

## “ THOMASTOWN CORPORATION ”

By W. J. Pilsworth

**A**MONG THE more notable followers of the Earl Marshall, who married Strongbow's daughter thereby obtaining the province of Leinster, was one Thomas Fitz Anthony.

Fitz Anthony obtained generous grants of land around Inistioge, Thomastown and Kilmacow.

He became Seneschal of Leinster in 1211 and later obtained the custody of the counties of Waterford and Desmond. For a number of years he must have been one of the most powerful men in Ireland, but in the closing years of his life he lost his exalted posts and died heavily in debt to the crown in 1229. In or before the year 1210 he founded Inistioge Priory and endowed it generously.

About the same time—the exact date is uncertain—he granted a charter to the burgesses of the town of Grenan which then or shortly after became known as Thomas Fitz Anthony's town or Thomastown (the Irish name of Baile Mic Andain commemorates the latter portion of his name) although the old name of Grenan was occasionally used for centuries later.

This charter which followed a more or less standardised form in use at the period gave many privileges to the burgesses of Thomastown. Under its terms a court was set up in the town to which burgesses were to bring their disputes and which had power to punish evildoers either by imprisonment or by fine.

No foreign merchant was to sell by retail in the town for more than 40 days without a licence of the commons of the borough.

Burgesses were to be free to marry as they wished and to set up merchants' guilds, to have common pasturage of Fitz Anthony's woods and have their corn ground in his mills at a reasonable cost.

They were to pay a rent of 12d. a-piece annually.

This last item enables us to get an idea of the population of the town a century later as it is on record that in the early part of the 14th century the rent was paid by 215 burgesses so that there were more inhabitants than at the present time.

In 1346 King Edward III granted a charter to the Provost, Bailiffs and honest men of Thomastown enabling them to apply the produce of certain customs and tolls to the erection and repair of the bridge. The inhabitants of Thomastown had long desired that their town should have the protection of a wall. In the previous century permission had been refused apparently on the grounds that as the larger and more important town of Kilkenny had at that time no walls it would be presumptuous on the part of Thomastown to have any.

Since then, however, owing to the continual strife in the country, it had become obvious that a town without walls was unlikely to survive. Accordingly in 1375 another Charter of Edward III permitted the provost and community of the town of Thomastown to charge tolls on all goods sold in the town or passing through it for a term of 20 years.

The list of such goods is an extensive one and in addition to what one might call the necessities of life comprised items such as cloves and ginger which suggest that the standard of living was a fairly high one.

The general charge seems to have been one farthing in the shilling or about 2% which seems very reasonable.

In 1450 another charter was granted freeing the inhabitants from the payment of all subsidies etc. for ten years to enable them to keep their walls in proper repair.

In 1553 under Queen Mary a further charter was granted which gave to the provost and burgesses similar powers to those of Kilkenny, and prescribed the method of election of corporation officials and the powers of their court. Monday was to be market day

and a fair was to be held annually from 30th April to the 15th of May.

It was at this period that Thomastown started to send two members to the Irish Parliament. One of the first elected was Henry Colley a remote ancestor of the great Duke of Wellington.

In the 17th century further charters were granted by James I and James II. This brief summary of the earlier corporate history of Thomastown brings us up to the time of the record book of the Thomastown Corporation which I now lay before the meeting by the courtesy of the R.S.A.I. to whose library it belongs.

This book has been described once before—by Rev. James Graves in the *Journal of Kilkenny Archæological Society* for 1856. Apart from one or two inaccuracies his account, though brief, is, it need hardly be said, an excellent piece of work.

The book is a large folio volume with a soft leather cover which in the course of time has become detached and somewhat torn. It has the peculiarity of commencing at both ends and has a number of blank pages, mostly in the middle; many of the entries are made with complete disregard to chronological order and the handwriting varies tremendously.

The contents may be analysed under the following headings:

- Names or officials, burgesses and freemen in 1693.
- Election of Sovereign and other officials 1693-1743.
- Election of burgesses and freemen 1693-1744.
- Election of M.P's.
- Oaths of Allegiance, etc.
- Court Proceedings.
- Town Regulations.
- Miscellaneous.

The names of the Corporation officials for the year 1692-3 are given in detail. The Rev. Arthur Anderson was sovereign.

William Harrison, Esq., was recorder.  
Richard Walsh, Gent., was portrieve.

There was also a town clerk, a sergeant at mace, two constables and two sworn assessors.

William Harrison and John Hayes, Esq's., were Parliament Men for ye Corporation.

There were 37 burgesses and about 100 freemen.

The burgesses were of higher rank in the Corporation and were generally of the landed gentry class.

The occupations of the freemen are given and are not without interest, they include 41 described as "gentlemen," 10 boatmen, 5 merchants, 4 tailors, 3 weavers, 2 clerks (i.e. clergymen), 2 cordwainers, and one each smith, skinner, mason, doctor of physic, and inn-keeper.

The election of sovereigns are regularly recorded. The practice was to make the choice in June of officials who took up their posts at the end of September and held office for a year.

For the first fifteen years covered by these records it was usual to elect a different sovereign each year, but in 1709 Christopher Hewetson, Jun., was elected for the first time and the office was held practically continuously either by him or by some member of the Hewetson family until 1743, when Henry Agar was elected sovereign by 40 votes to 13. Incidentally, this was one of the few contested elections recorded.

It was usual to elect a portrieve and sometimes a Deputy Sovereign.

Christopher Hewetson, Senr., was recorder of the Corporations during the greater portion of the period.

The election of freemen and burgesses is entered in a rather haphazard manner. In the early years about half a dozen on the average were elected annually, for a number of years the number of elections greatly decreased but at the end of the period and in connection with the rise to power of Henry Agar between 30 and 40 names were added to the register.

While it cannot be said that any of these burgesses were particularly distinguished men, a number of them

were of considerable importance and several of them were ancestors of men who became peers in the next generations, as for example Ponsonby (Bessborough), Cuffe (Desart) and Agar (Clifden). It is a fact to be remarked that very few of the surnames of these burgesses are still to be found in the country.

An important function of the Corporation was the election of two members of Parliament. These elections are only recorded, but there is no single record of a contested election. Those elected in the early years were generally local gentry (Bushe, Hewetson) but towards the end of the period a number of outsiders such as Bettsworth and Gardiner were chosen.

By the way, both these gentlemen fell foul of Dean Swift. Bettsworth, who held the position of Sergeant at Law, on being introduced to the Dean as Sergeant Bettsworth, was asked "Sergeant of what regiment, pray?" and Gardiner, who was a self-made man of considerable ability and responsible for a good deal of the excellent building done in Dublin at the time, was thus described by the witty Dean in a letter "a fellow in Ireland who, from a shoe boy, grew to be several times one of our chief governors; wholly illiterate and with hardly common sense."

It was usual for newly elected M.P.'s to sign a statement to the effect that they discharged the Corporation of all claims for salary or allowance on account of their Parliamentary service.

The oaths to be taken by freemen, burgesses and by the sovereign on the occasion of their elections are fully set out.

The oath of abjuration was also to be signed by freemen and burgesses at the commencement of each reign, the wording being altered to correspond with the names of each monarch and abjuring all allegiance to the exiled Stuarts.

There was also a declaration to be signed which was directed against certain tenets of the Catholic religion and which no sincere Catholic would accept. This had the automatic effect of restricting members of the Corporation to those of the Protestant religion.

Most of the burgesses but few of the freemen listed in 1693 made this declaration. The actual signatures are preserved and give some indication of the standard of education prevailing. Taking the lists as a whole, about 5 per cent. are 'marksmen,' about 15 per cent. appear to write with difficulty and the balance or 80 per cent. with what may fairly be described as educated hands.

At a later date, which internal evidence indicates as 1743, some person has gone through the entire lists of elections and signatures and has marked 'dead' against many of the entries. A few have been marked 'resigned' and a few more 'a papist' or 'turned papist.'

I am sorry to say that four members are marked as 'hanged,' two of them 'for the robbery of Harvey Morris of Castle Morris.'

We turn now to the more interesting parts of the book, namely the regulations laid down for the welfare of the community and which are scattered more or less at random throughout but more frequently in the earlier years.

It is worthy of comment that no annual budget ever makes its appearance. We are nowhere informed what salaries were paid to the officials or to the petty constables nor do we know what the revenues were. The latter presumably consisted of the rents of the Corporation lands, the market tolls and the court perquisites. It is possible that the sovereign handled all receipts and expenditure, but it is no where so stated.

The usual procedure adopted when any particular matter needed attention and especially if it required the levying of a sum of money, was to empanel a jury who made recommendations to the Corporation which seem to have been invariably adopted. These edicts may be divided into the regulation of trade, law and order, and sanitary measures.

The market house required the expenditure of 40/- to put it into repair, and a further 10/- was levied for the purchase of a Bristol barrel, a bushel, a peck and half a bushel for to serve the market. Five years later a similar order was made with the significant addition

that the articles in question were to be lodged at the present sovereign for the use of the Corporation.

In 1698 it was agreed that 'custome and toll be taken hereafter out of what goods shall come in to the markt to be sould' at the same rates as charged in the city of Kilkenny. All such goods were to be brought to the market place for sale or run the risk of forfeiture. This law was rescinded at a later date in so far as concerned goods sold on the market day (Monday) which were to be toll free and buyers and sellers were freed from trial in the local court on that day.

It was laid down in the royal charters that the Corporation had power to grant charters to trade guilds and one such charter was granted to the 'Company of boatmen,' which refers to the boatmen who carried goods in their 'cots' up and down the river Nore to Inistioge and New Ross and to those activities much of the prosperity of the town—such as it was—was due.

The Corporation held a weekly court, the proceedings of which for a number of the earlier years are recorded. None of them are of much interest, being worthy actions in connections with debts—they are recorded for the most part in Latin.

But a court was of no use without means to enforce its decrees.

There are early references to repairing the stocks and whipping post and the pound, and in 1720 a sum of £5 10/- was raised to build a parish pound and to 'erect and build a payr of stocks and whipping post for the use of the said Corporation'—apparently the earlier ones were worn out.

Terence Kelly was appointed pound keeper; inhabitants were to pay one penny for each beast impounded, but 'foreigners' were to pay 3d.

It was usual to elect two Town Constables, but those elected did not always give satisfaction. In 1697 it was necessary to issue a warrant against Constables Nicholas Walsh and Thomas Kelly, who had apparently embezzled Corporation funds, and in 1702 Constables

John Birne and John Ryeane were fined 3/4 and imprisoned for two hours for not attending a court. A longer imprisonment was no doubt deemed unwise.

There is a reference to providing 4/- for a grate for the guard house and 2/- a week for firing for it. I imagine that this was an unusual effort caused by uneasiness about the possibility of a Jacobite landing at the time—the winter of 1715-16.

In 1694 an inquest was held on the body of a three-months-old child found in the river Nore. 'The verdict was 'found drowned.' A few years later it was ordered that the 'crown' be paid 13/4 for an inquest on the body of John Shanahan.

There are several records of what may be termed Sanitary measures. An early order laid it down that all swine should be provided with rings, the penalty being a fine at the sovereign's discretion. At a later date the penalty was more precisely laid down—the animal was to be impounded until the owner paid the sum of one shilling.

A similar fine was to be exacted from any townsman who indulged in the unpleasing habit of keeping a dunghill on the pavement in front of his house.

The brook which now runs underground beneath Market St. also came in for attention. In 1707 the inhabitants 'one out of each house' were ordered to clear it, and at a later date it was ordered that a fine of 2d. be levied on any person found washing or in any ways dirtying it.

The local carmen were ordered to pay 1d. each for mending the breaches in Logan Street and householders were to pave the street before their holdings to a width of three yards.

A few miscellaneous entries serve to conclude this account of the Corporation Book.

April 27th, 1699. This day Hamish Trassie bought a little dark bay mare, about ten hands high, off James Lorkin for seventeen shillings in the presence of William Shea and several of the neighbours the which the said Mamish caused to be entered in the book of records of the Corporation of Thomastown.

One last rather sad little note. Feb. 8th, 1725. There is now of ye top of meace 6 crosses and 5 Flower de luisis (i.e., 6 crosses and 5 Fleur de Lys).

The remaining history of the Thomastown Corporation can be briefly related. It will be recalled in 1743 Henry Agar was elected sovereign in one of the few contested elections recorded. In 1747 Amyas Burke of Kilfane entered the lists against George Forster, the Agar nominee. At the ensuing election Forster was declared elected, but Burke took exception to this and fought the case at great expense through all the Irish Courts right up to the King's Bench in England, where judgment was finally given against him.

As a result of this trial the lands belonging to the Corporation of Thomastown were sold to help defray the costs incurred by the Agar family 'in defence of liberties and priviledges of said Corporation.' The control of the Corporation from that time rested without dispute in the hands of the Agar family, the head of which nominated all the town officers and the Members of Parliament.

When Thomastown lost its seats in Parliament as a result of the Act of Union, Lord Clifden received £15,000 as compensation. Although the Corporation had long lost whatever importance it had possessed it remained in being until the year 1840, when it was finally dissolved by the Municipal Corporations Act, the last sovereign being Sydenham Davis.

Some of the records for the years subsequent to 1743 were destroyed in the burning of the Record Office, but those for the years 1752-1840 are contained in one volume in the library of the R.S.A.I. in Dublin. This is a most disappointing volume, consisting almost entirely of records of elections.