Prior to this, advantage had already been taken of the relaxation of the Penal Laws, and so by 1833, in their tour of Irish towns, these commissioners could not have failed to be aware of the number of new catholic churches which had been built during the previous decade. Many of these churches were significant neo-gothic building with tall spires built on dominating sites. In fact almost all of the towns examined in this research had such churches built in the early decades of the nineteenth century. The impression they made on the enquiry commissioners is evident in many instances in their final report and may have assisted in their highlighting the danger of continuing to bar 'opulent Catholics' from any say in their local urban administration.

Conversely, there had been significant opposition to the granting of Catholic Emancipation, including a distinct reluctance by the King to sign its adaptation. This opposition remained in many authoritative quarters and continued to persist when, on receipt of the municipal enquiry commissioners' report in 1835, bills for Irish municipal reform were introduced in parliament. The opposition of some Tory members of the House of Commons and most Irish peers in the House of Lords succeeded in delaying and weakening attempts at Irish municipal reform for many years. The eventual much watered-down Act of 1840 had little teeth and limited effect. Though it abolished the discredited corporations, eminently qualified Irish catholic town-dwellers who wished to participate in local municipal government, received little assistance from this Act.

These same town-dwelling catholic merchants, shopkeepers, publicans, millers etc., continued to hold their positions of importance within Irish towns and remained so through the famine period. Indeed many were sufficiently wealthy in the immediate post-famine

years to take advantage of the land and property bargains available subsequent to the measures allowed under the Encumbered Estates Act. Thus, by the 1850s their status within their communities had further increased. Further impetus was given to their administrative ambitions by the increasingly numerous and authoritative Irish catholic hierarchy.

Therefore, when the Town's Improvement (Ireland) Act, 1854, became law, these catholic rate-paying inhabitants of the provincial market towns being examined here, were in position to take advantage of its adaptation. Perhaps it was less than surprising that some catholic chairmen such as John Hickey of Naas, would find it almost impossible not to take advantage of his new prestige and influence, now that he considered his day had come. The reaction to his alleged abuse of his newly-acquired powers in clearing the Naas commissioner body of all Protestant members within a few years, by a clearly disgruntled but highly articulate protestant commissioner was also less than surprising.

CHAPTER 9

CONCLUSION

As an academic field, up to the 1980s, Irish urban historical geography was very much in its infancy. Historians such as Daly have drawn attention to a popular feeling in historical research that towns are somehow alien institutions within Irish culture.[649] While this may indeed have been the case up to the 1980s, significant improvement has since occurred. Aspects of Irish urban history and historical geography, such as ownership, culture, society and the urban economy have recently been researched by scholars such as Whelan, Nolan, Prunty, Duffy, Proudfoot and Graham, to name but six. Andrews, Hennessy and Simms, amongst others, have academically explored the morphology and historical geography of many Irish towns and individual case studies have been carried out.

However, Irish urban government, particularly the government of market towns, remains a neglected area. Many of the questions that have become commonplace on the agenda of British urban history and historical geography regarding town government have yet to be asked in Ireland and so the bulk of the Irish urban government network as it evolved during the nineteenth century, has yet to be academically explored. It is a gap in Irish scholarship which has led scholars like Proudfoot to use English models of this period against which to specify the urban content of their work.[650] This thesis purports to contribute towards reducing this gap.

The manner in which the state increased, adjusted and asserted its control over local Irish urban administrations and administrators during the middle decades of the nineteenth century is also a subject which has, to date, received little academic attention. This aspect of increasing 'governmentality' as it impinged on the market towns of Leinster has also been examined by this thesis.

9.1 Urban Conditions in 1835

This thesis set out to address a number of questions, the first of which concerns the state of disrepair and discredit into which Irish municipal government had fallen by 1835. In particular, how did the effect of decades of maladministration by sectarian elitist

[649] Mary E. Daly, 'Irish Urban History: A survey' *Urban* History Yearbook (Leicester, 1986), p 64
[650] Lindsay J. Proudfoot, *Urban Patronage and Social Authority* (Washington, 1995), p.12

corporations manifest itself in the market towns of Leinster? Examination of the 1835 royal enquiry report and other primary sources from the early decades of the nineteenth century has revealed a legacy of neglect, corruption, disorder and frequently the total uselessness of these urban corporations.

All eleven towns examined in this thesis had had long distinguished histories as urban centres. With their castles, markets and royal charters dating back to medieval times, all had historic lineage which was worthy of proper administrative government. However, most prominently since the Act of Union, the corporations of these towns had not performed their administrative duties to any effective degree.

The result was clearly to be seen by the members of the royal enquiry when they surveyed these towns in 1833. The corporations were found to be small, self-perpetuating oligarchies which were of little service to the community. Fairs and markets were in disarray because of corrupt practices; tolls and customs, when collected, were being pocketed by local patrons and/or their agents; corporate lands and properties, which should have been held in trust for the towns' inhabitants, were being misappropriated by local landlords. No effective 'watching' was provided and local judiciaries were highly distrusted by the majority. Little provision of a clean water supply or effective sewage or nuisance removal was available to the towns' inhabitants. Public lighting was totally inadequate as was the provision of street paving or footpaths. This neglect, mismanagement and maladministration was unequivocally laid at the door of the sovereigns, burgesses and freemen of these corporations in the report submitted by the royal enquirers when they recommended the immediate disbandment of these now discredited corporations.

The process of reform and improvement of Irish towns' government began in earnest in 1835 when a state-sponsored inquiry into the condition of Irish urban corporations was submitted to central government. Having acquired such 'informational capital', the British government commenced its policy of conducting and directing a process of reform. Slowly at first, but with increasing determination, the process became unstoppable over the following decades. From the time prior to 1830 when the administration of Irish towns received no supervision whatsoever from central government, we arrive in the mid-eighteen fifties, at a point where Whitehall provided a high degree of supervision, direction and assistance.

9.2 Process of Establishing New Governing Bodies

The second question which this thesis has addressed concerns the manner in which the composition of the governing bodies of Irish towns was changed during a process of reform. This reform process entailed the state's becoming progressively more involved in the control of local urban administration. On receipt of the damming report from the royal enquirers in 1835, how did central government react and what was the reaction of the corporations and their landlord bosses? As the result of central government's total non-intervention and lack of supervision, the major shortcomings of these corporations were now officially exposed. Irish urban government was shown to be 'both scandalous and damaging to Whig, liberal and catholic interests alike'.[651] It had, therefore, become incumbent on Whitehall to be seen to act in a similar fashion to the way they did when confronted by a contemporaneous and somewhat similar report on the problems of English and Welsh urban corporations. There they had acted quickly, disbanding the old discredited order and establishing new democratic bodies almost at once.

In Ireland, however, such immediate remedial action was found to be impossible. Not only were the protestant landlords vehemently opposed to it, English Whigs in government were nervous of the consequences of democratizing the Irish municipal franchise, particularly as Daniel O'Connell continuously articulated his optimism towards an outcome where nationalist majorities would ensure catholics and liberals as officeholders in most Irish municipalities. In a speech to the House of Commons he looked forward to the day when each Irish corporation would serve as a 'normal school for teaching the science of peaceful political agitation'.[652] Such nervousness may provide some explanation for the lack of real progress in Irish municipal reform prior to the 1850s.

This thesis has charted the long-drawn-out, charged and contested process which ensued, including the various difficulties and obstacles experienced by central government as it began to assert its authority. The delaying and prevaricating tactics of Irish landlords towards legislative imperatives and the piecemeal nature of any improvements intended by these central government imperatives at local level have been documented in this study.

Degrees of variance with which individual towns undertook or manifested any administrative improvements in response to this ongoing process have been outlined. The

---

[651] Oliver MacDonagh, 'Ideas and Institutions, 1830-45' in W.E.Vaughan (ed) *A New History of Ireland, V, Ireland Under the union,1, 1801-70* (Oxford, 1989), p. 215

[652] *Hansard 3,*xxxi, 98 (4 February, 1836)

contrast between the towns of Naas and Trim regarding the differences in response time and early effectiveness of their respective new administrative bodies has been outlined in this thesis as a particularly clear example of this variance. The degree to which the local patronal landlord influenced urban administration for good or ill also had a significant effect. This thesis has provided evidence of such benign influences. For example, of the Duke of Leinster's positive influences on Athy and its administration and similar influences by the Marquis of Headford on the town and administration of Kells during the process of change have been outlined. Conversely, the archive indicates major blame should be apportioned the patronal landlords of other towns. This thesis has outlined the extent to which the Earl of Mayo was responsible for much of the mal-administration of Naas prior to the adaptation of the 1854 act. The geographic location of each of the market towns as well as nature of their individual hinterlands was also of significance. For example, the most westerly of the towns in this study, Athlone, is surrounded by land made up of mixed agricultural value such as river 'callows' water-meadows and moorland. In general its hinterland is of lesser agricultural value than the hinterlands of the market towns in more agriculturally rich counties such as Meath, Kildare and Carlow. Such topographical variation affected not just the economic aspects of urban life, but most aspects to some degree. The towns surrounded by the best agricultural land became more associated with the Anglo-Irish landed gentry, while the lesser prized agricultural regions became more associated with the native Irish. Both local history as well as local topography influenced the character of each individual town. Such local influences should be taken account of in assessing each town's population's attitude and adjustment to the changing processes of reform and improvement.

The extent to which Dublin Castle imposed and supervised the rules by which all new town commissioner bodies were established has been examined. Application to the Lord Lieutenant for permission to establish such new bodies was required to be made by local justices of the peace. A record of the elected commissioners' professions/occupations, ages and ratable valuations was required to be submitted to Dublin Castle. Similarly, when town commissioners wished to have their chairman or other member appointed as justice of the peace and preside at commissioners' courts, the chief-secretary's approval was required. In the above examples, as in many others, Dublin Castle maintained a strict supervisory role in order to ensure that firstly, the new town commissioners were 'fit and

proper persons' and secondly, that these new commissioners were aware that their local 'control' was in turn controlled by central government.

It is contended that the process of reform and improvement of the local government of Irish towns during the first half of the nineteenth century can be seen as a technique of 'governmentality' around which Bellamy's theory of central-local relations could be seen to play a significant part. The process of change, in diminishing the power of local landlords over the inhabitants of Irish towns, allowed for the arrival of new local administrators. Central government's hand in this process of reform and improvement was given impetus by its desire, post Waterloo in 1815, to diminish the power held at local level by aristocratic and proprietorial landlords. It was given the moral authority to do this by its newly-acquired ability to collect informational 'capital'. This knowledge provided Whitehall, on an ongoing basis, with indisputable evidence of the neglect and mal-administration of the local aristocrats.

The increasing use of varying techniques of governmentality can be seen during these decades. The most obvious of these techniques were the legislative imperatives enacted to assist the shift in Irish urban administration and administrators, such as the enactments of 1828, 1840 and 1854. Less obvious, but no less effective, was the state's increasing role in the collection of various types of 'capital', the assimilation of which enabled it for the first time, to place a restraining hand on the heretofore untouchable local landlords.

State-sponsored collections of information such as that provided by royal enquiries into many issues including local urban government and later by ordnance survey mapping and *Griffith's valuations* provided the information which gave undisputable moral authority to the process of reform. State establishments like the Board of Works and Poor Law Unions became centrally directed and supervised as they administered functions heretofore overseen by local grandees through county grand juries and urban corporations. State-appointed county surveyors continued the supervisory and disciplining capacity of central government and furthered the erosion of the power of local patronal landlords on the grand juries. Central government was demonstrating its belief that, given fair play and reasonable redress of grievances, the goodwill of the Irish catholic majority could be enlisted.

Understandably, being in any way disciplined or restrained by central government was not accepted lightly by the local ruling class. Prior to 1835 they had been completely free of any such state supervision. Consequently, contestation became determined and long-

drawn-out. The upper house of parliament was used by these disgruntled lords to delay and obstruct, in such a successful manner that over a decade after the discredited Irish towns' corporations were legislatively disbanded by the 1840 Act, little if any reform or improvement was experienced by the residents of the provincial market towns examined in this study. MacDonagh has pointed to 'a general silence' in the debate on urban reform during the 1830s and 1840s, when matters such as sanitation, housing, roads, gas lighting, etc., were 'practically ignored'.[653] Bellamy's theory on central-local relations has relevance to what occurred during this period of procrastination. While central government could enact certain legislative imperatives, the powerful traditional local controllers could bend, modify and even stymie the various parts of these enactments with which they did not agree, frequently by using the Irish magistracy, where they had a controlling influence, to assist in these tactics. It helps to explain how long these local landlords hung on as local controllers.

The great famine of the late 1840s exacerbated and amplified the neglect and mal-administration within these Irish towns. Paradoxically, the famine, given its disastrous economic effects on landlords' estates often brought about through the non-payment of rents, became instrumental, through central government's encumbered estates' act, in elevating a new class of local urban residents. By facilitating these shopkeepers, merchants, publicans and millers whose economic circumstances had lately improved, in acquiring land and/or property, central government had, perhaps inadvertently provided them with increased status within their neighborhoods. Thus, the Encumbered Estates Act of 1849 in an unlikely quirk of circumstances, provided this new class, heretofore regarded pejoratively as 'trade', with the single ingredient necessary in mid-nineteenth century Ireland to progress up the social ladder. By the mid 1850s, quite a considerable cohort of such urban residents had joined the class described in the royal enquiry of 1835 as 'opulent Catholics' and by its 1854 towns' improvement act, central government granted to these shopkeepers, merchants, millers, doctors and lawyers, some empowerment in running their local towns' administration.

By allowing these Irish town commissioners some limited freedom and power, the state believed itself better equipped to 'conduct others conduct' and thus ensure that those

---

[653] Oliver MacDonagh, 'Ideas and Institutions, 1830-45' in W.E.Vaughan (ed) *A New History of Ireland, V, Ireland Under the union,1, 1801-70* (Oxford, 1989), p.217

previously disenfranchised urban inhabitants, now newly empowered by central state legislation, would remain and perform their duties voluntarily within the constrained power and confined space of the state.

9.3 Who were the new commissioners?

The third question addressed by this thesis concerns the nature of the socio-cultural shift which came about as new men began to take the place of the now officially disbanded sovereigns, burgesses and freemen. In short, who were the new commissioners? Research of official returns regarding the ages, occupations and rating valuations of the newly elected commissioners following the adaptation of the 1854 act, as well as of minutes of their early meetings and of contemporaneous accounts of these meetings in local newspapers, have provided interesting profiles of the personalities and social standings of these new administrators. They illustrate how significant a shift in socio-cultural terms had occurred.

One cannot help being struck by how different a typical town commissioner of 1855 was to his counterpart on the discredited corporations of the 1830s. Members of the new town commissions were elected by enfranchised inhabitants and were predominantly middle class, often catholic, shopkeepers, and merchants. One feature of this shift became of major importance to these towns' inhabitants. Unlike heretofore, when many towns' patronal landlords were absentee and when corporations were principally made up of an undemocratic, predominantly protestant body of agents and/or family members often living in far-flung parts of the country, the new commissioners were all resident and making their living inside the town's boundary. Significantly, about two-thirds of the new commissioners were catholic and more fairly represented the religious persuasions of their townspeople. Members of the old corporations or their masters, not having to endure the urban conditions, had little interest in the wellbeing of their townspeople or the maintenance of the form and fabric of the town itself. The new commissioners on the other hand were part of the urban community, made their living within this community and had to endure the shortcomings of their town's infrastructure. Thus, it was both in their own and their families' interest to strive to improve all aspects of what was after all their own local environment.

These new men were of a class about whom Bourdieu's theories on 'field' and 'habitus' have much relevance. They evolved from virtual insignificance in the eighteen thirties, to a position of becoming natural local 'controllers' by the mid-eighteen fifties. The

process was legitimized and accelerated by the increasingly effectiveness of central government in the collection of what Bouridieu described as state 'capital' of various kinds; coercive, educational, symbolic and, particularly apt to this study, informational 'capital'. Bourdieu's theories on 'habitus, and 'field' allow for a better understanding of this phenomenal shift. The manner and style in which these actors carried themselves within their respective communities, what went on 'inside their heads', as well as their general attitude to their new role, fitted very well within these theories. An example of Bourdieu's theory regarding 'hexis' can be attributed to how the young group of shopkeepers, elected to Athlone's town commission, took to their new administrative role within their community. One can picture such a thirty-tear-old shopkeeper stand importantly outside his premises, or, perhaps, saunter arm-in-arm with his wife to mass at the local church, secure in the knowledge that he was perceived by his fellow-inhabitants as their natural organic town commissioner.

However, the extent to which they succeeded in their aspirations, particularly during the pre-famine period is open to question. Even after the adaptation of the 1854 Act, it is often impossible to verify if decisions were actually implemented, disreputable practices prevented or altered, or if work 'resolved' at their meetings was carried out. Under funding placed severe limitations on what was achievable and, like most of urban Ireland, major reform only became manifest towards the end of the nineteenth and beginning of the twentieth centuries when sanitary, health and housing questions were addressed more effectively at local government level.

This thesis has identified the extent to which local shopkeepers within these towns came to the fore as town commissioners during the process of urban governmental change. Literature on the mid-nineteenth century points to the growing commercial success of such shopkeepers as traditional rural crafts were replaced by often imported manufactured goods and 'monster houses' began to appear in many Irish towns. Particularly in the post famine years, the economic and social status of many shopkeepers in Irish market towns had advanced significantly. This thesis outlines the extent of their arrival for the first time as democratically elected local administrators. It also outlines the extent to which they fitted within urban society and represented the emerging catholic middle class in a natural organic way. It provides examples of how the variation of their make-up was influenced the local history and topography, citing the varying and diverse historical and topographical aspects of Maryborough (Portlaoise) as compared to Athlone.

9.4 Fairs, Markets, Tolls and Customs

At the heart of all the towns of this study and, in many cases, the major reason for their establishment and development over many centuries was their fairs and markets. These market towns of Leinster, located amidst some of the best agricultural land in the country, were the principal centres in which agricultural produce, both animal and mineral, was traded. This thesis has examined the condition of these fairs and markets in the early decades of the 1830s, principally from the findings of the royal enquiry report of 1835.

This report castigated the way these towns' corporations had administered this vital area of commerce and revenue generation. If properly administered and regulated, tolls and customs from these fairs and markets would have gone a long way towards providing sufficient revenue to finance other urban basic services, such as water supply, cleansing, watching, lighting and paving. However, the enquiry report found that these fairs and markets had been mal-administered by these towns' corporations, first through neglect and incompetent supervision; secondly, through toleration and often connivance in the use of fraudulent weights and measures. Thirdly, it was discovered that weigh-masters and customs collectors were frequently given 'life' contracts at a rent payable to the corporation. Fourthly, tolls and customs when collected, which should have been used for the general upkeep of the towns' infrastructure were more likely to have been pocketed by corporation members and/or town patrons. Finally and inevitably, it was found that these malpractices led to resistance by vendors to paying any tolls or customs, which in turn often led to the abandonment of their collection. Thus, by 1835, this state of affairs, to varying degrees, had inflicted major damage on the fabric, appearance and general infrastructure of these towns.

This thesis, through research of minutes of commissioners meeting, local newspapers' reports and other sources, has examined the changes brought about in this vital area on the establishment of new commissioner bodies, particularly after the adaptation of the 1854 Act. The new commissioners, for the most part during these early decades of their establishment, seemed content to operate within the *laissez-fare* system of the time. It was a system on which, in its Irish manifestation, much blame has been placed by historians. During the famine years when thousands were dying of starvation, ship-loads of Irish grain continued to be exported from Irish ports. Central government decided generally to maintain *laissez-fare* principals and refused to intervene in 'normal' market forces.

Foucault considered laissez-fare as implying an intervention, not to impede the course of things, but to ensure the play of natural and necessary modes of regulation; as a technique employed to balance government and the private sphere, being a way of acting as well as not acting.

In general, by the 1850s, this system was one which these new middle–class; successful shopkeepers and merchants, were reasonably content to live with; being happy that the market was allowed a high degree of freedom, with little intervention by governmental regulation. Many of these 'new men' in these Leinster market towns had, as shopkeepers, merchants and particularly millers, built up their businesses through famine times and had worked with and been successful within the *laissez-fare* system. Now as new middle-class town commissioners they were content to be local urban 'controllers' while being 'controlled' by central government.

Within a relatively short period, these new administrators had forged improvements, first, through the regulation and the supervision of market practices by newly appointed weigh-masters and by the provision of new and accurate 'ouncils' and 'cranes'; secondly, by having improvements made to fair greens and market areas and in some cases having new market-houses built. By gaining permission to have extra fair-days provided each year they increased both the revenue provided through extra tolls and customs and also the general commercial activity within their towns. In turn, this increased competition for trade between towns leading to a livelier and healthier commercial environment. Finally, in an effort to curtail the longstanding and often continuing practice of patronal landlords claiming entitlement to many towns' tolls and customs, town commissioners demanded legislative ratification of their entitlement to these tolls and customs. However, in some towns, the *ancien régime* managed to cling to their traditional 'entitlements' for many more decades.

Nonetheless, by the 1860s the inhabitants of these towns had begun to benefit from many improvements directly brought about by the new town commissioners, perhaps the greatest of which was their realization that under the new system of administration through their elected representatives, they at last had a say in how their fairs and markets could be made to function to their best advantage.

9.5 Policing and Local Judiciary

The next aspect of Irish town government addressed by this thesis has been 'watching' and the local judiciary. This thesis has examined and charted the shortcomings of this aspect of urban administration while under the auspices of the old towns' corporations. Neglect and under-funding had rendered their system of local policing inefficient and often ineffectual, highly partisan, partial and untrustworthy. On the establishment of commissioners in towns such as Dundalk, watch committees were set up and independent local watchmen employed. However, these were found to place a high financial burden on the commissioners and most of the towns in this study decided they could not afford such independent policing.

The time period covered by this thesis roughly coincides with the establishment and countrywide roll-out of the Irish constabulary. For the first time, inhabitants of these towns were to experience a visual and concrete example of police governmentality as police barracks were established and policemen wearing a state uniform were to be seen on the streets. The constabulary took its directions from central government. Its religious makeup had a deliberate catholic bias. Consequently, it became much more acceptable to both urban and rural inhabitants, being seen not to operate on the whim of county grand juries or local landlords as the Peace Corps and local militia had operated heretofore.

On the establishment of town commissioner bodies under the 1854 Act, when the only independent watchman these bodies could afford to employ was an inspector of nuisance, the constabulary was often called on by the commissioners to assist this officer. While this co-operation had many teething problems, the inhabitants of these market towns generally found themselves much more effectively and impartially 'watched' than had been the case under the corporations.

The situation regarding the local judiciary's association and interaction with the changing administration and administrators of these towns did not appreciably change to the same degree as did policing. The tradition of magistracy at the highest level in Ireland with its domineering rituals and awe-inspiring courthouses, continued unchanged. The county sheriffs' and county grand juries' continued their close association with this magisterial system, officiating at assizes, using the courthouses of the assize towns for their meetings and officiating as local magistrates at petty sessions.

When, on the adaptation of the 1854 Act, newly-elected town commissioners applied to Dublin Castle for the appointment of one of their members as a justice of the peace as was indicated in the Act, this appointment was often delayed. In some instances it took many years before the chairmen of town commissioners were appointed as local magistrates and could hold commissioners' courts. The historical weight of the old régime, coupled with central government's nervousness of insurrectional tendencies in Ireland, did not ease the task of newly-elected commissioners gaining the 'privilege' of a foothold on the lowest steps of the magisterial ladder. However, once appointed, these new justices of the peace acquitted themselves well in their new role. They were confined to dealing mainly with petty infringements and breaches of local bye-laws. The fines imposed and collected by the new commissioners' courts contributed to the hard-pressed coffers of the new town commissioners.

The towns' new administrators' relations with the army proved to be a two-edged sword in many instances. Considered in the Ireland of the nineteenth century to be the second arm of policing, the military became a high-profile element in the social, economic and the built environment of most of these Leinster market towns and were frequently used as aids to the civil power during volatile election campaigns and agrarian agitation.

Increasingly in the 1850s, during the build-up to and in the aftermath of the Crimean war, many of these towns became bases of disparate regiments of the British army. This thesis has described how town commissioners, despite having to deal with the negative aspects of garrison life such as prostitution and the immoral, unruly and sometimes criminal behavior of the soldiers in the streets, were in most cases, tolerant of this aspect, being appreciative of the positive aspects of having large numbers of men and horses being provisioned within their towns. The economic benefit which these towns' merchants, publicans and shopkeepers derived from such provisioning was significant. Also, the social cachet derived from having army officers' participate in municipal social and sporting events was appreciated.

The new commissioners demonstrated this appreciation by welcoming and celebrating military iconography in prominent locations and by having local military commanders as guests at official and social functions. Indeed, if account were taken of the demonstrations of loyalty to the crown – the singing of 'God save the Queen' and toasts to the royal family, etc – at social functions at Athy and Maryborough (Portlaoise) in the late1850s, central government should have had ample reassurance of these new

commissioners loyalty and should have had little to fear regarding insurrectional tendencies.

From a state-security viewpoint, it is also evident that Whitehall had little to fear from allowing these limited local powers into the hands of these new town commissioners. This thesis has provided examples of town commissioners' loyal behavior as they interacted with the forces of judiciary, police and military during the early years of their establishment. No doubt Dublin Castle had become aware that during the 'revolutionary year' of 1848, when insurrectional tendencies were being displayed throughout Britain and Europe, these market town residents were much more interested in taking advantage of the opportunities provided by central government's encumbered estates act, than in showing any appreciable support to the poorly attended attempts at insurrection by the Young Irelanders. They must have been confident of the fact that many aspiring catholic middle-class shopkeepers, merchants and professionals were, to say the least, pragmatic in their attitude to 'national' causes, particularly when social and career prospects were at stake.

Foucault described state development in the collection of statistics as a technique used by central government through which the population can become a quantifiable object, enabling it to assess populations' patterns of wealth, poverty, scarcity and disease. Populations that are quantifiable are thus visible and amenable to further techniques and arts of government and this in turn can lead to the further enablement of the state in its commanding the people and territory under its control. Such techniques, arts and rationalities of the central government can also be used towards improving state security. Undoubtedly, state security in Ireland, during the period being examined here, remained high on central government's agenda. While some nervousness may have existed at Whitehall in allowing local Irish townspeople to control urban administration during the 1830s and 1840s, by its 1854 enactment it espoused its belief in allowing this local control.

This thesis has produced evidence which demonstrates that in the main, this belief on the part of central government was justified. From the early 1840s in towns such as Athlone, Dundalk, Trim and Athy where new administrative bodies took the place of the disbanded corporations and, progressively after 1854, when all eleven towns in this study established new town commissioners, these new administrators can be generally described as model participants within the role which central government allowed. Careful examination of archival material indicates the extent to which these town commissioners seemed to relish their new role in regulating, improving, ordering and disciplining. When

members of these bodies were appointed as local justices of the peace and began to preside over their towns' commissioners' courts, they took to these prestigious roles as 'to the manor born'. In fact, it could be said that, with few exceptions, these 'new men' conducted themselves as if they were the natural governors of their local spaces and seemed in no way in awe or intimidated by their new controlling roles.

9.6 Public Health

The subject of public health, water supply and sewage/nuisance disposal within these towns during the period of this study was an important and challenging one for the changing urban administrations to cope with. In common with urban conditions in the rest of Britain at this time, Irish town dwellers inhabited a highly unsanitary environment in which the poor and the destitute suffered most.

This thesis has charted the legacy of neglect and ineptitude of the old corporations. Examples of their abysmal legacy have been outlined in the deprivation and squalor experienced by the inhabitants of towns like Athlone, Mullingar, Navan and indeed many others. Little of any consequence in the improvement of these conditions was achieved by the old Irish municipal corporations, indeed it could be argued that their neglectful or non-existent administration over many decades in the towns being studied here resulted in these conditions deteriorating further. Evidence suggests that this trend continued after their eventual abolition in 1840 with little appreciable improvement occurring for a further fifteen years. The famine added further impetus to already deteriorating hygienic, sanitary and health facilities and conditions within these towns.

The result of this neglect, exacerbated by the famine, was passed on to the new town commissioners who took up office in the mid-eighteen fifties. While some fared better than others, in general these market towns of Leinster required major improvement, necessitating the expenditure of much capital, so that a safe clean water supply, proper inspection and regulation of lodging-houses and the effective removal and disposal of sewage and street nuisance could be attained for the inhabitants of these towns. This thesis has described the various efforts made by the new commissioners in order to improve these matters. The encouragement of this improvement in sanitary standards by central government can be seen as a further technique of governmentality. The state taking an active role in improving the health of the people was just another example of it controlling populations.

In general, the new town commissioners took on the daunting task of sanitary improvement with commendable effort and varying degrees of efficacy. However, lack of financial resources meant their successes were piecemeal and frequently insufficient. Nonetheless, the earnestness with which they undertook the tasks of improving the sanitary wellbeing of their townspeople has been illustrated by this thesis to have been in sharp contrast to the disinterest and often criminal neglect of their forerunners in the old corporations.

9.7 Improvement and Adornment of the Streets

On the question of the improvement and adornment of the streets and lanes of these towns, this thesis has provided evidence of the total disinterest and uselessness of the old corporations in the early decades of the nineteenth century. The royal enquiry commissioners reported on the almost total lack of public lighting and on the lack of footpaths and street maintenance. As almost none of the membership of the old corporations actually lived within the towns which they governed and as many of the town patronal landlords were either absentee or members of the county grand juries, they had little interest or incentive towards expending locally collected tax revenue on these services.

The lack of public lighting as well as the dangerously uneven and nuisance covered street and lane surfaces made nighttime movements extremely hazardous for town-dwellers who became convinced that if the ventured abroad after dark, crime, vice and bodily injury awaited them round every corner. As the century progressed and town gas became an option for the provision of superior illumination, major cities followed by some towns began to establish gas companies which sold their product to urban authorities for the provision of public lighting.

However, the perceived expense of this new technology became a cause of much concern amongst many urban ratepayers and this was used in some towns as a reason not to adopt the 1854 act in its entirety. It must be seen therefore as highly creditable on the part of most new town commissioners to have prevailed in their determination to attain decent public lighting for their towns. Trim town commissioners were the first of the group in this study to successfully establish gas public lighting and became an example to which many of their colleagues in neighboring towns aspired and eventually copied. It is also interesting to note the involvement of local patronal landlords, who were in many cases, willing to

assist in this venture towards modernisation. Thus, by the 1860s, all of the towns in this study had established gas public lighting with varying degrees of success, with Mullingar town commissioners making use of local natural resources as the raw material from which their town gas was manufactured.

The proper paving and surface maintenance of streets and lanes and the provision of footpaths was highly labor intensive and expensive in nineteenth century Ireland. Residents of the market towns being studied here often endured their streets being used for fairs and markets, with the resulting churning-up of surfaces and the accumulation of nuisances. In common with other services, the old corporations paid little attention or indeed finance to the upkeep of these towns' street or lanes during the early decades. This neglect was, in general, allowed to continue even after the 1840 Act had disbanded the corporations, particularly when this function was left in the care of the county grand juries.

Again, the grand jury members, while willing to allow for the upkeep of county roads and some urban main streets (when county roads connected with them and passed through them), had little interest in the improvement or adornment of streets or lanes within these towns and were unwilling to expend any of their rates on them.

Understandably, when the town residents themselves became members of their own town's administrative bodies a change in interest and incentive occurred. This thesis has charted the varying improvements carried out in the towns of this study within the early years of the new town commissioners attaining office. One can immediately perceive the change in emphasis as the improvement of street and lane surfaces and the laying of footpaths became a priority for these resident commissioners. Such basic necessities, such as allowing female members of these new commissioners' families to walk to and from places of divine worship along proper footpaths not obstructed or flooded by nuisance, was now seen as a necessity upon which finance should be expended. However, available monies were extremely limited and accordingly, improvements were piecemeal and variable from one town to another.

Despite this, from the perusal of local records and newspaper reports one is struck by the earnest and genuine efforts made by these new town commissioners in trying to remedy the decades of neglect of their towns' streets and lanes' surfaces and also in their pursuance of other responsible agencies – grand juries, railway companies, local landlords and military authorities – for financial assistance in order to improve and adorn their streets.

9.8 Religion

Considering the general social and political tenor of the period of this study, the contentious question of religious affiliation must, of necessity, be raised. Indeed, it can be said that one of the most obvious aspects of the shift in the administration and administrators of these Leinster market towns during the period of this study was the change from an almost totally Protestant corporation membership in 1835 to a situation in 1854 where the membership of the new town commissioner bodies was generally made up of two-thirds Catholic to one-third Protestant.

Boyce contended that Irish municipal corporations were 'not handed over completely to the liberal and Catholic interest, but they were nearly handed over'.[654] This thesis has provided evidential material outlining the extent of the old corporations' exclusiveness and sectarianism at a time in the 1830s when the vast majority of these towns' inhabitants were Catholic and, having recently been granted emancipation, were demonstrating their new-found freedom of religious expression in the built environment of their towns.

The royal enquiry commissioners had warned in their report of future civil unrest and revolutionary repercussions if 'opulent Catholics' continued to be debarred from having a say in local urban government. To many such middle-class Catholic urban residents, Protestantism might be despised as a religion, but could be envied as a passport to social and public advancement. Examples have been produced here which portrayed the general religious divisiveness of market town life during this period.

This thesis has also described both the bitterness of the debate during parliamentary discussion leading to the disbandment of the discredited corporations and examples of continuing opposition to Catholic participation in authoritative Tory quarters even after the 1840 Act becoming law. On the other hand, examples of equanimity and good fellowship among early town commissioner bodies, when Catholic parish priests were proposed and seconded for commissioner membership by Protestant members of town commissioner bodies, have been given. While the 1854 Act did not allow serving clergy of any religious denomination become town commissioners, this thesis has provided evidence of such clergymen still being personally involved in behind the scenes activity in order to provide lists of suitable candidates likely to appease both Catholic and Protestant urban voters.

---

[654] D.George Boyce, *Nineteenth –Century Ireland: The Search for Stability* (Dublin, 1990), p. 69

However, considering the general religious divisiveness of 1850s political life, it is almost inevitable that these new commissioner bodies were affected by it. This thesis provides a case study of a confrontational episode within the membership of Naas town commissioners which was publicly played out through the medium of the local press. While the membership of this body was originally made up of six Catholics and three Protestants on its establishment subsequent to the 1854 act, within a few years the membership became for a period, entirely Catholic. The final Protestant of the original body, on his resignation accused the town commissioner chairman of engineering this turn of events by devious undemocratic dealings.

While this accusation was denied by the chairman, he nevertheless made clear his belief that a total catholic membership could be said more accurately to represent the general population of the town. This religious confrontational episode at Naas was the most publicly reported of any such events during the early years of the new commissioners tenure and may indeed have been the most serious such incident in all eleven towns in this study. Nevertheless, considering the wider general religious divisiveness of this period its occurrence could be seen as almost inevitable. Indeed it could be said that surprisingly few such public displays of religious confrontation marred the establishment and early work of the new commissioners, who in most respects provided exemplarily evidence of religious cooperation in the first decade of their administration.

9.11 Conclusion

This thesis has begun an examination of how the urban government of Leinster market towns changed during the middle decades of the nineteenth century. It has provided evidence to indicate that the techniques of governmentality employed by the state over the 1835-65 period, in driving a process of change in urban administration, were to a large extent successful. It has shown that despite intra-local conflicts and the mediation of what Bellamy described as 'local possessive pluralism', the state ultimately achieved its main aim of subduing the power of local patronal landlords, allowing control of local urban administration to be taken up by others, while at the same time ensuring that the acceptance of the legitimacy of the British state in Irish towns was not compromised. Indeed, it could be argued that central government's tolerance of, and interaction with, local possessive pluralism and intra-local conflicts could also be seen as a further technique of governmentality. The state had taken on board the 'knowledge' provided by its

commissioners of enquiry in the mid-eighteen thirties, which had identified the inherent dangers in continuing the disenfranchisement of an increasing cohort of 'opulent Catholics' in urban administration. This cohort had increased in both a numerical and influential sense during the period of this study and took on the 'habitus' as conceptualized by Bourdieu, becoming the natural local Foucauldain 'controllers' of their local towns.

This study has been forced to leave several issues unexamined and some questions unanswered. For example, the question of colonial issues associated with the process of urban reform in Ireland has not been examined here. The way this process was allowed develop and was influenced by the state could lend another dimension to the ongoing debate over whether Ireland really was an equal partner in the United Kingdom. Comparing aspects of the process and of ongoing improvements in Irish towns to similar aspects and improvements in English towns is examined, as appropriate, in the chapters of this thesis. These comparisons are, of necessity, indicative rather than comprehensive.

Similarly, the way in which the catastrophic famine during the second half of the eighteen-forties impacted on urban life in general deserves further analyses. This thesis has examined the effects which it had on the process of urban reform in the market towns of Leinster. Its devastation, through death and emigration, had demographic and administrative implications for central government, which demanded priority over an already delayed process of urban reform. Consequently, the shortcomings of the 1840 Act were not properly addressed for many more years. The famine financially encumbered many Irish estates. Central government's remedial legislative imperative to this situation – the Encumbered Estates Act - enabled many middle-class town dwellers acquire property at bargain prices and so elevated their social as well as economic standing. By the time the 1854 Towns' Improvement (Ireland) Act was being adopted in the market towns of Leinster, these middle-class catholic shopkeepers, merchants and millers had become the new class on which the state felt it could safely entrust local administrative control.

The state's newly-acquired and enhanced knowledge of the Irish territory and population and its machinery of surveillance, policing and judiciary, had by the mid 1850s, become all-encompassing and overreaching. Central government's increasing governmentality became apparent in the remarkable instances of formal government growth in the 1830s and 1840s. Central government achieved significant success in the general infrastructural inprovenent of Ireland through the Board of Works and the area of public health through the establishment of dispensaries, hospitals and lunatic asylums. However,

as this thesis has outlined, its success in the area of urban reform, though determined through the 1830s and 1840s, did not achieve similar success until the 1850s. Fearfulness as to whether Irish townspeople could be trusted to administer their own local affairs delayed and diluted urban reforming legislation. Having eventually been provided with the appropriate governmental powers in the 1854 Act, the newly appointed town commissioners went about their duties as local 'controllers' in a manner which in general, gave central government little cause for concern.

This thesis has charted and illustrated the progress of this process of urban change, reform and improvement. It has discovered that in the market towns which it has examined, the change, reform and improvement brought about during the 1835-65 period was quite remarkable. While none of this is to deny the depressingly squalid conditions which continued to be suffered by the inhabitants forced to live in what came to be referred to as cabin 'suburbs',[655] or the clinging 'last gasp' of power of the old elites in some areas, market town inhabitants witnessed a social revolution in government as their own democratically-elected commissioners began to administer their town's affairs. These inhabitants entitled to the elective franchise, could for the first time assess the effectiveness of the new commissioners and had the voting power to change them.

Personalities came to the fore in town administration that would never have been accepted by the old corporations. Men such as Patrick Rourke of Athlone, John Hickey of Naas, James Kileen of Kells and Thomas Turpin of Maryborough (Portlaoise), to name but four, made significant impacts on the way their towns were improved and their administrations were reformed. Together with the morphological and infrastructural legacies of other agencies such as the railway companies and poor law unions, the progress brought about by these new town commissioners is recorded in the townscapes of provincial Ireland. Their contribution had real significance, essential to the welfare and wellbeing of their townspeople.

[655] B.J. Graham and L.J. Proudfoot, *Improvement in Provincial Ireland 1700-1840* (Athlone, 1994), p.59

APPENDICES

Appendix I: Letter to *Carlow Post* from Mr. Hancock Seeking to Delay the Establishment of a Town Commission[656]

...I am sorry to say that the issue to be tried is commission or no commission, as there is little doubt on such an issue that the verdict of the majority of the ratepayers will be against the commission and thus postpone the matter for at least three years...Our town pays as county rates perhaps £800 or £900 per anum. Let us tax ourselves with the amount of one year's tax and try for a bill from parliament to take the county rates off us; the bill will contain such general provisions as:

First, the Act of 9th Geo'iv with amendments to be enforced in the town of Carlow;- rates to be levied under it not to exceed 1s. 6d., 2s. 3d., and 3s. in the £ on £5, £10 and £20 ratings.

Second, the borough of Carlow to pay its fair share of the county at large rates.

Third, the borough of Carlow to repair its own roads, etc.

Fourthly, the commissioners, under the bill, may rent places or borrow money on security of the rates; to erect market places and be at liberty to charge a small toll for all commodities bought and sold in them.

If some such course were adopted our town would have a revenue sufficient for its wants; and we would, by having control over the rates now levied as county rates, have such a surplus left as would enable us, by a very small additional taxation, to provide handsomely for the lighting, paving, cleaning and watching of the town. But if we rush precipitately into the matter and adopt the 9th Geo'ix now, we shall saddle ourselves forever with the increased tax and still have to pay the enormous county rates, whilst the funds raised under the 9th Geo'iv, would not half carry out the provisions of the Act;- and in our attempts to cope with the town's enjoying private property (rates) as well as borough rates, we would find ourselves much in the position of the poor frog in the well-known fable of the frog and the ox.

I am, Sir,

Your obedient servant,

J. Hancock Houghton.

---

[656] *Carlow Post,* 29 October, 1853

Appendix II: Return showing towns in Ireland that have elected Town Commissioners under the provisions of the Towns' Improvement Act

A.II.I Portlaoise (Maryborough) Town Commissioners' Official Return

Name	Age	Rating	Profession
M.S.Cassin	42	£84.5s	Esquire and J.P. for Queen's County
John Jacob	48	£128.	
A.M.Mosse	58	12s	Surgeon
William Fitzpatrick	48	£63. 5s	Half-pay officer
William Kelly	58	£47. 15s	Gentleman, Farmer
ArchbaldFitzpatrick	48	£116. 5s	Gentleman, Miller
Thomas Pilsworth	48	£39. 8s	Surgeon,Apothecary
John McEvoy	42	£74. 5s	Apothecary
Patrick Quigley	56	£141	Inn-keeper, Miller
		£72	Shopkeeper, Farmer

The official returns of 1855 of the Irish towns having elected town commissioners give the following details concerning the town of Portlaoise (Maryborough).[657]

[657] *Return showing towns in Ireland that have elected Town Commissioners under the provisions of the Towns' Improvement Act of the last session*, H.C.XLV11, (6June, 1855), p. 539-63

A.II.II Trim Commissioners' Official Return

This table is compiled from the official return for the town of Trim which gave the following details of the commissioners elected there[658]:

Name	Age	Rating	Profession
H. Lightbourne	40	£20	Gentleman,Solicitor
D. M.Thompson	46	£16	Gentleman
Hugh Duignan	45	£25	Merchant
Patrick Kennedy	70	£65	Miller
Moses Donahoe	31	£30	Merchant
Mathew Caldwell	50	£20	Merchant
James Plunket	37	£20	Merchant
Joseph G.Carlton	60	£13	Gentleman
James Keely	52	£12	Merchant

[658] *Return showing towns in Ireland that have elected Town Commissioners under the provisions of the Towns' Improvement Act of the last session*, H.C.XLV11, (14 May, 1855), p. 539-63

A.II.III Naas Commissioners' Official Return

The following table is derived from the official return for Naas[659]:

Name	Age	Rating	Profession
John Hickey	46	£173	Proprietor
James Farrell	44	19s.	Merchant
William McEvoy	47	£125 5s.	Merchant
James Kellett	47	£27 15s.	Surgeon
Edward Hannon	47	£34 5s.	Physician
John Blowney	36	£29 5s.	Merchant
Robert S.Hayes	45	£115	Pawnbroker
Christopher	40	10s.	Apothecary
Clarke	37	£33 10s.	Surgeon
Patrick Farrell		£37	Physician
		£14	Merchant

[659] Ibid, p. 539-563

A.II.IV Ardee Commissioners' Official Return

The following was the Ardee return:

	Age	Rating	Profession
Bradley Thomas	42	73	Miller
Carney James	40	24	Chandler, Butcher
Corcoran Bernard	40	15	Baker, Grocer
Hickey Peter	36	25	Inn-keeper, Grocer
Kirwan Thomas	34	13	Vintner
McDonnell Philip	42	16	Woollen Draper
O'Rourke Fancis	37	20	Apothecary
Smith Anthony	48	15	Apothecary

A.II.V Kells Commissioners' Official Return

Kells returned the following:

Name	Occupation	Valuation
Patrick Murtagh	Chandler, Grocer	19
Thomas Briody	Grocer, Vintner	30
James Killeen	Chairman, Draper, Baker, etc.,	41
John Christie	General Hardware, Farmer	26. 10. 0
John Folliot	Draper, Baker	22.10. 0
Philip Brady	Vintner, Car owner	20
James Brady	Draper	20
Thomas Rodgers	Boot, shoe maker	37
Henry O'Neill	Flour store	21
John Maguire	Draper	16
Robert Owens	Gentleman	24
Peter McCabe	Tanner	32
John Lacy	Coach-maker	20
Nicholas Landy	Draper, Hardware	20
Jas W. Young MD	Medical Dr.	22

A.II.VI Dundalk Commissioners' Official Return

The following was the return from made from the Dundalk commissioners:

Hon Augustus G.F. Jocelyn, J.P.	Householder
Philip Callen	same
Robert Haig	same
Owen Devlin	same
Mathew O'Neill	same
Peter Russell, J.P.	same
John Carragher	same
John Charles Duffy	same
Russell Patison	same
John M. Nugent	same
Patrick Wynne	same
Terrence O'Hare	same
James Meehan	same
John Neville	same
James Shekleton	same
Michael Kelly, J.P.	same
John Townley, J.P.	same
James Murtagh	Immediate Lessor

A.II.VII Athlone Commissioners' Official Return

The Athlone return was as follows:

Name	Age	Rating	Occupation
Patrick Rourke	41	88. 5. 0	Hotel-keeper
Laurence Kelly	49	34. 5. 0	Shop-keeper
James Martin	34	40	Stationer
John Robins	25	29	Shop-keeper
Thomas Gill	23	22.15.0	Shop-keeper
Thomas Walsh	30	24	Postmaster
Francis Hughes	52	20. 5. 0	Builder
John Stokes	43	28	Sadler
Patrick Maxwell	22	32	Shop-keeper
Netterville C. Abbot	42	24	Shop-keeper
Patrick Lyster	34	20	Builder
Richard Coughlan	49	20	Shopkeeper
George Everard	48	12	Shopkeeper
Bernard Fitzgerald	38	33	Shopkeeper
Michael Lyster	49	20	Builder
Luke Watson	36	21	Shopkeeper
Robert Gladstone	31	22	Shopkeeper
Patrick Murphy	50	20. 10. 0	Shopkeeper

A.II.VIII Navan Commissioners' Official Return

Navan returned the following:

Name	Age	Rating	Occupation
John Kealy	38	17. 10. 0	Draper
John Mullen	47	21	Postmaster, Farmer
John Spicen	37	123	Miller, Merchant
Michael Buchannan	46	17. 10. 0	Landholder-in-fee, Tea, spirit grocer
Nicholas Russell	50	12. 10. 0	Victular, Farmer
Nicholas Kelly	35	60	Grocer, Farmer
Francis D. Hamilton	42	18.10. 0	Surgeon
Patrick Brady	41	56	Hotel-keeper, Farmer
Richard Lawlor	34	20	General shopkeeper
James Mullen	52	101. 10. 0	Miller, Merchant
John Blake	42	18	Superintendent, Manager of Bakery
Benjamin Roberts	34	64. 10	Land-agent, Merchant
William Morgan	42	180. 10. 0	Miller, Merchant
Joseph McLoughlin	50	45	Merchant, Farmer
James Skelly	36	135	Miller, Merchant

A.II.IX Carlow Commissioners' Official Return

The commissioners of Carlow made the following return:

Name	Age	Rating	Occupation
Byrne, Mathew	40	23	Draper
Butler,Thomas Crawford	49	14. 10. 0	Solicitor
Coffey, Anthony	60	27	Grocer
Dillon Robert	46	21	Soda Water Manufacturer
Ellis Thomas	42	15	Grocer
Farrell Robert	65	13. 10. 0	Gentleman
Gale, Thomas Francis	43	12. 10. 0	Gentleman
Haughton John H.	35	17. 15. 0	Merchant
Jackson Adam	60	21	Gentleman
Kinsella Patrick	44	25	Chandler
Kelly Laurence	47	14. 15. 0	Merchant
Kelly James	41	22	Agent to canal co.
Kelly Thomas	27	14. 10. 0	Butter buyer
Lowry Patrick	50	20	Baker
Lawlor Robert	48	23	Grocer
Maughan Martin	55	15. 10. 0	Merchant
O'Shea Thaddeus	41	38	Banker
Tynan Thomas	40	20	Grocer

A.II.X Athy Commissioners' Official Return

Athy's return was as follows[660]:

Name	Occupation	Rate
Martin Cavanagh	Farmer	106. 10. 0.
Henry Hannon	Miller	115. 15. 0.
Mark Cross	Architect	70. 15. 0.
Patrick Cummings	Malster	218. 15. 0.
Edmund R. Butler	Farmer	68. 15. 0.
Hector Duncan	Merchant	31.
Thomas Gaynor	Merchant	19. 10. 0.
James Lahey	Merchant	20.
Robert Molloy	Merchant	116. 15. 0.
Patrick Byrne	Merchant	15. 15. 0.
Thomas Pepard	Merchant	39. 15. 0.
James Irving	Apothecary	34. 15. 0.
William O'Neill	Auctioneer	17.
Michael Lawlor	Merchant	102.
John McDonald	Merchant	21. 5. 0.

[660] Minutes of Athy Town Commissioners, ATC/M/1, 11, January, 1856

Appendix III: Letter from Under-Secretary Thomas Drumond to Captain Jones, Royal Corps of Engineers Commanding his Service in Establishing Municipal Boundaries

Dublin Castle, 12th February, 1836.

Sir,

I am commanded by the Lord Lieutenant to acquaint you, that his Excellency, having had under his consideration a Bill about to be introduced into Parliament "to provide for the Regulation of Municipal, Corporate and Borough Towns in Ireland" deems it necessary that immediate steps should be taken to determine the Boundaries of the Towns in the Schedules (A.B. and C.) of that Bill; and also to divide certain large towns and cities named in that Bill into Wards.

I am to acquaint you that his Excellency has appointed you to superintend and direct this work. An application has been made to the Master General of the Ordnance for the Officers of Engineers named in the margin and they will receive orders to put themselves under your command as soon as they arrive in Dublin. You are also authorised to employ any other persons whose services appear to you desirable.

General Instructions for the guidance of the Gentlemen employed in this work are enclosed; and I am to press upon your attention the necessity of adopting such measures as will secure the completion of the work in four weeks.

I have &c,

(Signed) T. Drummond.[661]

[661] *Municipal Corporation Boundaries (Ireland)* H.C. (301) xxix.3 (1837) p. 1

Appendix IV: Towns' Improvement (Ireland) Act Clauses Deemed Pertinent to Deciding whether to Adopt the Act, as Outlined in the *Leinster Express*

Clause 4: On the application of twenty-one or more householders of any town, each occupying a house, land or tenement, rated to the relief of the poor at a net annual value of £8 or upwards, it shall be lawful for the Lord Lieutenant to direct the Mayor, Chairman of town commissioners or two justices of the peace, resident within ten miles of the town, to convene a meeting, for the purpose of considering the carrying of the Act into execution.

Clause 8: The meeting shall have power to determine whether the Act, in whole or in part, shall be adopted and carried into execution.

Clause 14: If the meeting decide upon not adopting the provisions of the Act, the proposal to do so may be re-considered after the expiration of two years; and if the Act be only adopted in part, after the lapse of two months it may be further adopted.

Clause 16: The number of commissioners shall not be less than nine or more than twenty-three, and the division of the wards and the number of commissioners shall be so arranged that there shall not be less than three commissioners to each ward.

Clause 17 repeals the 9 Geo. 4, c. 82, in any town in which the present Act shall be brought into operation, and after the first election of commissioners under this Act, save as to matters theretofore done, or as to debts, rights, engagements etc, incurred or accrued under the 9 Geo. 4, c. 82; and all such debts, rights, etc., and the properties vested in the former commissioners shall vest in the commissioners elected under this Act.

Clause 25: Qualifications of commissioners – Every person the immediate lessor for twelve months before the election of property in the town rated at £50, and residing in or within five miles of the town; also, any householder or occupier of a dwelling-house rated at £12, and not being an ecclesiastic of any religious denomination, is eligible to be elected a commissioner. This clause excluded Catholic priests from being members of town commissioner bodies and was intended to assist in the prevention of religious dissention.

Clauses 37 to 40 incorporate so much of the towns' improvement clauses act, 1846, as relates to the laying out of new streets, numbering houses, cleansing of streets, etc.

There were one hundred clauses in all. These relating to fairs, markets, sanitation, sale of food, lodging-houses, fire-engines, water-works, keeping accounts etc., will be quoted in the following chapters.

The ninety-ninth clause allowed for the incorporation of the Public Libraries Acts of 1850 and 1853 into this Act and the town commissioners to have the power conferred by these Acts on town councils.

Finally, the last clause - the one hundredth - provided that the Act shall extend only to Ireland, and that nothing contained in it shall extend to or effect the cities of Dublin, Cork, Limerick, Londonderry, or the town of Belfast.[662]

[662] From an abstract of the provisions of the Act published in the *Leinster Express,* 16 July, 1854

Appendix V: Minutes of First Meeting to Elect Town Commissioners at Kells and Naas

A.V.I Minutes of First Meeting to Elect Town Commissioners at Kells, 3 May, 1855.

Minute of meeting to elect commissioners pursuant to the 17th and 18th Victoria Cap. 103, Section 21 held pursuant to notice in the Courthouse, Kells, at 11 o'clock, the Most Noble, the Marquis of Headford in the chair, Mr. Martin Smith was appointed secretary protem to the minute of the proceedings.

The notice convening the meeting having been read by the secretary, the chairman explained to the meeting the nature of the proceedings and read the section of the Act of Parliament bearing upon it.

The following gentlemen were severally proposed by Valentine J. Gray Esq., and seconded by Mr. William Sheridan and unanimously elected:

1. Mr. James Killeen.
2. Mr. Philip Brady.
3. Mr. Nicholas Landy.
4. Mr. Patrick Murtagh.
5. Mr. John Folliott.
6. Mr. Thomas Briody.
7. Mr. John Maguire.
8. Mr. Peter Clarke.
9. Mr. James Brady.
10. Mr. John Christie.
11. Mr. Henry O'Neill.
12. Mr. Thomas Rodgers.
13. Mr. John Lacey.
14. James Young Esq.,
15. Mr. Robert Owens.

The chair having been vacated by the Marquis of Headford and Captain Clare having been moved to it, the thanks of the meeting were given by acclamation to the Marquis of

Headford and the minute of the election having been signed by him, the proceeding terminated.[663]

A.V.II Minutes of first meeting to elect commissioners for Naas:

'At a meeting of the rated occupiers of the town of Naas held on the 3rd day of March 1855, in the Courthouse, pursuant to public notice - Thomas deBurg esq. in the chair - it was moved by the Rev. Walter deBurg, seconded by the Rev. Gerard Doyle, that the following be the commissioners for the ensuing year:

1. James Kellett
2. Robert Hayes
3. John Blowney
4. John Hickey
6. Edward Hanlon
6. Christopher Clarke
7. Thomas Farrell
8. William McEvoy
9. Patrick Farrell

Carried.

Signed : Thomas DeBurg Chairman.

'Minutes of Proceedings of Naas Town Commissioners under the 'Towns Improvement (Ireland) Act 1854 for the town of Naas and the prescribed boundary thereof, held in the courthouse in the town of Naas on Monday the 5th day of March, 1855, at the hour of 12 o'clock.

Present:

1. James Kellett
2. Robert Hayes
3. John Blowney
4. John Hickey
6. Edward Hanlon
6. Christopher Clarke
7. Thomas Farrell

[663] Minutes of Kells Town Commissioners, KTC/M/1, 3 May, 1855

8. William McEvoy

9. Patrick Farrell

Appendix VI: Urban Heritage of Eleven Leinster Market Towns

Ardee

Named after the 'Ford of Ferdia', a crossing point on the river Dee in county Louth, Ardee boasts having the largest fortified medieval tower house in Ireland as well as a second Norman castle. The town was laid out in typical Norman burgage plots in the thirteenth century and suffered devastation during the Bruce invasion of 1315. Its corporation was dissolved in 1840. A body of town commissioners was established in 1842, superceded in 1855 by a new body of commissioners. Its patron was Lord Roden and its population in 1831 was 3,976.

Athlone

Located at a fording point on the river Shannon, Athlone became the recognized urban centre, Ath Luain by A.D.998. It had attained burgages by the early thirteenth century and construction of its stone castle began in 1210. It was granted a charter in 1599, which was replaced by a new charter in 1606. It had a corporation from the late seventeenth century until dissolved in 1840, when administrative powers were vested in the Athlone town commissioners. Its population in 1831 was 11,406, at which time the Hancock family were patrons of the town.

Athy

Athy, or Ath Ae, was an important fording point on the river Barrow around which an urban settle grew in the twelfth century. It developed as a strategic military strong-point when a stone tower was built in 1417 to protect the crossing. This tower is known today as White's Castle. Athy gained corporate status when King Henry VIII granted a charter to its inhabitants in 1515. The corporation of Athy was established in 1613 and continued in being until dissolved in 1840. A body of commissioners was established in 1842 and these were superceded by new body of town commissioners in 1856. The Fitzgerald family as Dukes of Leinster was patrons of Athy for many centuries. Its population in 1831 was 4,434.

Carlow

Carlow was an ancient crossing point at the junction of the Burren and Barrow rivers. In the thirteenth century King John had a castle built at Carlow, a substantial ruin of which remains today. Having a rich agricultural hinterland and a water communication to Waterford and the sea, Carlow became a centre for milling and malting. Its corporation was dissolved in 1840 and replaced with a body of town commissioners in 1842. This body became moribund in just a few years. They were superceded by a new town commission in 1853, who were, in turn, superceded by a newly elected body of town commissioners in 1856. The Earl of Charleville was patron of Carlow in 1831 when it had a population of 9,114.

Dundalk

Mentioned in the early twelfth century epic story of the *Tain Bo Cuailgne*, Dundalk served as an *aonach* place of public assembly and had urban potential in pre-Viking times. It was of sufficient urban standing to have a corporation in 1312 and was granted a charter by King Charles II in 1674. A town commission was established in 1835, prior to the old corporation being disbanded in 1840. This commissioner body was superseded by a new set of town commissioners in 1855. The town had a population of 10,760 in 1831. Its patron was Lord Roden.

Kells

From its earliest mention in the *Annals of the Four Masters*, Kells has a long and distinguished urban history. It was created a manor by Hugh deLacy in 1170 and had its charter confirmed in 1388, in 1438 and in 1487. In 1688 a charter established its corporation, which lasted until dissolved in 1840. Town commissioners were appointed in 1835 and the Towns' Improvement (Ireland) Act, 1854 was adopted by a new body of town commissioners in 1855. The Marquis of Headford was patron of Kells in 1831 when its population was 4,392.

Mullingar

An Anglo-Norman stone castle, built at Mullingar by the Petit family, was placed at the disposal of the lord deputy in 1570. Little is known of the economic life of Mullingar prior to the Cromwellian period. Located in the Owel-Ennell gap, the funneling effect of these

midland lakes on animal and agricultural produce traffic from west to east, gave the town commercial significance as a major fairs and markets area from the 1660s onwards. The town never possessed a charter of Municipal Corporation and was administered as the manor of the Forbes family when a body of town commissioners was established in 1856. Its population in 1831 was 4,569.

Naas

Nas Na Riogh, meaning the 'place of assembly of the Kings' has a urban heritage from 989 A.D.when Cearbhall, King of Leinster, died there. After the Norman invasion, some meetings of the Irish parliament were held at Naas. The present Church of Saint David dates back to the early thirteenth century and Saint David's Castle is the only one of the Naas medieval defense works now surviving. Records of Naas Corporation are extant from 1664. This corporation was dissolved in 1840 and a new body of town commissioners was established in 1855. The Earl of Mayo was patron of Naas and sovereign of Naas corporation for many decades. The town's population in 1831 was 3,895.

Navan

An ancient crossing point at the junction of the rivers Boyne and Blackwater, Navan is situated in the centre of county Meath. It was one of the first boroughs established in the county while under the patronage of the Nagle family, Barons of Navan in the twelfth century. Having a rich agricultural hinterland, Navan, over many centuries became a centre for milling and malting. Its corporation was dissolved in 1840 while under the patronage of Lord Tara and the Earl of Ludlow. A body of commissioners became administrators of Navan in 1855. It had a population in 1831 of 4,430.

Portlaoise/Maryborough

This urban centre grew around a military strategic fort which was constructed in 1548 and was called the Fort of Leix. In 1557 it was renamed Maryborough and the county was named Queen's County. In 1570 it received a charter from Queen Mary and its corporation continued until dissolved in 1840. Both the Parnell and Coote families became patrons of town. A new body of town commissioners was established in 1855. Its population in 1831 was 3,232.

Trim

A strategic crossing point on the river Boyne from pre-Christian times, Trim was an established urban centre during the medieval period when a charter was granted by Walter deLacy in *c.* 1194. Its castle was constructed in the twelfth century, quite a portion of which remains to this day. It became the shire town of County Meath in 1598, but lost this honor to Navan in 1906. It had a corporation from 1672 to 1840, when town commissioners were established. These were superceded by a new body of town commissioners in 1855. By 1831 it had a population of 3,282.

BIBLIOGRAPHY

Primary sources

Manuscripts

DUNDALK, COUNTY LOUTH
Louth County Archives
Ardee Town Commissioners Minute Book:
Minutes, ATC/MB/1/1 (6 December 1843 to 2 February 1872)
Dundalk Town Commissioners' Minute Books:
Minutes, DMC/MB/1 (13 Jan 1832 – 4 October 1842)
Minutes, DTC/MB/1/1 (1842 – 1854)
Minutes, DTC/MB/1/2 (1 November 1854 – 28 October 1868)

KILDARE STREET, DUBLIN
National Library of Ireland
Assembly book of the borough of Trim, (nineteenth-century copy of same):
Minutes, Ms 2998 and Ms 2999
Minute book of the commissioners of the borough of Trim:
Minutes, Ms 5819 (1840-1865) and Ms 5820 (1865-1880)

MULLINGAR, COUNTY WESTMEATH
Westmeath County Library Headquarters
Minute Books of Athlone Town Commissioners:
Minutes, ATC/1 (22 October 1840 to 24 January 1855)
Minutes, ATC/2 (29 January, 1855 to 26 April, 1867)

NAAS, COUNTY KILDARE
Naas Town Clerk's Office, Town Hall
MinuteBooks of Naas Town Commissioners:
Minutes, NTC/M/1 (1855-1866)

NAVAN, COUNTY MEATH
Navan Public Library
Minute Book of Navan Town Commissioners:
Minutes, NTC/M/1, (2 May 1864 - 10 April 1880)
Minute Books of the Borough of Kells:
Minutes, KTC/M/1 (18 July 1843 – 15 January 1855)
Minutes, KTC/M/2 (3 May 1855 – 6 September 1875)
Minutes, KTC/M/3 (3 May 1875 – 1 May 1880)
Minutes, KTC/M/4 (7 April 1890 – 5 July 1897)

NEWBRIDGE, COUNTY KILDARE
Kildare County Library
Athy Town Commissioners, Towns Improvement (Ireland) Act 1854
Minutes, ATC/M/1 (4 December 1855 to 22 October 1891)
Naas Poor Law Union Minute Book:
Minutes, PLUN/M/1 (25 Dec. 1839 – 28 Dec, 1842)

THE UNIVERSITY OF DUBLIN
Manuscript library, Trinity College
The Council Books of Naas 1664-1841, four volumes, Vol. 1, 1665-1698; Vol. 2, 1701-32; Vol.3, 1732-67; Vol. 4, 1767-1842, TCD, Ms 2251-4

Printed Sources

Public Acts

Act of Union, 1800, 39 & 40 Geo.III c.67

*Asylums for Lunatic Poor (Ireland) Act, 1817,*57 Geo.111 c.106

Prisons (Ireland) Act, 1826, 7 Geo. IV c.74

Act to make provision for the lighting, cleansing and watching of cities and towns corporate and market towns in Ireland in certain cases, 1828, 9 Geo 1V c. 82

Grand Jury (Ireland) Act, 1833, 3&4 Will. IV c. 78

Poor Relief (Ireland) Act, 1838, 1 & 2 Vict. c. 56

*The Municipal Corporations (Ireland) Act 1840,*3 & 4 Vict. c. 108

The Towns Improvement (Ireland) Act 1854, 17& 18 Vict. c.103

Public Libraries (Ireland) Act, 1855, 18&19 Vict. c.4

Burial Grounds (Ireland) Act, 1856, 19&20 Vict. c. 98

Parliamentary Debates and Papers

First Report of the Commissioners appointed to inquire into the Municipal Corporations in Ireland. Pt 1. H.C.1835 (23), xxvii
Supplement to the first report, H.C. 1835, xxiv

First Report of the commissioners for inquiring into the condition of the poor in Ireland with appendices H.C. 1835, xxxii

Report of the select committee on county cess (Ireland) with the minutes of evidences, appendices and index, H.C. 1836, xii

Report of the commissioners appointed to revise the several under or by virtue of which monies are now raised by grand jury presentments in Ireland, H.C. 1842, xxiv

Report of the commissioners appointed to enquire into the state of fairs and markets in Ireland, H.C. 1852-3 (1874), xli, 79

Report of the commissioners appointed to inquire into the fairs and markets of Ireland, (H.C. 1852-3) Xl1 together with its Minutes of evidence, H.C., 1854-55, xii

Municipal Corporation Boundaries H.C. 1835,xxxix, 3

Report of the commissioners for inquiry into the condition of the poorer classes in Ireland, 1835 H.C. 1836, xxxi-xxxiii

Report of the local government and taxation of towns' inquiry commission, (Ireland), H.C. 1877

Return of Cities and Towns, which have made application for permission to adopt the provisions of Act 9. Geo.IV c.82, H.C. 1829 xxii

Return showing towns in Ireland that have elected Town Commissioners under the provisions of the Town's Improvement Act of last session, Vol. XLV 11(4 June, 1856)

Report of the Steering Group on Local Authority Records and Archives (Dept' of Environment, Customs' House, Dublin, 1996)

Other Printed Primary Sources

Hansard, *Parliamentary debates, third series,* 1830-91, xiii

Thom's Irish Almanac and official directory of the United Kingdom of Great Britain and Ireland. Alexander Thom, Printer and Publisher (Dublin 1865)

Transactions of the Society of Friends during the famine in Ireland (Edmund Burke Publisher, Dublin 1996)

NEWSPAPERS

Athlone Independent, 1833-36

Athlone Sentinal, 1834-73

Carlow Morning Post, 1818-35

Carlow Sentinal, 1832-54

Drogheda Conservative Journal, 1837-48

Kings County Chronicle, 1845-1919

Kilkenny Journal, 1830-190

Leinster Express and General Advertiser for the Queens and Kings Counties and the County of Kildare, 1832-87

Meath Herald, 1845-96

Westmeath Guardian, 1846-1887

CONTEMPORARY WORKS

Carr, J., 'The Stranger in Ireland (1805)' in J. P. Harrington (ed), *The English Traveler in Ireland* (Dublin, 1991), pp199-210

Head, F. B., 'A Fortnight in Ireland (1852)' in P. J. Harrington (ed), *The English Traveler in Ireland* (Dublin, 1991), pp 275-290

Inglis, H, D., 'A Journey throughout Ireland (1855)' in J. P. Harrington (ed), *The English Traveler in Ireland* (Dublin, 1991), pp 223-232

Larkin, E., (ed and translator) *Alexis de Toqueville's Journey in Ireland, July-August 1835* (Dublin 1990)

Thackeray, W. M., *The Irish Sketchbook* (London 1843)

SECONDARY SOURCES

Books, Journal Articles, Papers and Unpublished Thesis

Andrews, J.H. with K.M. Davies in Andrews, Clarke and Simms (eds) *Irish Historic Towns Atlas No.5, Mullingar* (Dublin, 1992)

Andrews, J.H. *A Paper Landscape – The Ordnance Survey in Nineteenth Century Ireland* (Dublin, 2002)

Baker, A.R.H. *Geography and History, Bridging the Divide* (Cambridge, 2003)

Bellamy, C., *Administering central-local relations, 1871-1919: The Local Government Board in its fiscal and cultural Context* (Manchester, 1988)

Benson, M., 'The Pageantry of Assize time' in *Country Life* Vol.clxviii, No. 4336 September 26, 1980, pp 1089-1093

Bourdieu, P., *Practical Reason* (Cambridge, 1998)

Boyce, D. G., *Nineteenth –Century Ireland: The Search for Stability* (Dublin, 1990)

Breathnach, C., 'An Historical Geography of Social Class in Early Nineteenth-Century Dun Laoghaire' (Unpublished Ph.D. thesis, University of Dublin, 2005)

Bradley, J., *Kilkenny No. 10. Irish Historic Towns Atlas* (Dublin 2000)

Buchanan, R. H., and Wilson A., *Downpatrick No.8. Irish Historic Towns Atlas* (Dublin 1997)

Burke, J., *Athlone in the Victorian Era* (Athlone, 2007)

Butlin, R.A., *Historical Geography: Through the gates of space and time* (London, 1993)

Butlin, R.A., (ed), *The Development of the Irish Town* (London 1977)

Butler, T. and Robson, G., 'Plotting the middle classes: gentrification and circuits of education in London' in *Housing Studies, Vol. 18* (London, 2003), pp 5-28

Byrne, M., 'The Development of Tullamore 1700- 1921' (unpublished M.Litt. thesis, University of Dublin, 1980)

Cannadine, D., (ed), *Patricians power and politics in 19th century towns* (Leicester, 1982)

Clarke, H., Prunty, J. and Hennessy, M., (eds) *Surveying Ireland's Past: Multidisciplinary Essays in Honour of Anngret Simms* (Dublin, 2004)

Clarke, P., (ed), The *Cambridge Urban History of Britain 11, 1540-1840.* (Cambridge 2000).

Connolly, S., *Religion and Society in Nineteenth Century Ireland* (Dundalk 1985)

Connolly, S.J., Priests *and people in pre-famine Ireland 1870-1845* (Dublin, 2000)

Corrigan, P. and Sayer, D., *The Great Arch: English state formation as cultural revolution* (Oxford, 1985)

Costello, C., 'Naas and the Country in general from 1800-1847' in *Journal of County Kildare Archaeological Society*, 13 (8), 1960, pp 423-441

Costello, C., *A Class Apart: The great families of County Kildare* (Dublin, 2005)

Costello, C., 'Two priests of Naas', in *Journal of County Kildare Archaeological Society* 17(5), 1991, pp 34-48

Cragoe, M., 'Conscience or coercion? Clerical influence at the general election of 1868 in Wales' *Past and Present* No. 149, November 1995 (Oxford 1995), pp 140-169

Crampsie, A., 'Governmentality and Locality: An Historical Geography of Rural District Councils in Ireland, 1898-1925' unpublished PhD thesis, University of Dublin, 2007

Crampton, J. W. and Elden, S., (eds) *Space, Knowledge and Power; Foucault and Geography* (Aldershot, 2007)

Cronin, D. A., Guilligan, J. and Holton, K., (eds) *Irish Fairs and Markets; Studies in local history* (Dublin, 2001)

Daly, M. E., 'Irish Urban History: a survey' in *Urban History Yearbook 1986* (Leicester, 1986), pp 61-71

Cullen, L.M., *Irish towns and villages* (Dublin, 1979)

Daunton, M., (ed), *The Cambridge Urban History of Britain 111* (Cambridge 2000)

Driver, F., *Power and pauperism: the workhouse system, 1834-1884* (Cambridge, 1993)

Dudley Edwards, R., and Williams, S., (eds) *The Great Famine – Studies in Irish History* (Dublin, 1994)

Duffy, H., *James Gandon and his times* (Kinsale 1999)

Duffy, P.J., 'Nineteenth and twentieth century settlement' in T.Barry (ed), *A History of Settlement in Ireland* (London, 2000), pp 206-208

Falvey, J., *The Cronicles of Middleton* (Middleton, 1998)

Fisher, A., Cotton A. and Reed B., 'Public Health Reform: lessons from history' in *Proceedings of the Institution of Civil Engineers – Municipal Engineers*, 159 (1) 2006, pp 3-10

Flynn, T., 'Foucault among the Geographers' in Crampton and Eldon (eds) *Space Knowledge and Power; Foucault and Geography* (Aldershot, 2007) pp 59-64.

Foster, R.F., *Modern Ireland 1600-1972* (London 1989)

Foucault, M., translated by Sheridan Smith A.M., *The Archaeology of Knowledge* (London 2000)

Foucault, M., *Power: The essential works 3* (London, 1994)

Foucault, M., *Discipline and punish: the birth of the prison* (Harmondsworth, 1979)

Foucault, M., translated by Gordon C., 'Questions on Geography' in Crampton and Eldon (eds) *Space Knowledge and Power; Foucault and Geography* (Aldershot, 2007), pp 173-182

Garner, W., *Carlow's Architectural Heritage* (Dublin, 1980)

Graham, B.J. and Proudfoot, L.J. (eds) *An Historical Geography of Ireland* (London 1993)

Geary, F., 'Regional industrial structure and labour force decline in Ireland between 1841 and 1851' in *Irish Historical Studies,* 30(118), 1996.

Glin, The Knight of, 'A Sovereign Row in Naas' in *Journal of the County Kildare Archaeological Society* , 15(1), 1971, p.23

Graham, B.J. and Proudfoot, L. J., 'Landlords, planning and urban growth in eighteenth and early nineteenth century Ireland' in *Journal of Urban History*, 18(3), 1992

Gray, P., 'National Humiliation and the Great Hunger: fast and famine in 1847' *Irish Historical Studies* 126(32), 2000, pp 193-216

Gulliver, P.H., and Silverman, M., *Merchants and shopkeepers; a historical anthropology of an Irish market town, 1200-1991* (Toronto, 1995)

Haines, M.R., 'Growing incomes, shrinking people – Can economic development be hazardous to your health? Historical evidence for the United States, England and the Netherlands in the nineteenth century' in *Social Science History*, 28(2), 2004, pp 249-270

Hannah, M., *Governmentality and the mastery of territory in nineteenth-century America* (Cambridge University Press, 2000)

Harkness, D., and O'Dowd, M., (eds) *The Town in Ireland* (Belfast 1981)

Harris, C., 'Theory and Synthesis in Historical Geography' in *Canadian Geography,* 15 (3), 1971, pp 157-172

Harris Tom, 'Fairs and markets in the environment of County Meath' in *Riocht Na Midhe*, 9 (4), 1998, pp 149-169

Hennessy, M., in Simms, Clarke and Gillespie (eds) *Trim, No.14. Irish Historic Atlas* (Dublin 2004)

Hennock, E. P., *Fit and proper persons: Ideal reality in 19th century urban government* (London 1975)

Hester, P. J., 'Urban change in late 19th and early 20th century Ireland – Kildare town 1865-1911', Unpublished B.A. dissertation, University of Dublin, 2005)

Hoppen, K. T., *Elections, Politics and Society in Ireland 1832-1885* (Oxford 1984)

Hoppen, K.T., 'National politics and local realities in mid-nineteenth century Ireland' in A. Cosgrove and D. McCartney (eds) *Studies in Irish History* (Dublin, 1989)

Hoppen, K. T., *Ireland since 1800. Conflict and conformity* (London 1999)

Huxley, M., 'Geographies of Governmentality' in Crampton and Eldon (eds), *Space Knowledge and Power; Foucault and Geography* (Aldershot, 2007), pp 185-203.

Innes, J. and Rodgers, N., 'Politics and government 1700-1840' in P. Clarke (ed), *The Cambridge Urban History of Britain 11* (Cambridge 2000)

Jenkins, R., *Pierre Bourdieu: Revised Edition,*(Routledge, London, 2002)

Johnson, R. J. et al (eds) *The Dictionary of Human Geography, 4th edition* (Malden, USA, 2000)

Jones-Hughes, T., 'Village and town in mid-nineteenth century Ireland' in *Irish Geography*, 14, 1981, pp 99-106

Jones, P., 'Studying the middle class in nineteenth century urban Britain' in *Urban History Yearbook 1987* (Leicester, 1987), pp 22-31

King, T., 'Carlow, the manor and town, 1674-1721' *Maynooth studies in local history,* 12, Dublin, 1997

Ladd, B.K., 'Public baths and civic improvement in nineteenth century German cities' in *Journal of Urban History*, 18 (3), 1988, pp 372-393

Lampson, G. L., *A Consideration of the state of Ireland in the nineteenth century* (London, 1907)

Lane, F., *In search of Thomas Sheahan, radical politics in Cork, 1824-1836* (Dublin, 2001)

Larkin, E., (ed. and translator) *Alexis de Toqueville's Journey in Ireland, July-August 1835* (Dublin, 1990)

Lenihan, J.,'Politics and society in Athlone 1830-1885, A Rotten Borough' in *Maynooth studies in local history*, 26, 1998, pp 34-43

Lewis, S., *A topographical dictionary of Ireland* (London, 1937)

Logan, P., *Fair Day-The story of Irish fairs and markets* (Belfast, 1986)

Lyons, F.S.L. and Hawkins, R.A.J. (eds) *Ireland under the Union: Essays in honour of T.W.Moody* (New York, 1980)

Lyons, F.L.S., *Ireland since the Famine* (London, 1985)

Lyons, M. C., *Manorial administration and the manorial economy in Ireland, c. 1200-1377,* unpublished Ph.D. thesis, University of Dublin, 1984

Mason, H., *The Development of the urban pattern of Ireland 1841-1881,* Unpublished Ph.D.thesis, University of Wales, 1969)

MacDonagh, O., 'Ideas and Institutions, 1830-45', in W.E. Vaughan (ed), *A New History of Ireland, V, Ireland under the Union, 1, 1801-70* (Oxford, 1989)

MacDonagh, O., *States of mind: a study of Anglo-Irish conflict 1780-1980* (London, 1983)

Mc Dowell, R.B. 'Public opinion and Government policy in Ireland 1801-1846' in T. W. Moody (ed), Studies *in Irish History,* 5, 1975

Mc Dowell, R.B. *The Irish Administration, 1801-1914* (London, 1964)

McFarlane, C., 'Governing the contaminated city: Infrastructure and sanitation in colonial Bombay' in *International Journal of Urban and Regional Research,* 32(2), 2008, pp. 415-435

Mc Hugh, N., 'Drogheda before the famine – Urban poverty in the shadow of privilege, 1826- 45' in *Maynooth studies in local history* (19), 1998, pp 23-32

MacRaild, D., *Irish Migrants in Modern Britain, 1750-1922* (London, 1999)

Malcolm, E., 'The reign of terror in Carlow: the politics of policing Ireland in the late 1830s' in *Irish Historical Studies,* 125, (32), 2000, pp 59-74

Milne, K., 'The Irish Municipal Corporations in the Eighteenth Century' Ph.D thesis, University of Dublin, 1962-1963

Milne, K., 'The Council Books of Naas 1665-1842' in *Journal of County Kildare Archaeological Society*, 14 (2), 1966-97, pp 260- 266

Martin G.H.,& McIntyre Silvia, *A Bibliography of British and Irish municipal history* (Leicester, 1972)

Morris, R.J., 'A year in the life of the British bourgeoisie' in Colls and Rodger (eds) *Cities of Ideas: Civil Society and Urban Governance in Britain, 1800-2000* (Aldershot, 2004), pp 121-143

Murray, A.C., 'Nationality and local politics in late nineteenth century Ireland: the case of County Westmeath' in *Irish Historical Studies*, 98 (25), 1986, pp 144-158

Nash, C., Historical Geographies of Modernity' in C. Nash and C. Graham (eds) *Modern Historical Geographies* (Essex, 2000)

Murtagh, H., in A. Simms, and H.B. Clarke (eds) *Irish Historic Towns Atlas No.6, Athlone* (Dublin, 1985)

Ni Neil, R., 'Records of Central and Local Government after 1700' in W. Nolan, and A. Simms (eds) *Irish Towns, a guide to sources* (Dublin, 1998), pp 88-119

Nolan, W., *Fassadinin: Land, settlement and society in south-east Ireland, 1600-1850* (Dublin,1979)

Nolan, W., 'The land of Kildare: Valuation, Ownership and Occupation 1850-1906' in W. Nolan, and T. McGrath (eds), *Kildare History and Society* (Dublin, 2006)

Nolan,W & McGrath, T. (eds) *Kildare History and Society* (Dublin, 2006)

Nolan, W.and Simms, A., (eds) *Irish Town - a guide to sources* (Dublin, 1998)

O'Brian, J. and Guinness, D., *Great Irish Houses and Castles* (London, 1992)

O'Brien, R. B., *Fifty years of concessions to Ireland 1831-1881* Volume 1(London, 1925)

O,Brien, S., 'Famine and community in Mullingar Poor Law Union 1845-1849, mud cabins and fat bullocks' in *Maynooth studies in local history* , (21), 1998, pp 42-51

O'Conlain, M. and Illingworth, R., 'Mullingar Town Commission' in M. Farrell (ed) *Mullingar – Essays on the History of a midlands town in the nineteenth-century* (Westmeath Co. Council, 2002), pp 179-187

O'Connor, P.J., *Exploring Limerick's past: an historical geography of urban development in county and city* (Newcastle West, 1987)

O'Dalaigh, B., *Corporation Book of Ennis* (Dublin, 1990)

O'Grada, C., 'Industry and communications, 1801-45' in W.E. Vaughan (ed), *A new History of Ireland: Volume V, Ireland under the Union 1801*-70,1(Oxford, 1989), pp 137-155

Ogborn, M., 'Local power and state regulation in nineteenth century Britain' in *Transactions of the Institute of British Geographers* New Series, 17 (2), 1992, pp 215-226

O'Flanagan, P., in Simms and Clarke (eds) *Irish Historic Towns Atlas No3. Bandon* (Dublin, 1988)

O'Flannagan, P., 'Markets and fairs in Ireland, 1600-1800: Index of economic development and regional growth' in *Journal of Historical Geography* 11 (4), 1985, pp 364-378

O'Dowd, A., *Spalpeens and tattie hokers* (Dublin, 1991)

O Maitiu, S., *Dublin's Suburban Towns 1834-1980* (Dublin, 2003)

Palmer, S. H., *Police and Protest in England and Ireland 1780-1850* (Cambridge, 1988)

Pendeville, G., 'The social magic of correspondence: conceptions of the mails in nineteenth century Ireland' in *Journal of Historical Geography* (31), 2005, pp 459-477

Pooley, C. G. and Turnbull, J., 'Changing home and workplace in Victorian London: The life of Henry Jaques, shirtmaker' in *Urban History,* 24 (2), 1997, pp 148-178

Proudfoot, L.J., 'Regionalism and Localism: Religious Change and Social Protest, c.1700-1900' in Graham, B.J. and Proudfoot, L.J.(eds) *An Historical Geography of Ireland* (London, 1993), pp 219-257

Proudfoot L.J., *Urban Patronage and Social Authority: The Management of the Duke of Devonshire's Towns in Ireland* (Washington, 1995)

Prunty, J., *Dublin Slums, 1800-1925: A Study in Urban Geography* (Dublin, 1998)

Prunty, J., *Margaret Aylward, 1810-1889: Lady of Charity, Sister of Faith* (Dublin, 1999)

Raffestin, C., Translated by G. Moore, 'Could Foucault have Revolutionized Geography' in Crampton and Eldon (eds) *Space Knowledge and Power; Foucault and Geography* (Aldershot, 2007), pp 129-137

Rodger, R. and Colls, R., 'Civil society and British cities' in Colls and Rodger (eds) *Cities of Ideas: Civil Society and Urban Governance in Britain 1800-2000* (Aldershot, 2004), pp 1-29

Sandberg, L. G. and Steckel,R.H., 'Was Industrialization Hazardous to your Health? Not in Sweden!' in R. Steckel and R .Floud (eds) *Health and Welfare during Industrialization* (1997), pp 127-160

Silverman, M. and Gulliver, P.H., "Common Sense" and 'governmentality' local government in south-eastern Ireland, 1850-1922' in *Journal of the Royal Anthropological Institute,* 12 (1), 2006, pp 109-127

Simms, A. and J.H. Andrews (eds) *Irish Country Towns* (Cork 1994)

Simms, A. and J.H. Andrews (eds) *More Irish Country Towns* (Dublin1995)

Simms, A. and Simms, K., in J.H. Andrews and A. Simms (eds) *Irish Historic Towns Atlas No.4, Kells* (Dublin, 1990)

Smith, J., 'Urban elites c. 1830-1930 and urban history' in *Urban History*, 27(2), 2000, pp 255-275

Steele, E.D., 'Cardinal Cullen and Irish Nationality' in *Irish Historical Studies*, 75 (14), 1975, pp 239-260

Sweet, R., 'Freemen and independence in English Borough politics c1770-1830' *Past and Present,* 161 (5), 1998, pp 84-115

Swift, R., 'The outcast Irish in the British Victorian city: Problems and perspectives' in *Irish Historical Studies,* 99 (15), 1987, pp 264-276

Vanston, G. T.B., *The Law relating to Municipal Towns under the Towns Improvement (Ireland) Act 1854* (Dublin, 1900)

Vaughan, W.E. and A.J. Fitzpatrick (eds) *Irish Historical Statistics; population1821-1971* (Dublin, 1978)

Vaughan, W.E. (ed), *A New History of Ireland, V, Ireland under the Union 1801-70* ,1(Oxford, 1989)

Webb, J. J., *Municipal Government in Ireland, Medieval and Modern* (Dublin, 1918)

Whelan, K., 'The Catholic parish, the Catholic chapel and village development in Ireland' in *Irish Geography*, (16), 1983, pp 1-15

Whelan, K., 'The regional impact of Irish Catholicism 1700-1850' in Smith and Whelan (eds), *Common Ground* (Dublin, 1988), pp 129-70

Whelan, K., 'The catholic church in County Tipperary 1700-1900' in W. Nolan (ed), (Dublin, 1985), pp 215-55