

net, who passed away in 2007. From communications through Ancestry.co.uk, this author is satisfied that the Irwin family lives on in America.

- 79 Death record procured by this author from the Civil Registration Office of Ireland. This confirms that she died of phthisis at the home of her relative Mary Donovan, on Barrack Hill. Amelia was the last of the Irwin family to die in Clonakilty.
- 80 *Southern Star*, 9 Feb. 1895.
- 81 Marriage record, 23 Sep. 1875, Clonakilty parish, microfilm 04772 / 03, p. 170, CPR, NLI; civil marriage record procured by this author from the Civil Registration Office of Ireland. Ellen was the daughter of Patrick Foley, a farmer. On the marriage record she is described as a publican which suggests that she owned the pub herself.
- 82 *Cork Examiner*, 21 Apr. 1876.
- 83 *Cork Examiner*, 16 Jan. 1888.
- 84 *Cork Examiner*, 16 Jan. 1888. By 1879, £1,039 was owed to the Munster and Leinster Bank in Bandon and £1,270 to the Bank of Ireland in Clonakilty. According to the newspaper report, Ellen operated a loan office in the pub at Strand Road. James returned to America in 1882 and lived in San Francisco where he died in 1898, see *San Francisco Chronicle*, 26 Apr. 1898.
- 85 *Cork Constitution*, 17 Aug. 1889. The property was sold in two lots. Lot one was purchased by Jeremiah McCarthy for £310 and lot two by Mr O'Donovan for £50.

THE ESTABLISHMENT AND WORKINGS OF CLONAKILTY TOWN COMMISSIONERS 1840–99

Dr Matthew Potter



This article is based on research undertaken for a forthcoming history of Clonakilty Corporation/Town Commissioners/Urban District Council/Town Council from 1613 to 2014 by Matthew Potter, which is due to appear in 2018.

Introduction

In the eighteenth and early nineteenth centuries, Irish towns were governed by borough corporations that were sectarian (under Church of Ireland control), unrepresentative, inefficient, corrupt and provided few services. Clonakilty Corporation was a typical example of these municipal local authorities. Established in 1613, it was owned and controlled by the Earls of Cork until 1738 and thereafter by their descendants the Earls of Shannon. By the early nineteenth century it was in an advanced state of decay. The Act of Union had ended its role as a parliamentary constituency, and it neglected its other functions. It was a closed corporation, which meant that its members were chosen by co-option rather than election, and were thus completely unaccountable to the townspeople. It was also a sectarian body, entirely Church of Ireland in its composition, from which all Catholics were excluded.

Corruption and jobbery were rife. From 1828 to 1840, the office of sovereign (mayor) of Clonakilty was held by John Leslie, a Cork banker and land agent of Lord Shannon. Leslie and the third Earl of Shannon were married to two sisters. In 1833, eight of the eighteen-member Clonakilty Town Council were either members of the Townsend family of Castletownshend or connected with them. The Townsends were close allies of the Boyles.¹

In response to the decadence of its urban government system, Ireland underwent a Municipal Revolution between 1828 and 1899 which had five main results. Firstly, the modern system of urban government was established. Secondly, central government began to take an active role in regulating town councils for the first time, by abolishing the old borough corporations, and introducing legislation that was applicable nationally to facilitate the establishment of new municipalities. Thirdly, the rising Catholic middle class of shopkeepers, publicans and professionals gained control of a significant aspect of the administrative machine for the first time. Fourthly, municipal councils were given a significant role in the provision of services such as cleaning, paving and lighting of streets to begin with and, from the 1870s onwards, social housing, technical education and public health, a process known as municipal socialism. Finally, municipalities were the first elected bodies to come under nationalist control in the 1870s and 1880s, and were to play a pivotal role in advancing Home Rule and later Sinn Féin. The landlord-controlled grand juries survived as the governing bodies of Irish counties until 1899, but most of the borough corporations, town boards and poor law boards outside Ulster were taken over by nationalists in the 1870s and 1880s.²

Reforming Legislation

Clonakilty received its town council as part of the Municipal Revolution which was inaugurated by the Lighting of Towns Act (1828) and the Town Improvements Act (1854).³ The Lighting of Towns Act provided a framework under which an urban area could elect a body of commissioners with powers to provide services such as paving, cleaning and lighting the streets, building sewers, drains, wells and water pumps, and providing a fire engine. These urban authorities were financed by a limited rate levied on all properties worth £5 or more annually. Neither of these two acts was compulsory, but were voluntary

measures that had to be adopted by a particular town using a clearly defined procedure. This is why before 2014, some Irish towns had municipal councils and others did not.⁴

Local elections were held every three years in towns that adopted the 1828 Act and annually in towns that adopted the 1854 Act. Each town board elected a chairman annually to serve for one year, but there was no limit to the number of terms a chairman could serve. No other title such as mayor, provost or sovereign could be used by the chairman of a town board.⁵

The Town Improvements Act broadened the provisions of the Lighting of Towns Act by widening the municipal electorate to householders with £4 instead of £5 annual valuation and increasing the pool of potential councillors from householders with £12 instead of £20 annual valuation.⁶ Nevertheless, few reformers envisaged the introduction of a democratic system of local government. The old system was considered in need of reform, not because the bulk of the population was excluded but because the bulk of the propertied section of society was excluded. Consequently, the purpose of reform was not to introduce the masses into the political process but to make local government more broadly representative of the 'respectable' middle classes who were thought to have had a stake in the system, the common sense and education to exercise their political rights sensibly, and who provided the bulk of municipal revenue.⁷

Clonakilty Town Commissioners Adopt the Lighting of Towns Act

The Municipal Corporations (Ireland) Act of 1840 resulted in the abolition of all of the borough corporations that still existed in Ireland, including Clonakilty Corporation. Although it had been an ineffective, closed and sectarian body, its abolition resulted in a campaign to replace it with a town council under the Lighting of Towns Act of 1828. To adopt the 1828 Act, twenty-one householders residing in houses valued £20 or more were required to instigate the process of adopting the act. The first step was the submission of a petition signed by some of Clonakilty's most prominent citizens to the Lord Lieutenant of Ireland asking him 'to authorise that the said act may be carried into execution in said town'.⁸ The next step was the holding of a

public meeting of ratepayers in the courthouse on 12 October 1840 chaired by John Leslie, who was still Sovereign of Clonakilty. After some discussion, the decision to adopt the act was approved, but only in respect of sweeping and cleaning the streets.⁹

Householders residing in houses valued at £5 or more were then eligible to vote for Town Commissioners. To be eligible for election an individual was required to be a householder of a property valued at £20 or more. A list of qualified householders, whose property was valued at £20 or more, was sent to the Lord Lieutenant in Dublin Castle for approval by the Law Officers of the Crown. The list was returned to Clonakilty and discussed at a further meeting on 22 October. At this reconvened meeting held in the courthouse and attended by a large crowd, the Chairman John Leslie inquired

whether people would be satisfied with those persons selected by the gentlemen, and being answered in the affirmative, the gentlemen retired to an inner room. After deliberating for about half an hour they came into Court with the following names: Winspear Toye, Thomas Barry, James Sweeny, James Molony, Rev. Dr Henry Stewart, Rev. D. Walsh, Rev. T. Toye, William F. Atkin, Thomas Kingston, James Toohig, John Calanan, James Allen, Maurice Power, Francis Bennet, Cornelius McCarthy, John Donovan, Timothy Deasy, Patrick O’Hea, Cornelius Crowley, John O’Hea and John Murray. After the names were read over, the Chairman moved that such persons be elected Commissioners which was unanimously agreed to.¹⁰

Leslie concluded the meeting by saying: ‘Gentlemen, it is now my duty, as Chairman, to inform you that a Council of Commissioners are elected – that the present Corporation has ceased to exist – and that the provisions of the Act relating to cleansing are adopted’.¹¹

Clonakilty Town Commissioners Adopt the Towns Improvement Act

The effects of the Great Famine took its toll on Clonakilty and the population dropped from 3,993 in 1841 to 3,297 in 1851.¹² Consequently, by 1852, the

number of townspeople in Clonakilty in occupation of property with a minimum annual valuation of £20 and thus eligible to sit on the council had dropped to thirteen, so the number of councillors also fell to that number. In the 1860s, Clonakilty enjoyed greater prosperity, and the membership of the council was usually fifteen.¹³

In 1856, Clonakilty Town Commissioners applied to adopt the Towns Improvement Act of 1854, in order to acquire more powers and financial resources. However, this proposal was opposed by many of the local landowners who feared an increase in the rates. In 1869, the Town Commissioners again applied to be put under the 1854 Act, and on this occasion were successful. At the same time, the area of the town was fixed at 1,086 acres (422 hectares).¹⁴

In 1881 an unsuccessful attempt was made to extend the town boundary when the Town Commissioners unanimously approved the extension proposed by the Royal Commission to Inquire into Boundaries and Municipal Areas of Cities and Towns in Ireland. The extension proposed to take in both sides of the bay from the town to Ring Pier and the townland of Youghals on the other side ‘in order that it may be used at some future time for sanitary or other purposes’.¹⁵ However, this proposal was never adopted and the original boundary remained in place until the Town Council was abolished in 2014.¹⁶

Clonakilty Town Commissioners at Work

From 1840 to 1953, Clonakilty Town Commissioners/Urban District Council (UDC) met in the old town hall and market house on MacCurtain Hill (formerly Barrack St) which it had inherited from the Corporation.¹⁷ Like all local authorities, the two principal functions of Clonakilty Town Commissioners were that of representative body and service provider. Under the Municipal Corporations (Ireland) Act of 1840, the property of the defunct Clonakilty Corporation was transferred to the new Town Commissioners who were recognised as its successor. From 1840 to 1869, local elections to fill all the seats on the council were held every three years, but from 1869 onwards, annual elections were held for one third of the seats. Initially, voting was open with each voter announcing publicly his voting preference until the introduction of the secret ballot in 1872. Each commissioner sat for a three-year term, but could stand for an unlimited number of terms.¹⁸



Fig. 1: Former town hall and market house on MacCurtain Hill, Clonakilty
(Photo: Tomás Tuipéar 2017).

In 1852, the electorate numbered 180 out of a total population of 3,297 as only householders with property worth £5 annually were allowed to vote.¹⁹ By 1885, it had increased to 411 out of a total population of 3,676, partly because the municipal electorate then included householders with £4 annual valuation. Before 1899, membership of the Town Commissioners was confined to a prosperous elite of merchants, shopkeepers, publicans and professionals.²⁰

In 1883, Clonakilty was made a sanitary authority which gave the town independence from the local poor law union and gave the Town Commissioners authority to provide social housing and other services. This was the origin of Clonakilty's status as an Urban District Council.²¹

Municipal authorities in Co. Cork were administered by the councillors themselves until the introduction of the county management system in 1942. Council chairmen were much more powerful figures than their modern counterparts, combining the modern ceremonial role with some of the powers of a city or county manager. However, their effectiveness was hampered by serving only for annual terms, although several served for more than one.²²

Working under their direction was a small staff of whom the most senior was the town clerk, whose role as day-to-day chief executive was similar to that of the modern city manager.²³ Before Independence, town clerks were elected by their fellow commissioners, rather than appointed following formal interview. In the absence of a superannuation scheme, many town clerks served until their death. In Clonakilty, the post was monopolised by the Davis family for thirty-two years. John Davis held office from 1869 until 1886 and was succeeded in turn by his two sons, Thomas (1886–93) and Frank (1893–1901).²⁴

Initially, party politics played a subordinate role in the working of the Town Commissioners, except for a brief period in the 1840s, which coincided with Daniel O'Connell's Repeal campaign. On 5 June 1843, Clonakilty Town Commissioners voted unanimously to petition both Houses of the British Parliament for a repeal of the Act of Union.²⁵ From the 1850s onwards, the Commissioners tended to avoid politics, although their general ethos was unionist.²⁶ However, this changed with the political polarisation introduced by the Land League and the Home Rulers in the 1880s. In Clonakilty, the Catholic elite was in charge of the Town Commissioners from the start, but moved from support of the Liberal Party to support of Home Rule in the 1870s.²⁷ In the 1880s, they were further radicalised by the land agitation. On

8 January 1881, the Town Commissioners drew up a petition to the House of Commons asking for the Land League's demands to be granted.²⁸ From the 1870s onwards, Clonakilty Town Commissioners remained supporters of Irish independence, but the use of party political labels in local politics only began in the town's local government in 1920 and did not become a regular feature until 1934.²⁹

The provision of services was always central to Clonakilty Town Council. At the time of its establishment, it inherited a number of properties from the old Corporation: the town hall, the fish market house, the shambles and half of the fair green. In the nineteenth century, one of the Town Commissioners' main functions was administering the local fairs and markets. Of the twelve annual fairs held in Clonakilty, five were administered by the Town Commissioners who collected tolls at them, while the other seven were 'free fairs' at which they were not empowered to collect tolls. The Town Commissioners administered the weekly markets held in the town and collected tolls at all of them.³⁰

Although now parish pump politics has come to symbolise narrow localism, in reality this facilitator of common access to fresh water was a major advance for nineteenth-century Irish towns. In 1871–2, Clonakilty Town Commissioners established the town's first public water supply. They constructed a reservoir, from which metal pipes carried water to seven pumps situated all over the town. Water was not piped to individual houses until much later.³¹

Clonakilty never had a system of gas lighting or a gas company. This was very unusual as Ireland was one of the first countries in the world to develop its gas industry. Instead, public lighting in Clonakilty was provided by oil lamps owned by the Town Commissioners and lit by one of their employees. In 1876, the whole town was lit by these oil lamps and Daniel O'Leary, Chairman of Clonakilty Town Commissioners, told a Royal Commission enquiring into the taxation of Irish towns that

We have forty lamps in which we burn gasoline oil and I must say that the lighting has given general satisfaction. I heard a lady say that she preferred it to the light of the lamps in Dublin [which was provided by gas]. The lamps are lighted from dark till nearly twelve o'clock.³²

In 1913, the oil lamps were replaced when electric lighting was introduced to Clonakilty.³³

The End of Clonakilty Town Commissioners

The Local Government Act of 1898 brought the old Clonakilty Town Commissioners to an end. Under the 1898 Act, the Town Council was renamed Clonakilty Urban District Council as it had already gained independence from the local poor law union in 1883.³⁴ Another provision of the act was that local elections were to be held every three years instead of annually, except in boroughs and UDCs, where annual elections of a proportion of the council instituted in the acts of 1840 and 1854 were allowed to continue. However, urban councils were given the option of adopting the triennial system, if two-thirds of their total membership voted in favour. Clonakilty UDC voted in favour of the triennial system and on 22 November 1899 was allowed to change from annual to three-year local elections, with effect from 1902.³⁵ The 1898 Act also resulted in a considerable widening of the electorate in Clonakilty which was granted to all householders and occupants of a portion of a house. Women were given the right to vote in local elections for the first time, provided that they satisfied the same criteria as men, though they were not allowed to vote in parliamentary elections until 1918. In Clonakilty, the number of voters increased from 411 in 1885 to 539 in 1899, of whom 137 were women.³⁶

Clonakilty Town Commissioners operated for fifty-nine years and during that time achieved a great deal. Although elected under a very narrow franchise, they empowered a much larger proportion of the town's population than under the old Corporation by enabling them firstly to establish municipal government and secondly manage it themselves. The Protestant ascendancy was overthrown and the Catholic propertied classes took command of Clonakilty. The Town Commissioners were far from perfect, but they certainly demonstrated a greater willingness than the jaded and inefficient Corporation to tackle a wide range of problems. They made a start on paving, cleaning, and lighting the town, managed the fairs and markets, and established a rudimentary water supply. In short, Clonakilty Town Commissioners laid the foundations for the successful local government system that the town was later

to enjoy until 2014 when it was dissolved as part of the nationwide dissolution of town councils under the Local Government Reform Act (2014).

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