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Municipal Government and Urban Decline in Downpatrick, 1829-1888

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Abstract

Demographic and economic decline were common features of towns in nineteenth century Ireland, although less so in the industrial north-east. This study concerns the decline of the Irish county town of Downpatrick in the economically successful region of north-east Ulster during the nineteenth century. It focusses on the role of the urban elite as a factor in the processes which turned Downpatrick from a prosperous place into what a contemporary source described as a ‘dilapidated’ one.

This study challenges Matthew Potter’s thesis in *The Municipal Revolution in Ireland* on three main grounds. Firstly, the development of Downpatrick Town Commissioners as an urban authority is shown to question Potter’s emphasis on the centralizing tendencies of parliamentary legislation as a major factor in the ‘municipal revolution’. It is here argued that localism was a stronger force, which in Downpatrick meant a failure to develop meaningful municipal government. Secondly, it refutes Potter’s contention that Ulster was significantly different to the rest of Ireland. Engagement and disengagement with improving legislation was not dependant on location. Thirdly, it disagrees that government intervention after 1840 displaced the partnership between proprietors and tenants, instead arguing that in Downpatrick the urban elite continued to be over-reliant on the proprietor, despite his increasing impoverishment. Accordingly, the elite missed opportunities to improve the town’s economic infrastructure.

The final section is a case study of the operation of the Sanitary Act 1866, in which the inadequacy of the Lighting Act as a foundation for municipal government is demonstrated, and the pursuit of narrow self-interest on the part of the urban elite is shown to have fostered urban decline. The study concludes that, despite external factors which influenced Downpatrick’s decline, the attitude of the elite was fundamental. Their failure to cooperate in order to develop a level of local government which could have facilitated urban improvement was one aspect of this. Failure to invest their significant wealth in developing industry, was another.

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I declare that this dissertation is my own, unaided work and that I have not submitted it, or any part of it, for a degree at the Open University or at any other university or institution. Chapter 3, The Markets, the Port and the Railway is based on work I submitted for assessment in the A825 End of Module Assessment.

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And for the loan of a book.

Dedication

For George and our girls

Rachel

Harriet

Frances (1987-2016)

1: Introduction

At the start of the nineteenth century Downpatrick was a small, but locally important, town in an agriculturally rich area in the Irish province of Ulster, situated about 20 miles south of Belfast. It was the county town, an assize town, a cathedral town and a market town. Over the course of the eighteenth century, under the proprietorship of the Southwell family, the first attempts to drain the marshes around the town were made, and many fine public buildings were erected.¹ The port was lively with the export of grain and cattle, and the merchants who grew rich on trade took advantage of generous leases to build large houses in the town.² In 1831, Downpatrick was said to be ‘on the increase and thriving much; many persons are of opinion that it has more wealth in it than any other town of its size in Ireland’.³ When, in 1834, the estate was sold it was reckoned to be a sound investment for its new owner, David Ker.⁴ Townsmen revelled in the status of belonging to an ancient city and ‘the shire town of the model county of Ireland’.⁵ In retrospect, Downpatrick had already passed its zenith. At the 1831 census, the population stood at 4,784, but this proved to be a highpoint and thereafter it declined slowly at every census until the end of the century.⁶ In 1898 a railway guide noted that ‘Downpatrick had until lately a considerable trade, but during the present century has steadily declined and its appearance now is distinctly dilapidated’.⁷

¹ R.H. Buchanan and Anthony Wilson, *Irish Historic Towns Atlas, no. 8, Downpatrick*. (Dublin: Royal Irish Academy, 1997) p.6.

² Samuel Lewis, *Topographical Dictionary of Ireland*, 1837; Buchanan and Wilson, p.6.

³ *Instructions by Secretary for Ireland, Respecting Cities and Boroughs in Ireland sending Representatives to Parliament; Reports of Committees*, HC 1831-32, 43 (519) p.41.

⁴ Peter Carr, *Portavo: An Irish Townland and its Peoples*, (Belfast: White Row Press, 2005) pp. 447-8

⁵ ‘The Proposed Disenfranchisement of Downpatrick’, *Downpatrick Recorder*, 4 April 1868, p.1.

⁶ Buchanan and Wilson, p.7.

⁷ Cited in Buchanan and Wilson, p.7.

The middle decades of the nineteenth century were a period of agricultural depression, famine and depopulation all over Ireland. Demographic decline was a feature of urban Ireland.⁸ On the other hand, Downpatrick is located in east Ulster which was the most economically vibrant and successful region of Ireland during the period of study, and the least affected by the Great Famine.⁹ During this period, a series of Acts of Parliament promised to change the political and social landscape of Irish towns by increasing the opportunities for inhabitants to take the lead in urban improvement, rather than relying on the beneficence of the town's proprietor. This study is an attempt to see how Downpatrick responded to legislation designed to facilitate local improvements and increase local self-government, and to what extent this had a bearing on the town's development.

Primary sources

The main primary source has been the *Downpatrick Recorder*, which was the first newspaper published in Downpatrick, and was established in 1836 'on liberal principles and unencumbered by the trammels of party'.¹⁰ However, the shift in Ulster Protestant society towards Conservatism was already under way and the Recorder soon came to reflect this change. As Boyce and O'Day argue, a highly competitive market meant proprietors and editors needed to stay in step with their readers and 'the provincial press was far more a mirror of local beliefs than their harbinger'.¹¹ The *Recorder* rapidly built a large circulation - 5000 subscribers in the first year - and was soon being sold all over County Down and even in Counties Antrim and Armagh.¹² Other newspapers were published in the town during the nineteenth century but only the *Recorder* endured. The more

⁸ David Dickson, 'What happened to modern Irish urban history?', *Urban History*, 46 1 (2019) Cambridge University Press.

⁹ Kerby A. Miller and others, 'The great famine and religious demography in mid-nineteenth century Ulster', in *Atlas of the Great Irish Famine, 1845-52*, ed. by John Crowley and others.

¹⁰ *Ordnance Survey Memoirs of Ireland, Volume 17*, ed. By Angelique Day and Patrick McWilliams (Belfast: Institute of Irish Studies, QUB, 1992) p.47.

¹¹ Boyce, D. George, and Alan O'Day, 'A Time of Transitions', *Ireland in Transition, 1867-1921*, D. George Boyce and Alan O'Day (eds) (2004: London, New York, Routledge) p.4.

¹² Marcus Crichton, 'A History of the Down Recorder', *Lecale Review*, 15, (2017) p.56; *Newspaper Press Directory and Advertisers' guide*, 1847 <https://archive.org/details/newspaperpressdi00lond/page/326>

radical *Downshire Chronicle* lasted only from January 1839 until mid-1840; the more conservative, and decidedly Orange, *Downshire Protestant* from 1855-1862. It is thus reasonable to suppose that the *Recorder* reflected the conservative outlook of Downpatrick's elite, whose voices can be heard in its pages. As a result of the closure of libraries and archives during coronavirus restrictions, it has been impossible to access the *Downpatrick Recorder* beyond 1874, which is the limit of the British newspaper Library digitalization of this title. The gaps have been filled by other digitalized newspapers from the region; this has had the added benefit that newspapers with other political viewpoints have enriched interpretation of people and events.

The Town Commissioners have been a central part of this study, but no official records survive to document their history. Instead, this has been pieced together from many sources, including newspapers, town directories, travelogues, parliamentary enquiry reports, church and census records, and publications of the local history society.

Parliamentary enquiry reports, on a wide range of topics, have been a rich source of information specific to Downpatrick, and have also provided more general context. In addition, revealing differences between local points of view and those of central government often emerge during the enquiry process.

Secondary sources

The history of urban improvement in Ireland is rooted in the eighteenth and early nineteenth centuries. Where formerly it was believed that landlords were the progenitors of improvements on their estates, Graham and Proudfoot have shown that, right up until the Famine, improvement was more often a collaborative effort between patrons and leading tenants.¹³ While the agency of townsmen over that of landlords had opportunities to increase due to the weight of national

¹³ Graham and Proudfoot, p.311.

legislation aimed at modernizing local government, nonetheless, as Proudfoot argues elsewhere, until the late nineteenth century property remained vested in the lord of the soil.¹⁴ Matthew Potter argues that the formerly prevailing partnership between patrons and tenants, was, after the 1840s, supplanted by government intervention and the increasing dominance of the Catholic church.¹⁵ Legislation which abolished the old corporations and introduced modern municipalities facilitated significant empowerment of the Catholic bourgeoisie in all parts of Ireland except Ulster.¹⁶ In Potter's argument Ulster had been on a divergent path, socially, economically and religiously, since well before partition and thus needs 'separate treatment in a totally different work'.¹⁷ R.J. Morris observes that despite the best efforts of central administration, by the 1870s 'Ulster had proved especially adept at preserving the inconsistencies, privileges and exclusions of locality'.¹⁸ These theories of urban agency have been examined against the background of the changing relationships of competing and overlapping elements in Downpatrick's governance, and their influence on growth and decline.

New transport technology was an increasingly important factor in urban development. T.W. Freeman in his survey of Irish towns notes the importance of good transport connections to an agrarian economy where prosperity rested on the ability to export agricultural produce and import fuel, raw materials and manufactured goods.¹⁹ Prior to the coming of the railway, Downpatrick had enjoyed just this kind of prosperity. Although the arrival of the railway could provide an important boost to a local economy, Freeman argues that it actually varied considerably in its impact on the

¹⁴ L.J. Proudfoot, 'Property, Society and Improvement, c1700-1900', in *An Historical Geography of Ireland*, ed by B.J. Graham and L.J. Proudfoot (London: Academic Press, 1993), p.221.

¹⁵ Matthew Potter, *The Municipal Revolution in Ireland: a handbook of Urban Government in Ireland since 1800*, (Dublin: Irish Academic Press, 2011) p.75.

¹⁶ Potter, p.6.

¹⁷ Potter, p.6.

¹⁸ R. J. Morris, 'Urban Ulster since 1600', in *Ulster since 1600*, ed by Liam Kennedy and Philip Ollerenshaw, (Oxford: OUP, 2013), p.131.

¹⁹ T.W. Freeman, 'Irish Towns in the Eighteenth and Nineteenth Centuries', in *The Development of the Irish Town*, ed by R.A. Butlin (London: Croom Helm, 1977), p.134.

existing urban network, with towns on a mainline showing the most significant growth. In other words, it was not just the connection, but the quality of the connection that mattered, an idea of some importance to Downpatrick's development.

This study is concerned with several aspects of urban history. Firstly, it traces the development of municipal government in Downpatrick. Secondly, it examines the issue of agency in the relationship between the proprietor and his tenants. Thirdly, in its concern with what the elite thought about their town, its prospects, and the infrastructure which enabled trade, it touches on 'mentalities', which Hanna and Butler identify as an under-researched area of nineteenth century Irish urban history.²⁰

²⁰ Erika Hanna and Richard Butler, 'Irish urban history: an agenda', *Urban History*, 46.1 (2009) 2-9 <https://doi.org/10.1017/S0963926818000196> (accessed 6-12-20)

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MAP 1

Map showing the Borough of Downpatrick (red line); the municipal boundary proposed by Municipal Boundaries Commission 1881 (green line); and probable area of the town under the jurisdiction of Downpatrick Town Commissioners (blue line).

Royal Commission to Inquire into Boundaries and Municipal Areas of Cities and Towns in Ireland, Report, Part III, Supplement (Maps), HC 1881 50 [C3089-1]

IMAGE REMOVED FOR COPYRIGHT REASONS

MAP 2
Ordnance Survey of Northern Ireland
Downpatrick circa 1833, (Dublin: RIA, 1997)

2: Local government in Downpatrick, 1829-1888

My research falls within what Matthew Potter has designated the period of the ‘municipal revolution in Ireland’. In Potter’s thesis central government interventions in the form of a series of modernizing and improving Acts of Parliament allowed a rising Catholic bourgeoisie to first participate in, and then take over and transform, local government throughout most of Ireland. This process was central to the development of a nationalist consciousness and contributed to the establishment of an independent Ireland. In his study Potter largely excludes Ulster, and more particularly the six counties which became Northern Ireland, ‘as their development diverged so significantly ... even before partition’.¹ This chapter will examine the changes in municipal governance in Downpatrick to see if it is possible to answer Potter’s contention that Ulster was a special case, and to see how such changes in municipal governance might illuminate a narrative of urban decline.

Some of the ways in which municipal Ulster is alleged to be different, including ‘enjoy[ing] larger incomes...due to industrialization and a relatively strong rates base’ and consequently having the kind of money to build large town halls are true only of parts of Ulster.²

Downpatrick was closer in this respect to poorer towns in the south ‘where the lack of proper headquarters for town councils reduced their public profile and spatially reinforced their lack of civic ceremonial and traditions’.³ Its Town Commissioners held their meetings in the house of their clerk from 1829 until at least the end of 1866, when the demands of new legislation, principally the requirement to allow householders to attend their meetings, led

¹ Matthew Potter, *The Municipal Revolution in Ireland: a handbook of Urban Government in Ireland since 1800*, (Dublin: Irish Academic Press, 2011) p.6.

² Potter, p.157

³ Potter, p.158

them to think it might be time to acquire a separate office.⁴ Resistance to regulation and taxation was not confined to Ulster; towns which got as far as petitioning for the Lighting Act but which then voted against implementing any part of it included Lisburn, and Enniskillen, but also Athlone, Galway, and Wexford.⁵ In the same document, one hears the disgust of the town clerk of Tralee, who wrote in his official return that ‘this proposal was rejected by those householders paying the least taxes, who preferred danger, dirt and darkness to taxation’.⁶ The prosperity attached to industrialization benefitted only a small part of Ulster; essentially Belfast and the towns in the ‘linen triangle’ – but had the effect of drawing prosperity away from other towns, Downpatrick among them. The linen factory, breweries, a distillery, and a tobacco factory had all closed down by 1841, never to be replaced, and by 1877 there was no manufacturing industry in Downpatrick at all.⁷ The lack of a manufacturing base helped to cast a gloom over future prospects and made many reluctant to spend any money at all on improvements.⁸

Potter somewhat overstates the extent to which ‘central government began to take an active role in regulating the local state’.⁹ The characters of the different Acts which made up his ‘revolution’, principally The Lighting Act, the Poor Relief (Ireland) Act, the Municipal Corporations Act, and the Towns Improvement Act, were themselves very different. While it is true that the Poor Relief Act and the Municipal Corporations Act, were both highly regulatory and centrally controlled pieces of legislation, what is most noticeable about the

⁴ ‘Downpatrick Town Commissioners’, *Downpatrick Recorder*, 13 Oct 1866, p.1.

⁵ *Return of Towns in Ireland which have adopted Act 9 Geo IV, chapter 82; Amount of Rate levied in each Town*, HC 1836, 47 (306) pp3-9

⁶ *Ibid.* p.9.

⁷ R.H. Buchanan and Anthony Wilson, *Irish Historic Towns Atlas, no. 8 Downpatrick*. (Dublin: Royal Irish Academy, 1997) p.7; *Belfast and Ulster Directory 1877*, p.670.

⁸ ‘Downpatrick Gas Works’, *Downpatrick Recorder*, 20 February 1847, p.2.

⁹ Potter, p.1

Lighting Act, and to a slightly lesser extent the Towns Improvement Act, is the way in which they expressed localism rather than any centralizing tendency of the state. John Prest argues that the emphasis on the Whig tradition of centralized social legislation has marginalized the significant role played by the type of permissive legislation which could be tailored to local needs.¹⁰ It should be said, however, that Prest saw this type of legislation as significant in the development of local democracy, whereas in Downpatrick the very limited engagement with legislation tended to keep governance within an extremely tight circle of men.¹¹

The Lighting Act (Ireland) 1828

Prior to 1828, Irish towns wishing to establish an authority for carrying out improvements had to apply for their own Act of Parliament. These had become quite common during the eighteenth century urban renaissance, particularly in larger English towns, and were used for such improvements as widening streets, replacing cobblestones with paving stones, providing street lighting and cleansing, and the provision of night watchmen, while providing for a rating system to pay for it all and the authority to override 'the whims of individual householders'.¹² The Dublin Wide Streets Commission, for example, was established by Act of Parliament in 1757. The 1828 Lighting of Towns Act was itself based on a local act for Newry, but was generally applicable so that any town could apply it to its own needs while avoiding the time and expense of pursuing their own.¹³

¹⁰ Angus Hawkins, Review of John Prest, *Liberty and Locality: Parliament, Permissive Legislation and Ratepayers' Democracies in the Nineteenth Century* (1990) *Albion*, Vol 23, No. 3 (1991) 576-577

¹¹ Valerie Cromwell, Review of John Prest, *Liberty and Locality: Parliament, Permissive Legislation and Ratepayers' Democracies in the Nineteenth Century* (1990) *EHR* (Feb 1994) 216-217

¹² Peter Borsay, *The English Urban Renaissance, 1660-1770*, (Oxford: Oxford University Press, 1989) p.70-71.

¹³ Potter, p.79.

Downpatrick was an early adopter of the Lighting Act, ‘the first of three major foundation statutes [which] established the modern municipal system’.¹⁴ This Act enabled improvements in towns not already under a local improvement act, and was a permissive Act, meaning that any town might adopt so much of it as was deemed locally appropriate. By 1836

Downpatrick was one of only fifteen towns which had adopted the Lighting Act ‘either wholly or in part’, and one of twelve which were still operating at that date. In Downpatrick the ratepayers voted to authorise only the part of the Act which made provision for lighting the town.¹⁵

Who were the Town Commissioners?

The application to adopt the Act was supported with the signatures of 28 townsmen, at least 13 of whom were subsequently elected as Commissioners.¹⁶ The first Commissioners were elected in July 1829 and elections occurred triennially. The official records of the Town Commissioners, also known variously as Police Commissioners and Lighting Commissioners, are no longer extant for Downpatrick, and so membership lists have been reconstructed from local newspaper reports, occasional official notices printed in newspapers, and town directories; and these have been supplemented, where possible, with biographical details gleaned from various sources. Of the nineteen commissioners elected in 1829, thirteen were re-elected in 1831; and of the nineteen elected in 1831, fifteen were re-elected in 1834.¹⁷ From the beginning, therefore, there was considerable consistency in the make-up of this body. A complete series of lists of membership have been reconstructed for this project, covering the period 1846-1876, using town directories, newspapers and parliamentary papers.

¹⁴ Potter, p.78.

¹⁵ *Return of Towns*, HC 1836, 47 (306) p.2; *Return of Towns in Ireland which have adopted Act for Lighting, Watching and Cleansing Towns in Ireland*, 1828, HC 1829, 22 (140) p.1.

¹⁶ ‘Public Notice - Dublin Castle’, *Newry Telegraph*, 17 February 1829, p.4.

¹⁷ *Return of Towns*, HC 1836, 47 (306) p.5.

These reveal at least 102 men who served as Town Commissioners (from time to time those who died or who resigned were replaced). Thirteen of these 102 served three times; seventeen served four or more times. Edward McLester, a Chandler and soap manufacturer, appears on every list from 1849-1876. The pool from which the men were elected seems to have been a shrinking one. In 1836 there were 534 houses with the qualifying rateable value of £5 for voters, and 170 houses with a rateable value of £20 needed to qualify as a Town Commissioner.¹⁸ In 1852-3, there were 344 householders registered to vote and 70 registered as eligible to act as Town Commissioners.¹⁹

As a social group, Downpatrick Town Commissioners were a mixture of professional men, merchants and shopkeepers, and thus similar to municipal elites elsewhere.²⁰ The first elected Commissioners consisted of five merchants, four grocers, four woollendrapers, two lawyers, a miller, a baker, a bookmaker, and a 'gentleman' who five years earlier had been listed as a shopkeeper in Pigot's Directory.²¹ Where they differ is that unlike most of Ireland, they were, and remained, predominantly Protestant, although to the extent that this was the case has been difficult to determine. In 1861 Roman Catholics represented 45.7 per cent of Downpatrick's population, while the next largest denomination, the Established Church, constituted 31 per cent. Protestants as a whole were 53.8 per cent.²² Certainly there were Catholics both amongst the group of townsmen who signed the original petition to adopt the Act in 1829, and among those who went on to serve as Town Commissioners. These included

¹⁸ Ibid. p.11.

¹⁹ Returns of the Names of Towns in Ireland for which Town Commissioners are appointed, and Number of Inhabitants according to Census of 1851, HC 1852-53, 94 (678) (971) p.2.

²⁰ Potter, p.93.

²¹ Return of Towns in Ireland in which Act for Lighting, Watching and Cleansing has been brought into operation, HC 1843 50 (632) p.12; Pigot's Directory, 1824, at <https://www.nidirect.gov.uk/proni>

²² Census of Ireland 1861: Part IV. Reports and Tables relating to Religious Professions, Education and Occupations Volume II. Religions and Occupations [author's calculations] HC 1863 60 [C3204-III] p.438.

Waring Curran, listed as a grocer in Pigott's directory for 1824, Robert Denvir, a prominent hotelier for much of the century, and Henry Maguire, a tanner and tobacco manufacturer, who was in 1873 'the only Catholic magistrate here'.²³ Like their Protestant neighbours these Catholic townsmen had thrived in business and took a leading part in town affairs. The long-serving Edward McLester was also a Catholic.²⁴ However, the majority of the Commissioners elected between 1829 and 1888 were Protestants.

The most substantial merchants used their success to lift themselves into the ranks of the gentry. One example was James Reid who built up a business as a grocer and wine and spirit merchant over the course of forty years, before retiring to a gentlemen's residence on the outskirts of the town in the 1850s.²⁵ Aynsworth Pilson, best known for a diary and some fairly scurrilous memoirs about his fellow townsman, used his money to invest in town properties, which brought in a considerable rental income.²⁶ His son, Conway was the founding proprietor of the *Downpatrick Recorder*. Most notable of the lawyers was the attorney, William Nevin Wallace, who was also Seneschal of the Borough, and prominent in many areas of town life. He was for many years the Chairman of the Town Commissioners, but in 1867 he was replaced in that position by a majority vote of the Commissioners because he had failed to attend any meeting since his previous appointment.²⁷ More particularly, his absence obliged the Commissioners to incur legal costs in carrying out the complicated arrangements of the Sanitary Act 1866. 'Grandees' like Pilson, Maguire and John Hastings, a

²³ Aynsworth Pilson, *Notable Inhabitants of Downpatrick*, (Downpatrick: Lecale & Downe Historical Society, 2016) p.107; 'Correspondence - The Royal South Down Militia', *Ulster Examiner and Northern Star*, 9 Jul 1873, p.3.

²⁴ Registrar's Book of Deaths, at https://civilrecords.irishgenealogy.ie/churchrecords/image/deathshttps://civilrecords.irishgenealogy.ie/churchrecords/images/deaths_returns/deaths_1879/06509/4874719.pdf ; Downpatrick Catholic Parish Register, at <https://registers.nli.ie/registers/vtls000633163#page/15/mode/1up>

²⁵ See Appendix

²⁶ Pilson, p.109.

²⁷ 'Downpatrick Town Commissioners', *Downpatrick Recorder*, 3 Aug 1867, p.2.

grain merchant, soon moved on to more influential and prestigious positions, as magistrates and Poor Law Guardians. Most Commissioners were probably at the more modest end of the qualifying band. When John Lloyd, a cabinetmaker, died in 1871, the business he left to his wife failed within six months.²⁸

Perhaps unsurprisingly, in such a small town, many of these men were connected by marriage. Edward Gardner Sr. and Rev. Samuel Craig Nelson, who were among the more conscientious in discharging the duties of the Sanitary Act, were brothers-in-law. Henry Maguire and Waring Curran each married a daughter of (the Protestant) Aynsworth Pilson.²⁹ Although Pilson may not have been happy about these connections, as he described Curran as ‘a bigoted, improvident wretch’.

The problem of the jurisdiction

Under the Lighting Act the Town Commissioners were required to

make a Survey, with an Estimate and a Valuation of the full improved yearly value, of all houses, shops, warehouses, cellars, mills, yards, gardens and tenements situate within such City, Town Corporate, Borough, Market Town or other Town, and the suburbs or liberties thereof, to which the provisions of this Act shall be applied and extended.³⁰

Rather than interpreting this as a survey of the whole borough they confined themselves to the small, central part of the town. It became clear from evidence given to the Royal Commission on Boundaries in 1879 that the survey was only of the area they intended to cover with lamps.³¹ Furthermore, the lamps were what defined the boundary of the

²⁸ ‘Record Court - Thursday’, *Downpatrick Recorder*, 27 July 1872, p.3.

²⁹ Pilson, pp.107-8.

³⁰ *A Bill to Make Provision for Lighting, Cleansing, and Watching of Cities, Towns Corporate, and Market Towns in Ireland*, S.36, HC 1828, 3 (199) p.16.

³¹ Royal Commission to inquire into Boundaries and Municipal Areas of Cities and Towns in Ireland, Report, Part III., Minutes of Evidence, Appendices, HC 1881, 50 [C3089] pp 299-301

Commissioners jurisdiction. Given that the built area of the borough was small in comparison with the whole it must have seemed a sensible decision in 1829 because the rest of the borough was sparsely populated and it would not have been practical to extend the lighting. However, it was a decision that constrained the Commissioners as the town expanded. Unfortunately, the survey map no longer exists – only a sketch map of the area concerned could be found at the time of the Boundary Commission – so it is not possible to know quite how tightly it was drawn. It seems likely, however, that it concentrated on Irish-street, English-street, Church-lane and the lower part of Scotch-street, forming a compact area where the most substantial houses were. In the early years the narrow confines of the jurisdiction were unlikely to cause major problems; the lighted area and the ratepayers largely occupied the same space. However, in 1866 the Commissioners were required to take on new, and far more onerous duties, under the Sanitary Act but without any extension of the power to set rates which they derived from the Lighting Act. At the original meeting in 1829, when the ratepayers gathered to consider if and how the Lighting Act was to be implemented, polls were taken on only three clauses: for cleansing, for watching, and for lighting. Only the poll in favour of lighting was successful, and thus the rates raised under the legislation could only be applied to lighting. In 1866 the Town Commissioners found themselves responsible for enforcing another Act without the funds to do so.

The reason the Town Commissioners confined the original valuation survey was to avoid the expense of bringing in too many houses below the taxation threshold and thus obliging them to erect more lamps. The focus on cost was not unusual and both governments and citizens relied on the direct connection between people and the benefits they received from taxes paid to ensure that costs remained reasonable. There was a clearly understood principle that ratepayers should not be taxed for a benefit they did not receive, and that taxes should

provide value for money. Even so, there were complaints from people at the edge of the lighted area that they were taxed for lights from which they derived no benefit, and complaints that the gas company did not always light the lamps as agreed or keep them in good order.³² Over the years the number of lamps was also reduced. In 1829, 200 lamps were erected; in 1844 the Commissioners sought tenders to light ‘not less than 100, nor more than 120 lamps.’³³ This would seem to be not unconnected with the steady reduction in rates. The first three years saw somewhat high rates, the top rate for 1830 being 10½d in the pound, which may be accounted for by the initial outlay on the lamps; but by 1836 the top rate was 6d in the pound, and by 1843 it was 4½d.³⁴ The *Recorder* accused ‘the stupid dolts who act as Town Commissioners’ of false economy in their lighting policy, which included having ‘reduced the number of lamps to two in a street containing upwards of one hundred houses!’. The newspaper maintained that this injured trade and made the town a laughing stock.³⁵

Other local authorities

If the Lighting Act had been adopted more fully, it could have provided a framework for more extensive improvements, including water and sanitation, street cleansing, and public stands for parking vehicles when not in use. However, taxpayers feared adding to their statutory burdens because they were already being taxed by other bodies. At this time, for example, street paving and the building of mains sewers were managed by means of presentations to the Grand Jury, and street cleansing had traditionally been paid for by parish

³² Royal Commission. to inquire into Municipal Corporations (Ireland). First Report; Supplement, Tables; Report, Part I., on City of Dublin; Appendix, Parts I. and II. Southern, Midland, Western, S.E., N.E. and part of N.W. Circuits, HC 1835 27 51 79 199 28 [C 23 24 25 27 28]; ‘Dirty Streets’, Downpatrick Recorder, 15 Nov 1851, p.2.

³³ Buchanan, p.13; Northern Whig, Advertisement, p.3.

³⁴ Return of Towns, HC 1836, 47 (306) p.11; Return of Towns, HC 1843, 50 (350) p.13.

³⁵ ‘Darkness of the Town’, Downpatrick Recorder, 15 November 1851, p.2.

cess.³⁶ The overlapping nature of local government jurisdictions in the nineteenth century created its own problems. The Contagious Diseases (Ireland) Act, 1819, provided for the appointment of parish Officers of Health who were ‘empowered to cause and direct the cleansing of all streets, lanes, courts, yards ... and the removal of nuisances prejudicial to health’ and which was to be paid for by an addition to the Grand Jury Cess.³⁷ By the time of the typhus and cholera outbreaks in the late 1840s the responsibility for health and cleansing was shared between the parish Officers of Health, and Downpatrick Board of Guardians. These different bodies were authorized by various Acts of Parliament and the lack of an overarching local authority could make co-ordination difficult, the practicalities, no doubt, compounded by reluctance to be responsible for adding to the taxpayers’ burden. The central Board of Health felt obliged to issue advice that the three principal objects of the Nuisances Removal Act 1848, which were: the removal of nuisances connected to private property; the removal of nuisances connected to streets and public sewers; and the medical relief of the poor,

can be most effectually and most economically carried out in many places by the concurrent and mutual exertions of the board of guardians and of the other public authorities ...having the care and management of such towns and places ...[and] the commissioners of health recommend that the carrying out of the first two objects should be entrusted to such public authorities leaving to the boards of guardians the execution of the third object.³⁸

However, the Board of Health was only an advisory body; the costs of carrying out legislation were borne by local taxpayers and this limited legislative effectiveness.³⁹

³⁶ *PRONI*, ‘Down Vestry Book’, CR1/33/D/A/1.

³⁷ ‘Officers of Health’, *Downpatrick Recorder*, 1 May 1847, p.2; E. Margaret Crawford, ‘Typhus in Nineteenth Century Ireland, in *Medicine, Disease and The State in Ireland, 1650-1940*, edited by Greta Jones and Elizabeth Malcolm (Cork: Cork University Press,1999) p.124.

³⁸ ‘Board of Health (Circular)’, *Downpatrick Recorder*, 30 December 1848, p.2.

³⁹ E. Margaret Crawford, p.124.

The problem of expectation

The fact that, in some places, Town Commissioners were responsible for cleansing seems to have confused understanding of the role of Downpatrick's Commissioners, and during this time of heightened anxiety about infectious disease they received admonitions in the press. The *Recorder* noted that Newry Town Commissioners had issued sanitary notices and wanted to know why Downpatrick Town Commissioners had not done so.⁴⁰ The newspaper cannot have been ignorant that in Downpatrick this duty belonged to the parish Officers of Health having previously written about this issue in detail, but it did not prevent it from proclaiming that

it is the duty of municipal bodies to take measures to cleanse towns, by the removal of nuisances etc. so that the public health may not be endangered. In this town, the police commissioners and the constabulary are the authorities whose province it is to attend to this important matter⁴¹

It is possible that these bursts of exasperation resulted from reluctance on the part of the properly designated bodies to perform the required tasks, because complaints about the dirtiness of the streets and the failings of the authorities were common between 1847 and 1851.

Despite having no remit beyond that of collecting the lighting tax and supplying and maintaining the lamps, by the 1850s the Town Commissioners were coming to be seen as the proper body to coordinate civic action via the medium of the town meeting. This evolution may have been assisted by the fact that, from 1855, William Nevin Wallace was both

⁴⁰ 'Cholera', *Downpatrick Recorder*, 14 October 1848, p.4.

⁴¹ 'Approach of Cholera', *Downpatrick Recorder*, 23 September 1848, p.4.

Seneschal and Chairman of the Town Commissioners. This aspect of their slowly developing role can be seen in the matter of the town fire engine. In a piece entitled 'Reminiscences of the Former Century', the writer recalled the time when 'a fire engine was kept in town and stored under the church tower' and lamented the fact that there was neither fire engine nor fire bell in the town 'at present'.⁴² In 1851, 1852 and 1855 there are accounts of fires where the engine belonging to the military barracks was used.⁴³ However, the *Downpatrick Recorder* recommended 'the Police Commissioners to provide the town with a fire-engine. It really is too bad to be relying on the Military alone'.⁴⁴ In 1859, when the military was withdrawn from Downpatrick, the Commissioners attempted to coordinate a scheme for purchasing an engine and a subscription fund was set up, but enthusiasm seems to have ebbed over the difficulty of procuring an adequate water supply.⁴⁵ The town was still apparently without an engine when, in 1888, the Chairman of the Town Commissioners was trying to persuade of the merits of adopting the Towns Improvement Act, because the facility to establish a fire- engine, 'very necessary, considering the last disastrous fire' was one of the benefits he mooted.⁴⁶

The Towns Improvement Act, 1854.

At least some among the Town Commissioners had been aware for some time of the inadequacy of the Lighting Act in promoting improvements. In 1850 they had supported a petition, initiated by Portadown Town Commissioners, for an enabling act, equal to that

⁴² 'Reminiscences of the Former Century', *Downpatrick Recorder*, 3 May 1862, p.4.

⁴³ *Downpatrick Recorder*, 'Public Acknowledgement', 19 April 1851, p.2; 'Alarming Fire', 27 November 1852, p.2; 'Partial Destruction of the Court-house by Fire', 17 March 1855, p.1.

⁴⁴ 'The Late Fire', *Downpatrick Recorder*, 4 Dec 1852, p.2.

⁴⁵ 'Town Commissioners', *Downpatrick Recorder*, 7 Sept 1867, p.2.

⁴⁶ 'Towns' Improvement Act in Downpatrick', *Belfast News-letter*, 3 Jan 1888, p7.

existing in Scotland, to allow Irish towns to adopt the Clauses Acts without the heavy cost of a special act, 'an expense which the small towns of Ireland ... are totally unable to bear.' The petition averred that the Lighting Act

does not contain any of the modern regulations for the management and improvement of towns, and it is quite deficient in the necessary machinery for putting into execution even such enactments as it does contain.⁴⁷

As a result, the Towns Improvement Act (1854) was passed. As Crossman has argued, the superiority of this new act over the Lighting Act is demonstrated by its wide uptake amongst the sixty-six towns already under the latter act.⁴⁸ The Downpatrick Commissioners quickly began to promote it as a cure for the most pressing issue facing the town – that of the water supply.⁴⁹ The Act would also have allowed them a sounder fiscal base; permitted the raising of loans to be secured against the rates; given them authority across a wide range of services; and enabled meaningful improvements. It was alleged that during the first attempt, 'although the memorial was signed by four-fifths of the inhabitants of the town, a matter took place which he could not but characterize as a wretched trick' and the attempt failed.⁵⁰ A second attempt failed in 1864, when, despite being 'almost unanimously' approved, the memorial 'contrived to get mislaid' The third attempt, in 1874, was shelved when the introduction of the Public Health (Ireland) Act 1874 shifted sanitary responsibility from the Town Commissioners to the Poor Law Union. The Board of Guardians, however, showed even less competence and greater reluctance in the matter of the water supply and in the summer of 1887 asked the Local Government Board if it could transfer its responsibility to the Town Commissioners.⁵¹ As the town was too small to qualify as an urban sanitary district under the

⁴⁷ 'Dundalk Town Commissioners', *Newry Examiner & Louth Advertiser*, 16 November 1850, p.3.

⁴⁸ Virginia Crossman, *Local Government in Nineteenth-Century Ireland* (Belfast: Institute of Irish Studies, 1984) p.67.

⁴⁹ 'Sanitary Improvements, Downpatrick', *Downpatrick Recorder*, 16 September 1854, p.2.

⁵⁰ 'Downpatrick Water Supply - Town Meeting', *Downpatrick Recorder*, 5 Dec 1874, p.3.

⁵¹ 'Downpatrick Town Commissioners', *Northern Whig*, 17 Aug 1887, p.7.

Public Health Act, this meant revisiting efforts to implement the Towns Improvement Act.

The town was polled in January 1888 and the objectors defeated the proposal by a majority of eight.⁵² Subsequently the Town Commissioners ‘were allowed to lapse, and for several years in the winter time the streets were almost in complete darkness’⁵³.

The most persistent objections to the Towns Improvement Act over three decades were increased taxation, the risk of opening up the inhabitants to an unacceptable level of state regulation, and the lowering of the qualifications both to vote, and to act as a Commissioner. The assumption was commonly made that whatever needed doing could be done without the cost attached to additional legislation. When, in 1854, the Town Commissioners had sought the support of the local Board of Guardians in applying for the Act

‘with a view to the procuring of a more ample supply of spring water...the feeling being adverse to increased taxation, which this step would entail, it was decided that an effort should be made to raise the necessary sum by voluntary contribution.’⁵⁴

The *Downpatrick Recorder* suggested that any possible advantages might come ‘at too great expense’ but its concerns were not merely financial. The new qualification for voting would be, at £4, ‘too low and rather favourable to the men of no property’ while the £12 qualification for Town Commissioners was likewise ‘too low, considering the control over property they would have’.⁵⁵

⁵² ‘Downpatrick and the Towns Improvement Act’, *Northern Whig*, 5 Jan 1888, p.7; *Royal Commission on Market Rights and Tolls. Vol. 5. Reports of C.W. Black, Minutes of Evidence (Ulster, Leinster, Connaught)*, HC 1889, 38 [C.5888] p.123.

⁵³ Edward Parkinson, *City of Downe* (Belfast: Erskine Mayne, 1928) p.95.

⁵⁴ ‘Sanitary Improvements, Downpatrick’, *Downpatrick Recorder*, 16 Sept 1854, p.2.

⁵⁵ ‘Towns Improvement Act’, *Downpatrick Recorder*, 4 Aug 1855, p.2.

Potter argues that ‘once again, the government exercised its authority over the local state by superseding the Lighting of Towns Act with the much more successful Towns Improvement (Ireland) Act (1854).’⁵⁶ The response from the inhabitants of Downpatrick show this to be far from the whole truth. Neither of these acts had to be adopted in full or, indeed, at all. In fact, according to the parameters of the ‘municipal revolution’, Downpatrick had, by mid-century, failed to make any progress at all. The borough functioned much as it had at the start of the century, and most services, such as they were, seem to have existed at the whim of voluntary subscriptions. Even the lighting function of the Commissioners was carried out more with an eye to economy than usefulness. However, Downpatrick’s failure to embrace opportunities which might have added to the economic health of the town, should not be attributed merely to Ulster ‘exceptionalism’, when Lurgan and Lisburn each showed enthusiasm for improvements under the new act, and were praised for their good management, while the Town Commissioners of both Mallow and Killarney ‘had practically abdicated their functions’.⁵⁷ Potter’s thesis describes a triumphant progress towards modernity; Downpatrick demonstrates an altogether less successful engagement with the possibilities.

⁵⁶ Potter, p.91

⁵⁷ Crossman, pp 68-69

3: The Markets, the Port, and the Railway

This chapter will examine the infrastructure by which Downpatrick mediated its economic transactions with the wider world – its port, its markets, and its railway. The aim is to present a picture of how Downpatrick’s elite perceived the town and its relationships to the county, the province and the nation, and in so doing will assess to what extent Downpatrick engaged with its predicament and took action to alleviate it. The principal sources are the *Downpatrick Recorder* from 1836 to 1874, and various parliamentary reports, - principally those of the Royal Commissions on Fairs and Markets, 1854, and Market Rights and Tolls, 1889. The essay will measure its conclusions within the context of secondary research on improvement in provincial towns, particularly that of Brian Graham and Lindsay Proudfoot, and on Matthew Potter’s study of the development of municipal governance.

The Fairs and Markets

In 1824 there was ‘something considerable done in the sale of linen’ in Downpatrick’s market, but by about 1836 the *Topographical Dictionary of Ireland* noted that while there were still 700 weavers employed in the local linen industry, ‘the sale has of late much declined’.¹ The Ordnance Survey Memoir for Down noted 600 weavers and other textile workers attached to the town’s only linen factory, but also described the former linen hall, built when the trade was flourishing, as having fallen into disrepair.² By the following year the linen factory had closed down.³ Over the

¹ Pigot & Co, *Provincial Directory of Ireland*, 1824, <https://www.failteromhat.com/pigot/0098.pdf> ; Samuel Lewis, *Topographical Dictionary of Ireland*, (London: Lewis & Co.,1837)

² *Ordnance Survey Memoirs of Ireland: Parishes of County Down IV 1833-7*, ed. by Angelique Day and Patrick McWilliams (Belfast: Institute of Irish Studies, 1992) p. 40

³ Buchanan, ‘Downpatrick’, IHTA, p.12.

next few decades, a flax spinning mill, linen manufacturers, and a new flax market were among the improvements which were advocated by the local press, as they berated the lack of enterprise shown by local capitalists, compared to those in ‘smaller and less wealthy’ towns.⁴ In 1873 one prominent resident looked back and attributed the decline to the introduction of mechanized flax spinning in 1828, and regretted that no local entrepreneurs had invested in spinning mills.⁵ However, Boldorf argues that the old system of independent producers selling in public markets was already weakening before mechanization, due to the early emergence of the putting-out system in east Down.⁶ The weaving factory, supplied mostly by outworkers, may have represented just this development, and its failure was the logical outcome of the industrialization process which increasingly concentrated the linen industry in Belfast and the Lagan valley.⁷ It is unlikely that Downpatrick could ever have been ‘a little Belfast’.⁸

With the decline of the linen industry the agricultural markets assumed even greater importance to the local economy. The market rights belonged to the lord of the soil, but proprietors varied in how much interest they took. Until 1846 the tolls and customs in Downpatrick were rented out and their harsh imposition was a frequent cause of violent dissension.⁹ However, Ker took back control in 1846 and remitted the charges. This was also the year the fairs – which had been held four times a year – became monthly ‘by general consent’.¹⁰ Ker and his successor, John Mulholland, invested heavily in market infrastructure. Ker undertook important drainage work in the 1840s, opening up the land which became Market Street and providing land for a Fair Green and buildings for the sale

⁴ ‘Necessity of Local Improvements’, *Downpatrick Recorder*, 21 September 1850, p.2.

⁵ ‘The Proposed Military Depot Centre’, *Downpatrick Recorder*, 22 February 1873, p.3.

⁶ Marcel Boldorf, ‘The Ulster Linen Triangle: an Industrial Cluster Emerging from a Proto-Industrial Region’, in *Regions Industries and Heritage: Perspectives on Economy, Society and Culture in Modern Western Europe*, ed. by Juliane Czierpka, Kathrin Oerters and Nora Thorade (Basingstoke: Palgrave Macmillan, 2015) p.29.

⁷ Buchanan, p.7; Boldorf, p.28-9

⁸ ‘The Proposed Military Depot Centre’, *Downpatrick Recorder*, 22 February 1873, p.3.

⁹ *Royal Commission to inquire into the Fairs and Markets in Ireland*, Report, Part II, Minutes of Evidence. HC 1854-55 19 [C1910] p.382, p.387.

¹⁰ *Ibid.* [C1910] p.382.

of pork and butter, and grain. In the 1870s, Mulholland spent over £2000 in improvements, enclosing the Fair Green, and building new accommodation.¹¹ It is in the markets that we see most clearly the continuing beneficial cooperation between landlord and tenant. For proprietors there were obvious benefits – a well-run market was more attractive to buyers and sellers, and in the long run added to the value of the estate; and good will created amongst the tenantry by looking after their interests might be translated into parliamentary votes. Both Ker and Mulholland were elected as members for the Borough.

By 1889 the markets seem to have become more orderly affairs – the stalls no longer spilled onto the streets ‘to any great extent’ and they were described as being ‘commodious and... liberally managed’.¹² However, local businessmen sometimes undermined the integrity of the market even though this was detrimental to its long-term health. For instance, pigs were frequently sold before the market opened, although this was against regulations, with the result that when the Belfast buyers arrived there was ‘not as much business as would pay their expenses’, making Downpatrick an unattractive prospect for them.¹³ Neither was the confinement of the markets and fairs to the special accommodation at the lower end of the town appreciated by all. Many shopkeepers, particularly the publicans and spirit-grocers (of which there were many in Downpatrick) would have preferred the market to be spread around the town so that they might have ‘the farmers about their doors’.¹⁴ This would have been considered a backward move in an age which had for long deplored ‘the filth, the confusion, nay, the actual danger’ of street markets.¹⁵ Equally, it was recognized that where such markets were kept up it was because of the unfortunate influence of

¹¹ *Market Rights and Tolls*, HC 1889, 38 [C.5888] p.120.

¹² *Ibid.*, p.3.

¹³ *Ibid.* p.125.

¹⁴ *Ibid.* p.123.

¹⁵ *Royal Commission to Inquire into State of Fairs and Markets in Ireland. Report*, HC 1852-53 41 [1674] p.13.

publicans and licensed grocers who were often conspicuous amongst those who served as Town Commissioners.¹⁶

The Port of Downpatrick

According to Proudfoot any given town is a unique combination of the physical space which it inhabits and the human activity within.¹⁷ This is certainly true of Downpatrick, whose physical space dictated everything about its development from earliest times. Protected by hills on the south and east, and by marshland to north and west, the attributes that had once given it defensive value, were, by the nineteenth century beginning to be serious disadvantages. In 1831, the same year that Downpatrick was said to be ‘thriving much’, a petition of ‘merchants, traders and inhabitants of the town’ was presented in Parliament seeking relief for the problem of silting in the river which provided its access to the sea.¹⁸ The port was recognized as crucial to local prosperity as the conduit of agricultural exports, and imports which included coal, iron, timber and fertilizer, so this petition hints at a looming economic problem. The improvement of the navigation was a recurring subject of concern in the *Downpatrick Recorder* throughout the period of this study, and the port as the central plank of the town’s economy was often referenced:

for the water communication was most for the advantage of the town. They were likely to have a railway in the course of time, but it would not altogether improve the town; the water communication would serve the town better; the traders could then show their customers that they could sell goods as cheap in Downpatrick as Belfast.¹⁹

In 1841 the newspaper noted that the town’s new patron, David Ker, ‘has materially improved the Quoile Quay, solely for the advantage of the town, and without any prospect of remuneration to

¹⁶ Royal Commission to inquire into Local Government and Taxation in Towns in Ireland. Report, Minutes of Evidence, Appendices. Part 1 Limerick, Cork and Waterford. HC 1877 39 [C1696] p.11.

¹⁷ Lindsay Proudfoot, *Property Ownership and Urban and Village Improvement in Provincial Ireland ca. 1700-1845*, (np: Historical Geography Research Group, 1997), p. 1.

¹⁸ *Parliamentary representation, Ireland. Further returns to an order of the Honourable House of Commons*, 1831, 519; *Journals of the House of Commons*, Volume 86, 430, 24 March 1831.

¹⁹ ‘Downpatrick Mechanics Institute’, *Downpatrick Recorder*, 27 Jan 1855, p.4.

himself'.²⁰ Ker had purchased the Downpatrick estate from the Southwell family in 1837 and one of his earliest acts had been to build the new Steamboat Quay in support of an intended regular steam connection to Liverpool. By 1841 the County of Down & Liverpool Steamboat Company had already failed but hopes for the continued success of the port at the Quoile Quay remained high. That Ker had acted 'solely for the advantage of the town' seems unlikely. Landlords invested in their towns both to enhance their own profits and improve the economic outlook of their tenants in a mutually beneficial arrangement.²¹ Investment in the port would have been expected to increase the proprietor's revenue from harbour dues. As it turned out the newspaper was more right than it had perhaps intended; in 1847 Ker reduced tonnage dues at the port from 4d per ton to 2d per ton, in the hope of encouraging trade.²² On at least one occasion he remitted dues altogether, when the steamer *Mountaineer*:

could not proceed nearer our Quay than Hare Island, about a good mile beyond the Quoile Quay, a circumstance which adds considerably to the inconvenience of loading or discharging, and also to the expense of land carriage. Besides all this, there is scarcely room for a steamer to turn even here, and in consequence, she was delayed fully a couple of hours beyond her time in getting out of the channel.²³

These are clear attempts to make Downpatrick attractive for traders despite the difficulties of the navigation, but such concessions were made against a background of continuing demands for upkeep, either of the quays or of the navigation. Maintaining the Quoile in a usable state proved to be not a one-off project but a perennial one: in 1873 it was still hoped that deepening the river would restore the glories of the past.²⁴

²⁰ 'Lighting the Town With Gas', *Downpatrick Recorder*, 25 Sept 1841, p. 2.

²¹ Lindsay Proudfoot, p.79.

²² 'Quayage and Harbour Dues at the Quoile', *Downpatrick Recorder*, 3 April 1847, p.2.

²³ 'Steam Communication between Strangford Lough and Liverpool', *Downpatrick Recorder*, 11 Oct 1851, p.3.

²⁴ 'The Proposed Military Depot Centre', *Downpatrick Recorder*, 22 Feb 1873, p.3.

During this period central government started to take an interest in coordinating large scale improvement works. Under the Drainage (Ireland) Acts a major report on the ‘drainage of lands and improvement of navigation’ in the Quoile was produced.²⁵ This proposed an ambitious scheme of draining the marshes which surrounded the town on two sides, deepening the river and containing it between raised banks so that it became navigable to the edge of the town, rather than a mile away. It was intended to provide two main benefits – to expand the economic capabilities of the port, and to claim valuable agricultural land from land which was ‘rendered almost useless in an agricultural, and, worse than useless in a sanitary point of view, by being under the continual influence of water’.²⁶ The proposals, three years under consideration, were received with enthusiasm on the part of the *Recorder*, and a meeting of local landowners was ‘unanimous in favour of the two principal improvements, viz., the drainage of the marshes and the deepening of the river, and gave the necessary guarantees for the money required to be advanced’.²⁷ The extension of the port into the town was felt to be a step too far, as the ‘declining trade and prosperity of the town of Down held out no inducements for sporting with money’ and therefore that part of the scheme had ‘trifling advantages’.²⁸ In the event, local excitement about the imminence of the work beginning ‘almost to a certainty, ...about the first of March’, petered out in frustrating and unaccountable delays, until ‘the public here are quite tired remonstrating about the delay’.²⁹ The Quoile scheme lingered as a possibility until 1860; but the original government estimate for the work turned out to be £20,000 under the tendered price, and investors were not forthcoming to supplement the £25,000 lodged by David Ker for the purpose.³⁰

²⁵ ‘The Quoile River District, County of Down’, *Downpatrick Recorder*, 11 May 1850, p.1.

²⁶ ‘The Quoile River District, County of Down’, *Downpatrick Recorder*, 11 May 1850, p.1.

²⁷ ‘Proposed Deepening of the Quoile River and Drainage of the Marches’, *Downpatrick Recorder*, 11 May 1850, p.2; ‘Deepening of the Quoile and Drainage of the Marshes’, *Downpatrick Recorder*, 29 June 1850, p.2.

²⁸ ‘Deepening of the Quoile and Drainage of the Marshes’ *Downpatrick Recorder*, 29 June 1850, p.2.

²⁹ ‘Deepening of the Quoile River and Drainage of the Marshes’, *Quoile Recorder*, 25 Jan 1851, p.2; ‘Steam Communication between Strangford Lough and Liverpool’, *Downpatrick Recorder*, 11 Oct 1851, p.3.

³⁰ *Coms. of Public Works (Ireland), Twenty-eighth Report, Appendices*, PP 1860, [C2690]; ‘The Proposed Military Depot Centre’, *Downpatrick Recorder*, 22 Feb 1873, p.2-3.

Several tensions are revealed in the decades-long debate about the port. One is that between those who thought investment would transform the fortunes of the town and those who thought it was money wasted. The *Recorder* consistently took the optimistic view, and the belief that the cost of deepening the Quoile would reap dividends in improved trade, regular direct first-class passenger services from the quay to Glasgow and Liverpool, cheaper goods and a return to the days when Downpatrick was the *entrepôt* for the district.³¹ A second tension arose from the need to find a means of draining the marshes that still allowed enough water for a functioning port at an affordable cost. A third tension concerned the source of the initiative and the funds for improvement. Matthew Potter has argued that until 1840 urban development was a partnership between patrons and tenants, but that after 1840 ‘urban patrons ceased to drive economic and spatial improvements in the towns’.³² In Downpatrick deference to the landlord persisted throughout the period of this study, despite the fact that Ker’s finances became increasingly strained and he was finally obliged to sell the estate.³³ There was both an adherence to a faith that ‘the lord of the soil’ would provide, and a belief that leading citizens should act on their own behalf. As late as 1873 this slightly schizophrenic view was being expressed in a public meeting, a lament that ‘for many years trade has been gradually on the decline here —a circumstance to be ascribed chiefly to two causes, the want of a fostering landlord and the want of energy and public spirit on the part of the inhabitants themselves.’³⁴ Hope for future investment was now to be sought in the new landlord ‘with capital to enable him to make such improvements as the town requires to develop its resources’.³⁵ It is hard to resist the idea that such attitudes stifled any entrepreneurial spirit

³¹ ‘Deepening of the Quoile River and Drainage of the Marshes’, *Downpatrick Recorder*, 25 Jan 1851, p.2; ‘The Board of Works’, *Downpatrick Recorder*, 7 Aug 1852, p.2; ‘Quoile Quay - Improvement of the Navigation’, *Downpatrick Recorder*, 20 Jan 1855, p.2.

³² Matthew Potter, *The Municipal Revolution in Ireland: a handbook of Urban Government in Ireland since 1800*, (Dublin: Irish Academic Press, 2011) pp.72-3.

³³ ‘The Proposed Military Depot Centre’, *Downpatrick Recorder*, 22 Feb 1873, p.2.

³⁴ *Ibid*

³⁵ *Ibid*

The Railway

The arrival of the railway had been anticipated for many years before the line from Belfast to Downpatrick was finally completed in March 1859. Unsurprisingly it was greeted with enthusiasm by the *Recorder*. It was expected to be the harbinger of much prosperity for a town which, though having a high regard for itself, was starting to feel a little anxious about its future. The newspaper cast anxious eyes to the nearby towns of Killough, Dundrum, and Killyleagh where ‘vessels are being laden with grain and potatoes for export [whilst] nothing of the kind is going on at the Quoile Quay’.³⁶ However it was believed that:

With a good harbour and facilities of approach to it, together with the opening of the railway from Belfast, the trade of this town would receive an impetus such as all the smaller seaports around it put together could not accomplish.³⁷

The impact of the railway was immediate. McCutcheon’s conclusion, that ‘the entire framework of road services collapsed relatively quickly as the railway network spread’ finds local support; printed alongside an advertisement of train times in the first week of opening, there is another advertisement for the auction ‘without reserve’ of ten coach horses and their harness ‘the owner having no further use for them’.³⁸ Overnight, a journey which had taken four hours on the road could be achieved in an hour and a half by rail.³⁹ The train brought new flexibility too. In the last year before the railway, two coaches and a mail car did the daily journey to Belfast.⁴⁰ The two coaches left from different hotels but at the same time early in the morning and returned from Belfast in the evening, also at the same time. The railway offered three different departure times across the day – at 07.45, 11.45 and 5.45 – with three return journeys similarly spaced. Road

³⁶ ‘Trade at the Quoile Quay’, *Downpatrick Recorder*, 25 Dec 1858, p.2.

³⁷ *Ibid.*

³⁸ W.A. McCutcheon, *The Industrial Archaeology of Northern Ireland*, (Belfast: HMSO, 1980), p.19; *Downpatrick Recorder*, 2 April 1859, p. 3.

³⁹ *Henderson’s Directory 1852*, Public Record Office of Northern Ireland (PRONI), <https://www.nidirect.gov.uk/proni> ; ‘Downpatrick and Belfast Railway’, *Downpatrick Recorder*, 26 March 1859, p. 2.

⁴⁰ *Belfast & Province of Ulster Directory 1858*, PRONI.

services did not disappear but ‘adapted to operate as feeding ...arteries from the rail-head towns’.⁴¹

In Downpatrick a new growth area sprang up in leisure services connecting train arrivals to the seaside at Newcastle, or the regattas at Ardglass.⁴²

The Recorder expected all manner of benefit to the trade of the town, one of which was ‘the assimilation of prices ’between Downpatrick and Belfast owing to the ease with which people could get to Downpatrick, and that as a result more money would be available to be spent in the town’s shops rather than in Belfast.’⁴³ At first these hopes seemed to be fulfilled; before the end of the first year of operation the *Recorder* noted a new buzz in the local markets where higher numbers of sellers and buyers brought increased competition and higher prices for local produce. This renewed vigour was ‘mainly attributable to the opening of the railway’ and was ‘making a visible improvement on the town of Downpatrick’.⁴⁴ A few months later the uptake of building plots along Market Street and the new road connecting Market Street to Stream Street was attributed to the ‘the impetus which the opening of the railway has given to the trade of the town’.⁴⁵ Yet only a year later some doubt was being expressed; at a farming society dinner a speaker averred that the railway had improved the trade of Downpatrick while admitting that there were those who argued the opposite.⁴⁶ The *Recorder* contradicted those who said the railway had made no improvement by pointing to the ‘enlargement of warerooms and the ornamental improvements which several of the shop fronts have recently undergone’.⁴⁷ Evidently opinion was divided.

⁴¹ McCutcheon, p.19.

⁴² Advertisement, ‘Belfast and County Down Railway’ *Downpatrick Recorder*, 30 July 1859, p.4.

⁴³ ‘Downpatrick and Belfast Railway’, *Downpatrick Recorder*, 26 March 1859, p.2.

⁴⁴ ‘Downpatrick Markets’, *Downpatrick Recorder*, 26 Nov 1859, p.2.

⁴⁵ ‘Improvements in Downpatrick’, *Downpatrick Recorder*, 19 May 1860, p.2.

⁴⁶ ‘Killyleagh, Killinchy, Kilmoody and Tullynakill Farming Society’, *Downpatrick Recorder*, 29 June 1861, p.2.

⁴⁷ ‘The Trade of Downpatrick’, *Downpatrick Recorder*, 30 Nov 1861 p.2.

Some explanation of both the buzz of the markets in 1859 and the uncertainty of 1861 may lie in a brief report on the Pork Market which said that:

Farmers are complaining much of the non-attendance of buyers from Belfast. Could the railway company not remedy this evil to some extent, granting free passes, as they did last season, to pork buyers attending this market? The advantages would be in favour of the railway by the increased quantity of pigs sent over their line, which are now carted either to Ballynahinch or to Belfast.⁴⁸

Without the inducement of ‘free passes’ it seems Downpatrick was a less attractive option than rival towns. Notwithstanding the *Recorder*’s offer of business advice, the Belfast and County Down Railway (BCDR) could hardly be expected to subsidize the town’s trade on a permanent basis. By 1862 the profitability of the line was under discussion and a reduction of service was proposed as a viable economy. The half-yearly meeting of BCDR shareholders in September 1862 heard from a disgruntled shareholder that:

there were too many [trains] to and from Downpatrick. The people of Downpatrick either could not or would not give that support to the railway which was expected, and, until that neighbourhood was able to do more than it had done for some time past, they must curtail the number of trains going it.⁴⁹

Despite the large number of passengers carried on the line - 317,000 in that half-year - receipts were relatively low due to what were claimed to be the lowest fares in Ireland. It was averred that, by comparison with the other railways of Ireland, BCDR carried its passengers at $\frac{3}{4}$ d less per mile. Another shareholder moaned that ‘he did not know why the inhabitants of one of the richest counties in the country should expect to be carried for one-third less than the inhabitants of other places’. According to Ferris the BCDR struggled throughout the 1860s and 1870s, only recovering in the 1880s.⁵⁰ The line was extended from Downpatrick to Newcastle in 1869 but this was the extent of Downpatrick’s railway connections during this period and while BCDR was delighted by ‘the very considerable increase in traffic’ this brought to the line, it must have been at the expense

⁴⁸ ‘The Pork Market’, *Downpatrick Recorder*, 14 Dec 1861, p.2.

⁴⁹ ‘Belfast and County Down Railway’, *Downpatrick Recorder*, 6 Sept 1862 p.4.

⁵⁰ Tom Ferris, *Irish Railways: a new history*, (Dublin: Gill and Macmillan, 2009), p. 134.

of local businessmen such as Robert Denvir who had been running an omnibus between Downpatrick railway station and Newcastle.⁵¹ The difficulty of making lines profitable, as well as the problems of raising capital from increasingly cash-strapped landowners, affected the viability of other projected lines. David Ker, for example, was a major shareholder in the proposed extension to Newry. Hope for this line, which would have been very valuable to Downpatrick's prospects, lingered for fifteen years before being finally abandoned in 1874.⁵²

The period from 1830 to 1874 seems to have been a transitional period between the prosperous days of the early nineteenth century and the distinct dilapidation noted at the end of the century.⁵³ For much of this time opinion equivocated between optimistic and pessimistic interpretations of economic markers. This suggests that decline was slow and indefinite, always felt to be one tweak away from a return to its former flourishing state. The state of the port remained at the core of Downpatrick's sense of identity, as was its sense of itself as the shire and assize town deserving of respect despite the dwarfing growth of Belfast. In a somewhat optimistic speech, the vice-chairman of the Downpatrick Mechanic's Institute hazarded that 'after a short time, when they had the railway, and the Quoile deepened, Downpatrick might supply not only the surrounding towns but Belfast itself.'⁵⁴ There was much wishful thinking but a lack of genuine ambition. The impression given by the *Recorder*, both in its editorial position and in its reportage of local people, is of a town which had a high opinion of its due, but which did not always translate into willingness to invest money. Both the *Recorder* and its correspondents were keen to propose schemes, but too often relied on the proprietor to fund them. However, in the matter of both the port and the railway local people had limited control; the railway because by its nature it required cooperation and financing

⁵¹ 'Belfast & County Down Railway', *Downpatrick Recorder*, 4 Sept 1869, p.4; Advertisement, 'Downpatrick and Newcastle', *Downpatrick Recorder*, 30 Jun 1860, p.2.

⁵² 'Abandonment of Downpatrick and Newry Railway', *Downpatrick Recorder*, 19 Dec 1874, p.1.

⁵³ R.H. Buchanan and Anthony Wilson, Irish Historic Towns Atlas, no. 8, *Downpatrick*. Royal Irish Academy, Dublin, 1997

⁵⁴ 'Downpatrick Mechanics Institute', *Downpatrick Recorder*, 27 Jan 1855, p.4.

on a regional rather than a local basis; the port because the nature of the geography meant that there was an ultimately unresolvable tension between controlling the drainage and maintaining access to the sea.

4: Downpatrick and the Sanitary Act, 1866-1874

The Sanitary Act, 1866

Nineteenth century public health legislation was the outcome of attempts to grapple with the problems of poverty, filth, and disease in overcrowded British cities.¹ A widespread belief that disease came from foul air, such as that arising from cesspits and sewers concentrated the attention of reformers on sanitary conditions. The Sanitary Act, 1866 was a consolidation of previous legislation, and the government's attempt to extend improvements to smaller towns and villages throughout Britain and Ireland; it incorporated the Nuisances Removal & Diseases Prevention Act, 1855, the Sewage Utilization Act, 1865, and parts of earlier public health acts. By this Act, the Town Commissioners became the Sewers and Nuisance Authority in Downpatrick. This chapter will argue that the extremely limited authority under which the Town Commissioners operated in Downpatrick was wholly inadequate to carrying out this complicated and expensive legislation, and that the extra responsibility hindered rather than advanced municipal government in Downpatrick, and ultimately led to its demise. It will also argue that resistance to town improvements was symptomatic of narrow self-interest among the urban elite and that this was a factor in urban decline in Downpatrick.

The Town Commissioners and the Sanitary Act, 1866-1874

The activities of the Town Commissioners were given minimal attention in the local press for much of their existence beyond the occasional paragraph which criticized them for a deficiency in street

¹ Stephen Halliday, *The Great Stink of London: Sir Joseph Bazalgette and the Cleansing of the Victorian Metropolis* (Stroud: Sutton Publishing, 2001) Chapter 2

lighting, or which blamed them for something for which they were not actually responsible.² In 1859 it had been suggested that coverage of their meetings would be appropriate, ‘since a great deal of power is vested in the Town Commissioners’.³ However, it was not until 1866, and the introduction of the Sanitary Act, that their meetings are reported in close detail. No doubt the sudden scrutiny owed much to the belief that the Town Commissioners would shortly be spending even more taxpayers’ money.

As a result of the way in which the Lighting Act had been locally enacted, the ‘town’ of the Commissioners was somewhat smaller than the actual town; consequently, it seemed that parts of the town would remain in the jurisdiction of Downpatrick Board of Guardians.⁴ Looking forward to the changes the *Downpatrick Recorder* considered that the ‘Town Commissioners have, under the recent Sanitary Act, ample powers for dealing with disease in places under their control’.⁵ The Poor Law Guardian who observed that, being appointed under the Lighting Act rather than the Towns Improvement Act, the Town Commissioners had little power, was rather closer to the truth.⁶ In fact it marked the beginning of a period of perplexity and muddle.

The immediate problem for the Town Commissioners was twofold. Firstly, they had to establish the area of their jurisdiction, and whether it was confined to the area inside the lamps, or extended to the whole borough. Secondly, they had to solve an anomaly in the Act regarding their rating powers.⁷ The Sanitary Act empowered them to carry out the Sewage Utilization Act 1865, where the rate was defined as ‘any rate leviable by these bodies, or any fund belonging to them applicable

² ‘Necessity of Local Improvements’, *Downpatrick Recorder*, 21 September 1850, p.2.

³ ‘The Town Commissioners’ Meetings’, *Downshire Protestant*, 18 November 1854, p.2.

⁴ ‘Downpatrick Board of Guardians’, *Downpatrick Recorder*, 8 September 1866, p.1.

⁵ Editorial, *Downpatrick Recorder*, 8 September 1866, p.2.

⁶ ‘Downpatrick Board of Guardians’, *Downpatrick Recorder*, 8 September 1866, p.1.

⁷ ‘Downpatrick Town Commissioners’, *Downpatrick Recorder*, 13 October 1866, p.1.

in the whole or in part to the making or repairing of sewers within their jurisdiction'.⁸ In other words, their rating power was derived from the Lighting Act, which in their case did not allow them to levy a rate for cleansing. In an attempt to solve these problems, they sought guidance from Dublin Castle and were advised that

the Law Adviser is of opinion that their authority extends to the borough ... [and] although there is some difficulty with this question, he thinks the Commissioners have power ... to levy rates for the purposes of the acts and of carrying them into effect.⁹

As this was less than conclusive, they next sought the opinion of their solicitor, who, having examined the evidence provided by the minutes of the then newly formed commissioners in 1829, advised that they were not entitled to tax beyond the lamps.¹⁰ Several Commissioners disagreed, and maintained that notwithstanding the historical practice of taxing and lighting a small area, the Lighting Act gave them power over the whole borough. Finally, they sought opinions from two Dublin barristers, who each advised that the Commissioners did not have the power to tax beyond the area taxed for the Lighting Act in order to carry out their role as Nuisance Authority, although they were entitled to add an extra tax for that purpose on that area. Additionally (because they had no authority under the Lighting Act for cleansing), they had no power to levy a rate to pay for sewers, despite having power to build sewers under the Sewage Utilization Act.¹¹ Thus, from the outset, the Town Commissioners role (and income) was strictly limited.

The range of opinion from legal professionals demonstrates how confusing the legislation affecting towns had become. The Irish towns which became Sewers and Nuisance authorities were constituted under a variety of Acts each with their own rating arrangements, so perhaps it is unsurprising that anomalies arose which made it difficult to carry out the hoped-for improvements.

⁸ J.B. Hutchins, *The Sanitary Act, 1866 (29 & 30 Vict., c. 90) and the Sewage Utilization Acts of 1865 and 1867 (28 & 29 Vict. c. 75, and 30 & 31 Vict. c. 113)* (London: Knight & Co., 1867)

⁹ 'Downpatrick Town Commissioners', *Downpatrick Recorder*, 20 October 1866, p.1.

¹⁰ 'Downpatrick Town Commissioners', *Downpatrick Recorder*, 17 November 1866, p.1.

¹¹ 'Downpatrick Town Commissioners', *Downpatrick Recorder*, 5 January 1867, p.1.

This was compounded by the somewhat *ad hoc* nature of local government reform which led to what Virginia Crossman has called a ‘frankenstein’s monster of overlapping authorities and jurisdictions’.¹² Disinclination to press the ratepayer and override local determinations meant that it was all too easy for localities to preserve their own idiosyncrasies. The Lighting Act was barely adequate for the purposes of local government; it was wholly deficient as a vehicle to carry out the Sanitary Acts. Some of Downpatrick’s Commissioners struggled to understand what the lawyers were telling them which suggests that they were ill-adapted to carrying out complex new demands. One commissioner complained that ‘if there were no Gas Commissioners, the Board of Guardians would be the sanitary authority and would have the power to levy a general rate on all the town’ thus showing both frustration, and reluctance for the task.¹³

At this date there were not two, but three authorities within the town boundaries - the Town Commissioners, the Board of Guardians, and the Grand Jury. Faced with a nuisance arising from an open sewer in Saul-street the Nuisance Inspector judged it to be outside of their jurisdiction ‘being county work’.¹⁴ It is probable that this was a reference, not to the boundary of the town, but to the fact that the sewer had been built under the Grand Jury presentment system, and thus was seen in some sense as ‘belonging’ to the Grand Jury. It was not clear exactly who owned the sewers in the town - and at the recent assizes ‘the Grand Jury had declined altogether to do anything with the sewers in the town’ - but there was a feeling that permission must be asked of the County Surveyor before any work was undertaken.¹⁵ At least one of the Commissioners feared that if they ‘interfered’ with one sewer they would be expected to take responsibility for all of them, a telling indication of disinclination for the job. Disputes over who had rights over sewers, and more

¹² Virginia Crossman, *Local Government in Nineteenth-century Ireland* (Belfast: Institute of Irish Studies, 1994) p.5.

¹³ ‘Downpatrick Town Commissioners’, *Downpatrick Recorder*, 5 January 1867, p.1.

¹⁴ ‘Downpatrick Town Commissioners’, *Downpatrick Recorder*, 20 October 1866, p.1.

¹⁵ *ibid*

pertinently, who was liable to pay for them and nuisances arising from them, continued throughout the eight years in which the Town Commissioners were the nuisance authority. In 1871, they took the County Surveyor, the Secretary to the Grand Jury, the Secretary of the Belfast and County Down Railway, and several householders to court, in a rather desperate attempt to solve the problem of a clogged public sewer which caused sewage to flow back into private houses. Their aim seems to have been partly to get court authority for digging up a public road, but principally to get assurance that if they undertook the necessary work, the county would pay.¹⁶

From the first their actions attracted criticism, which cannot have helped their reputation. William Nevin Wallace wrote, advising them not to ‘take any step without legal advice as the new Act of Parliament is very hard to understand’.¹⁷ Perhaps disgruntled that Wallace did not offer legal advice, they decided to do without legal representation ‘in order to show the inhabitants our unwillingness to spend money’.¹⁸ The very first prosecution was against a fellow commissioner called John Lowry, in what was evidently a problem of long-standing.¹⁹ A row of houses in Scotch-street required an improved sewer to abate a nuisance and all the occupiers, except for Lowry, had agreed to have this work done. Lowry regarded the plan as an infringement of his property rights, but despite the magistrates being two-to-one in favour of preserving these rights, they were eventually swayed by the third magistrate’s public good argument.²⁰ Although they won this case the Town Commissioners had to endure mockery in court over their attempts to grapple with the complex legislation, and rebukes from the bench about the false economy of doing without an attorney. This early experience seemed to set a tone. Given that the deliberations and uncertainties of the Commissioners were laid out in minute detail in the *Recorder’s* weekly reports

¹⁶ ‘Downpatrick Petty Sessions’, *Downpatrick Recorder*, 18 November 1871, p.3.

¹⁷ ‘Downpatrick Town Commissioners’, *Downpatrick Recorder*, 20 October 1866, p.1.

¹⁸ *ibid*

¹⁹ ‘Downpatrick Petty Sessions’, *Downpatrick Recorder*, 3 November 1866, p.2; ‘Downpatrick Town Commissioners’, *Downpatrick Recorder*, 24 November 1866, p.1.

²⁰ ‘Downpatrick Petty Sessions’, *Downpatrick Recorder*, 3 November 1866, p.2.

of their meetings (including Lowry's angry exchanges with fellow Commissioners in the aftermath of the decision) and in the coverage of their prosecutions in Petty Sessions, it was all too easy for those who wanted to frustrate the Commissioners in their task to do so.

Cooperation from both householders and the local magistrates was crucial to the operation of the Act, and the Town Commissioners sometimes felt aggrieved that the courts were not more helpful to them in carrying out their duty.²¹ Magistrates proved reluctant to give court orders against fellow ratepayers. The two magistrates who spoke out in defence of John Lowry's private rights were John Hastings and Conway Pilson, each of whom were former Town Commissioners, and each of whom were prosecuted by the Commissioners at different times. John Hastings temporarily removed himself from the bench while the case against him was heard, but remained in the court, clearly influencing proceedings.²² The Town Commissioners had written to request the presence of the Stipendiary Magistrate on that day so that the case against Hastings could be heard, but he seemed more concerned about catching his train back to Belfast and simply conceded to suggestions made by Hastings himself. At the next court day Hastings, back on the bench, behaved petulantly and tried to bully the Town Commissioners' solicitor into believing an order had been made at the previous court which bound the Commissioners to do the work themselves at the public expense.²³ Conway Pilson, who was also the proprietor of the *Downpatrick Recorder*, was summoned, for a nuisance 'caused by want of sufficient privy accommodation to [a row of] nine houses'.²⁴ Pilson's principal defence, which the court accepted, was that the houses had been in the same condition for forty years and he could not understand why they were only now considered a nuisance. The Town Commissioners were compelled to return to the case later in the summer when the magistrates

²¹ *Royal Commission to inquire into Local Government and Taxation in Towns in Ireland. Report, Minutes of Evidence, Appendices. Part I Limerick, Cork and Waterford.* HC 1877 XXXIX [1696].

²² 'Downpatrick Petty Sessions', *Downpatrick Recorder*, 15 December 1866, p.2.

²³ 'Downpatrick Petty Sessions', *Downpatrick Recorder*, 29 December 1866, p.2.

²⁴ 'Petty Sessions - Nuisance Case', *Downpatrick Recorder*, 16 May 1874, p.2.

agreed with Pilson's arguments before any evidence against him had been heard, and when the Town Commissioners' representative protested, the Chairman of the magistrates said they would be glad to hear him but they had already made up their minds.²⁵ The next issue of the *Recorder* printed a letter signed 'Anti-Fuss' which complained of costs incurred by the Town Commissioners in 'one of the most uncalled for and vexatious prosecutions that can well be imagined'.²⁶ He implied that if the town was expected to pay then he would make his protest at the next election for 'the time has come for making a change in the constitution of our executive body'. As the proprietor of the newspaper, a major landowner in the town, a magistrate, and a member of the Board of Guardians, Pilson had no shortage of influence to wield.

It is clear that significant sections of the ratepayers were equivocal about sanitary reform, and that the Town Commissioners faced opposition from within their own ranks. It is possible that the contentiousness of their new role was off-putting for some Commissioners - in November 1867 a mid-year election was required to replace six members who had declined to act in the previous six months. Money continued to be a problem, and despite the general belief that public spending was to be avoided, some people refused to pay for work which had been ordered by the Commissioners.

The water problem

Under the Sanitary Act the Sewer Authority could also provide a water supply 'if it think it expedient to do so'.²⁷ Downpatrick had long had a water problem. It has been seen how, for instance, plans to establish a fire-engine had fallen down on a number of occasions over the lack of an adequate supply; and twelve years earlier, the Town Commissioners had proposed the adoption of the Towns Improvement Act principally 'with a view to the procuring of a more ample supply of

²⁵ 'Downpatrick Petty Sessions - Sanitary Prosecution', *Downpatrick Recorder*, 25 July 1874, pp.2-3.

²⁶ 'Sanitary Prosecution', *Downpatrick Recorder*, 1 August 1874, p.2.

²⁷ The Sanitary Act, sections 11-13.

spring water for the inhabitants. These were common problems in Irish towns in this period when few towns had piped water, and many relied on sources that were deficient in both quantity and quality.²⁸

The essential problem of water and sewage in Downpatrick lay in its peculiar geography. In 1850 a report on local drainage described the town as being

situated at the foot of a steep hill, and ... skirted on the south and west by the swampy lands ... which extend close into the very town for nearly two-thirds of its girth. The whole of the sewerage of the town passes into the stagnant drains which intersect these marshes ... spreading impurity through the surrounding atmosphere, and seriously endangering the health of the inhabitants. Portions of the town are built on so low a level that the houses are without the means of proper sewerage, and are liable to back-water from the drains I have described.²⁹

The graphic nature of the problem, as well as the failure of local bodies to improve the situation in the interim, was laid bare in a government report over twenty-five years later which found that

the sewers in the lower part of the town are frequently choked with solid matter; the floods drive this back into the sewers and when they subside there is not any water to flush the sewers.³⁰

In addition to topographical difficulties, there was the problematic construction of the sewers. The first mains sewers which had been constructed were 'made by common rubble building, or in some instances, half-brick sewers', and because of the hilly nature of the town these sewers were often built above the level of the water so that impurities leaked into the water supply and resulted in 'injuring the quality of the water in the pumps.'³¹ Thus the problem of water quality and water quantity were intimately related. At times, the worst affected pumps and fountains in the town had to be closed, and water carried, by the poor at least, from a spring a mile from the town.³² In the

²⁸ Royal Commission to inquire into Local Government and Taxation in Towns in Ireland. Report, Minutes of Evidence, Appendices. Part 1 Limerick, Cork and Waterford. HC 1877 39 [C1696] Appendix 3, pp.504-7.

²⁹ 'Quoile River District, County of Down' *Downpatrick Recorder*, 11 May 1850, p.1.

³⁰ *Royal Commission on Local Government and Taxation*, p.20.

³¹ *Ibid.* p.283.

³² 'The Water Supply of Downpatrick', *Belfast Newsletter*, 19 May 1874, p.4; *Royal Commission on Local Government and Taxation*, p.280.

1840s the town was said to be ‘abundant’ in spring water, but in 1877 the supply, which came from a mixture of private wells, and public fountains and street pumps, was said to be ‘wholly defective, and insufficient for domestic purposes’.³³ Whether this reflects the difference of opinion which dogged attempts to improve the water supply for the rest of the century, or whether there had been a genuine decline it is impossible to say on the available evidence. Certainly by 1874 there was greater awareness of the connection between water and health, and consequently more anxiety attached to the subject. Opinion was divided on the precise origin of diseases like cholera and typhoid, but sewage-contaminated water was widely accepted as being one means of propagating them.³⁴

Water scarcity in Downpatrick was acknowledged to be more acute in summer, when the supply might be reduced by as much as three-quarters, resulting in queues at the public fountains.³⁵ In parts of the town the shortage of potable water was the norm; the Northern Bank manager claimed that he had been bringing his water from a source which was more than a mile from his house, for thirty-seven years.³⁶ But there were others who denied that there was any shortage or who thought it was no more than a brief inconvenience. One man was reported as saying that ‘this town has been 500 years without water.’³⁷ If it was a problem, then many people had learned to live with it.

The water supply problem came to a head in 1874. Following an outbreak of typhoid in the town, three local doctors wrote to the Town Commissioners stating their belief that the contagion was ‘chiefly if not wholly due to unwholesome water’.³⁸ The Commissioners decided to send samples

³³ *The Parliamentary gazetteer of Ireland: adapted to the New Poor Law*, Vol. 2 D-M, (Dublin, London and Edinburgh: A Fullerton, 1846): *Royal Commission on Local Government and Taxation*, p.20.

³⁴ ‘Typhoid fever and Drainage’, *Downpatrick Recorder*, 21 November 1874, p.3.

³⁵ ‘The Downpatrick Water Supply’, *Northern Whig*, 2 February 1875, p.3; ‘The Downpatrick Water Supply’, *Ulster Examiner and Northern Star*, 9 Feb 1875, p.3.

³⁶ ‘The Downpatrick Water Supply’, *Northern Whig*, 2 February 1875, p.2.

³⁷ ‘Downpatrick Water Supply - Town Meeting’, *Downpatrick Recorder*, 5 December 1874, p.3.

³⁸ ‘Sanitary Condition of Downpatrick’, *Downpatrick Recorder*, 2 May 1874, p.3.

from eleven of the water sources in the town to Professor Hodges of Queen's College, Belfast. Hodges found that all but three sources were 'unfit for use and must be regarded as sources of disease'. The Irish-street fountain was judged to be 'merely diluted sewage and worse than unfiltered Thames water.'³⁹ While the Town Commissioners were still wrestling with this new problem, the Public Health Act, 1874 was introduced. Under this Act, Downpatrick, as a town with fewer than 6,000 inhabitants, ceased to be an urban sanitary authority, and instead came under the jurisdiction of the Board of Guardians.

The Guardians, mostly country gentlemen, brought an entirely different outlook to their task. They were appalled that 'respectable gentlemen' were 'paraded in public' and subjected to a legal process over nuisances.⁴⁰ They proved equally inept at improving the sanitary state of the town.⁴¹ Amongst their number were some of the most vocal opponents of the water lobby - Conway Pilson, John Lowry, John Hastings, and Henry Maguire. All denied that the water was bad; Maguire refused to accept the water analysis and implied collusion between Dr. Hodges and the Town Commissioners.⁴² Consequent on a tumultuous town meeting which voted in favour of seeking a new water supply, the Guardians agreed that they would have to do something 'because otherwise the Local Government Board might take over the matter and cost them more money'.⁴³ The Water Supply committee which was set up to investigate the issue spent two years considering various proposals for bringing in new water, at the end of which the Board of Guardians rejected the committee's choice of scheme and re-started the process.⁴⁴

³⁹ 'The Water Supply of Downpatrick', *Downpatrick Recorder*, 16 May 1874, p.2.

⁴⁰ 'Downpatrick Board of Guardians', *Downpatrick Recorder*, 5 December 1874, p.4.

⁴¹ *Royal Commission on Local Government and Taxation*, pp 283-4.

⁴² 'Downpatrick Board of Guardians', *Downpatrick Recorder*, 19 December 1874, p.2.

⁴³ 'Downpatrick Board of Guardians', *Downpatrick Recorder*, 19 December 1874, p.3.

⁴⁴ 'The Downpatrick Water Supply', *Northern Whig*, 9 June 1877, p.3.

Reluctance to impose new taxes and the fear of losing local autonomy was at the root of the objections to a new water supply. Maguire grumbled that ‘once they embarked under the Sanitary Act, as far as the water supply was concerned, they would never be able to extricate themselves from it and he believed it would cost more than they had heard’.⁴⁵ This fear of the inexorable nature of tax was communicated to the poorer ratepayers, already hard pressed by poor rates and county cess, and expressed in a petition against further taxation for a new supply. As one of the petitioners said, ‘I would rather give a subscription than put this tax on me and mine forever’.⁴⁶ The water supply was held to be of concern only to ratepayers as they were the ones who would have to pay for it. The view that the poor should be considered, and that ‘the spirit of the Public Health Act cannot be carried out unless there is a supply of water’ seems to have fallen on deaf ears.⁴⁷

Some of the more prosperous towns in the region had greater success in carrying through sanitary improvements. Lurgan, an early adopter of the Towns Improvement Act 1854, used the extra powers to carry out extensive works to upgrade its sanitary arrangements.⁴⁸ In 1879 Bangor Town Commissioners had petitioned to be designated the urban sanitary authority for their town because Newtownards Poor Law Union, which had been the sanitary authority, consistently failed to respond to Bangor’s applications for drainage, sewerage and a water supply. In a fit of hyperbolic pride they claimed to have used their independence to ‘clothe the town with privileges which very few towns in the North of Ireland possess’.⁴⁹ This contrasts to the attitude in Downpatrick where the Town Commissioners apparently did not want to regain the sanitary authority they had lost in 1874, because they did not want to be responsible for taxing the people.⁵⁰ There is little doubt,

⁴⁵ ‘Downpatrick Water Supply - Town Meeting’, *Downpatrick Recorder*, 5 December 1874, p.3.

⁴⁶ ‘Downpatrick Board of Guardians’, *Downpatrick Recorder*, 12 December 1874, p.4.

⁴⁷ ‘Downpatrick Board of Guardians’, *Downpatrick Recorder*, 5 December 1874, p.4.

⁴⁸ Crossman, p.68.

⁴⁹ ‘Bangor Town Commissioners and Newtownards Board of Guardians’, *Northern Whig*, 17 June 1887, p.7.

⁵⁰ *Royal Commission to Inquire into Boundaries and Municipal Areas of Cities and Towns in Ireland, Report, Part III., Minutes of Evidence, Appendices*, HC 1881, 50 [C3089] p.302

however, that Lurgan, and also Lisburn, benefitted greatly from the investment of their respective landlords, which was a benefit denied to Downpatrick by the dwindling resources of their landlord.

The water saga dragged on. Many schemes for a new supply were proposed and rejected as unaffordable. This was not unreasonable as Downpatrick had for years suffered declining population, virtually no industry, and diminishing trade.⁵¹ Even Lurgan, fast-growing, far wealthier, and more progressive than Downpatrick, was unable to commit to the vast expense of the engineering required for major new waterworks. In that town a £10,000 scheme to bring water from a source nine miles distant was shelved when the estimates ballooned to £30,000.

The period after 1874 saw the Town Commissioners reduced to little more than a lobby group, making representations to the Board of Guardians on behalf of the town, but having no direct influence in town governance. As Lighting Commissioners, they did not even exercise what little power they had over the whole town. And they were unable to persuade their fellow townsmen that if the town adopted the Towns Improvement Act, it would have had more control over its own affairs and more control over taxation.

⁵¹ 'The Proposed Military Depot Centre', *Downpatrick Recorder*, 22 February 1873, pp 2-3.

5. Conclusion

This study began with the gap between the ‘thriving’ Downpatrick of 1831 and the ‘distinctly dilapidated’ one of 1898. It has sought explanation for this decline against the background of a changing legislative framework which sought to enable local ratepayers to take control of improvements within their town. Many towns took advantage of this legislation, not only in the Catholic south, but also in the Protestant north-east. The ‘municipal revolution’ was, essentially, an empowerment of a rising bourgeoisie in relation to their urban patrons. It is not surprising, therefore, that in majority Catholic towns this should lead to profound change in the way that middle-class Catholics occupied the public sphere, while in majority Protestant towns, a Protestant bourgeoisie was entrenched. It is more surprising that, in Downpatrick, a persistent majority of ratepayers, Protestant and Catholic, remained deeply suspicious of initiatives emanating from central government. However, there is no evidence that their resistance was because of any supposed divergent development in Ulster. Rather, it was because of a sturdy belief that the liberty of the subject rested on full enjoyment of private property, free from the interference of the state, and allied with a strong sense of self-worth.

It is evident that decline was slow, because there was so much disagreement over what constituted the markers of decline, and because the idea persisted that this improvement or that improvement would be the magic fix to put Downpatrick back in its ‘proper’ place. Both in the 1830s and the 1870s hope was being vested in the arrival of new landlords to make that difference. One criticism which was repeatedly levied against prominent citizens was that they showed little inclination to financially invest in either the infrastructure or in

manufacturing. There was still a great deal of wealth in the town, particularly amongst those who had prospered in the earlier part of the century. These were the men who had invested their money, not in manufacturing, but in property and prestige. After the mid-century, however, 'colossal fortunes' were no longer made, and the typical businessman, and typical Town Commissioner, was a shopkeeper with a single shop. That this sort might have had inadequate resources to sponsor major undertakings is suggested by the swift collapse of John Lloyd's business after his death.

Even without internal investment it is apparent that Downpatrick faced formidable problems. The first of these was its own geography. It was defined by water: by the surrounding marshes which were a continual project to control, and by a perennial shortage of water for domestic, sanitary and industrial purposes. The advantages which Downpatrick had possessed in the distant past were disadvantages for the modern age. In order to grow it had to drain the marshes; the more effectively the marshes were drained, the more acute became the water shortage and the more distant it became from its port. The ambitious drainage scheme of 1850, which might have solved this conundrum, far outran the resources of David Ker to pay for it. Cooperation between proprietor and tenants had allowed Downpatrick to thrive in the eighteenth century. The failure of the local elite to respond to Ker's lead shows that they had continued to rely on the input of its successive proprietors for too long.

The second external problem was the industrial and commercial magnet of Belfast. Downpatrick's linen industry was an early casualty of changes in the way linen was produced and sold. The earlier model, of an industry based on independent producers and public markets was disappearing in East Down even before the introduction of mechanized

spinning. Instead, intermediaries emerged who bought and sold the cloth in the larger, more valuable markets of Belfast and the Lagan Valley. Mechanization accelerated the shift which tended to concentrate production and sale within this linen triangle. So too, with the arrival of the railway, its agricultural markets lost business to better connected towns. The railway did not reliably bring trade in to the town, but it did facilitate taking trade out of the town, as Belfast's shops could be reached in less than half the time. And while investment was made in the market infrastructure, Downpatrick struggled against the dominance of Belfast.

In Chapter 4 I have attempted to show how a particular problem, the sanitary problem, illuminates both decline, and the resistance of the majority to the efforts of a minority to reverse decline. Downpatrick was a socially conservative town with a high opinion of itself as 'the shire town of the model county of Ireland', and an inclination to think that what was good enough in the past remained good enough. Unfortunately, this seems to have been the dominant view of sanitary improvements. If it was a choice between defective water and sanitation on the one hand, and higher taxes on the other, then the majority of the taxpayers would apparently prefer to put up with poor sanitation. Those paying the highest taxes often had their own water supply and were able to live with a little more distance from 'nuisances' than did the poor. Improvements, sanitary or otherwise, were seen as an issue affecting only those who would be called on to pay for them. The connection between taxation and benefit was very strong and as the poor paid no taxes, they had no voice. Opponents of sanitary reform were unconvinced by the idea that a healthier town might be cheaper in the long run; that less sickness amongst the poor would mean fewer people in the workhouse and the infirmary. Still less that sanitary improvement might be a community issue rather than an individual one. There was, equally, little evidence that the attractiveness of the town to outsiders, as a place to settle or as a site of commerce, encouraged a positive and collective

inclination toward improvement. Increasingly, a sense of decline made the town unwilling to invest in itself. Downpatrick may, perhaps, have been too small to take on the larger burdens - the engineering works necessary to bring piped water from a distance - but it was also unwilling to take on smaller ones too - the idea that the Sanitary Act was better ignored because its operation infringed precious liberty to enjoy property and personal wealth, was powerful.

A complete study of local government in Downpatrick during the nineteenth century would not be possible in the time and space available to this dissertation, even without the problems of access to archives in 2020. However, there is scope for a closer examination of the other bodies involved in what were complex arrangements. An examination of the records of the Grand Jury of County Down for the Barony of Upper Lecale, and of Downpatrick Poor Law Union, which are held by the Public Record Office of Northern Ireland, would bear interesting fruit. It would also be interesting to investigate the associational life of Downpatrick to shed further light on its urban elite.

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Appendix

James Reid

Grocer and Spirit dealer, Irish Street	<i>Ulster Directory</i> 1852, p.544
'forty years in the grocery wine and spirit business'	'To Be Let', <i>Banner of Ulster</i> , 1 December 1855, p.3.
Quits business in the 'grocery, wine and spirit business' selling interest to Henry Montgomery	Advert, <i>Downpatrick Recorder</i> , 8 March 1856, p.3.
House to let in Irish Street 'at present occupied by Mr James Reid' and 'fit for the accommodation of a respectable family'	<i>Downpatrick Recorder</i> , 13 June 1857, p.3
Retains lease of his former premises, leasing to Montgomery and Agar	Griffith's Valuation, p. 322
Purchases lease of Vianstown House, nr. Downpatrick; resident there by 1859 – advertises pony for sale 'from his residence, Vianstown'	'Horses for Sale', <i>Downpatrick Recorder</i> , 24 December 1859, p.3.
Mr Carroll, Cathedral Organist, has moved to house 'lately occupied by James Reid Esq.'	'A Card', <i>Downpatrick Recorder</i> , 12 March 1859, p.3
Listed amongst gentry	<i>Ulster Directory</i> 1865
Mentioned in report of a town meeting as former chairman of Town Commissioners and 'now of Vianstown'	<i>Downpatrick Recorder</i> , 5 December 1874, p.3
James Reid of Vianstown, died April 15 1891, aged 83	Death notices, <i>Belfast News-letter</i> , 16 April 1891
Obituary – links 'prominent and successful merchant' in the town to Vianstown House; member of Board of Governors of the County Infirmary	<i>Downpatrick Recorder</i> , 18 April 1891
Death Register. Chronic bronchitis and weak heart; son, James, present at death	At irishgenealogy.ie
Interred in (Carson) family vault at Downpatrick Presbyterian Church (nephew of Joseph Carson)	Clarke, R.S.J., <i>Old Families of Downpatrick & District</i> , p.65