

# THE EVOLUTION OF LOCAL GOVERNMENT

**L**imerick has had a system of local government since the close of the 12th century. In the year 1195 the Normans took control of the city and the surrounding area. They had garrisons in castles on both sides of the Shannon - Carrigogonnel on the south bank and Bunratty on the north. A provost was appointed for the city. This was an annual office and in each of the following years a successor was appointed. The introduction of English government was carried out by John, Earl of Morton and Lord of Ireland. He granted a charter to the citizens of Limerick in 1197, thus extending to the city the privileges already granted to Dublin, enabling the citizens to choose a mayor and two bailiffs. In the reign of James I, a charter by that monarch allowed the citizens to choose sheriffs in place of bailiffs. These, with

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the mayor, performed the municipal government of the city. The offices of mayor and sheriff have continued up to the present time.

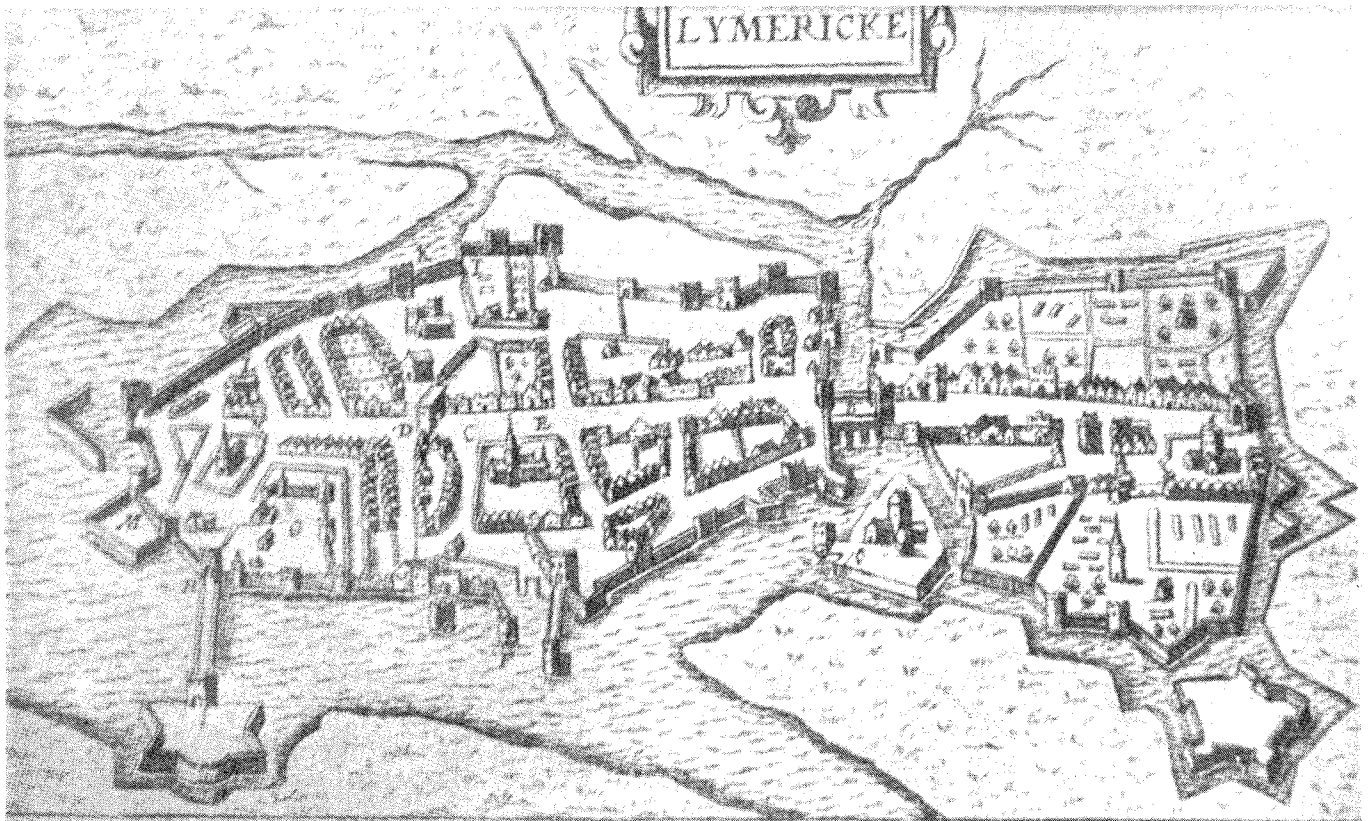
The constitution of the first counties or shires began in the time of King John and were in the provinces of Leinster and Munster. Their purpose was to make effective the rule of English Law in Ireland.

Under the feudal system the Norman knights were given estates on conquered lands and in return were bound to give service to the king in time of war. They were also bound to pay certain dues to the king. A king's officer was appointed

in each county to collect these monies and to gather armies when needed. A king's sheriff was also appointed in each county. He was bound to make a visit of inspection to his administrative area twice during his term of office. He also summoned feudal tenants twice a year to meet the king's visiting judges at the county town. At this assembly the sheriff selected twenty-three of the chief landowners and this body was known as the Grand Jury.

It can be said, therefore, that in the original feudal system is to be found a form of local government and this system was to last in Ireland in some form even to our time.

The grand jury system in Ireland developed and operated very differently from that in England. In this matter it could be said that the Normans "became more Irish than the Irish themselves".



The walled city.

The city of Limerick was a county in its own right by royal charter. The county system was only effective in areas where the king's writ ran. Before 1297 only the counties of Dublin, Waterford, Cork, Kerry, Limerick, Tipperary, Louth, Connacht and Roscommon were delimited. In 1297 the counties of Meath and Kildare were formed. Then, for nearly three centuries, until the reign of Henry VIII, there was no further development. At that time Westmeath was separated from Meath. Early in the next reign Laois was formed into Queen's County in honour of Mary Tudor and Offaly became King's County after Phillip II. The boundaries of County Wicklow were established in 1578 and in the following year Connacht was divided into Sligo, Mayo, Roscommon, Clare and Galway. The counties of Longford and Cavan were also formed, while Leitrim did not become a county until 1583. Ulster was divided into counties in 1610. Clare did not return to the province of Munster until 1660.

Thus, though the system of local government as we know it today is a comparatively modern creation it still retains reminders of a remote past. The legal framework of our present local administration however, came to us directly from the British parliament in the 19th century. It was a product of the contemporary English philosophy and, though it may have been suitable for the English people, no consideration was given to its suitability for the people of this country.

The Irish Poor Relief Act 1838, was the first important step to introducing representative local bodies to Ireland. In England the responsibility for poor relief had rested on the civil parishes since the reign of Elizabeth I. The Poor Relief Act, 1834, changed the system in England by the union of a number of parishes in order to provide a larger area of administration. In each of these unions a workhouse was provided to accommodate the destitute poor of the district. A board of guardians was elected to govern each union and was subject to the strict supervision and control of the Poor Law Commissioners in London. But the operation of the system proved more difficult than had been anticipated. In certain areas existing parish authorities fought hard against the idea. Some of the parishes, prior to the Act of 1834, had given outdoor relief to able-bodied workers when their wages were low. This had increased the poor rate on the wealthier classes.

The Royal Commission, whose report led to the enactment of the statutes of 1834 for England, and 1838 for Ireland, recommended that an able-bodied man looking for relief should be compelled to earn it in a workhouse where his condition should be made less desirable than that of the lowest labourer outside. This was called the "Workhouse Test".

The British Government calmly ap-



**Four Corporation workers in the early years of this century.**

plied the same system to Ireland in 1838, even though there was no tradition of parish government in Ireland and no parish areas existing here. It was to be an act "for the more effectual relief of the Poor in Ireland". The real object, however, was not so much to mitigate the sufferings of the poor as to prevent them from going over to England. The problems of poverty in England and Ireland were totally different. The immense amount of destitution in Ireland would have involved huge expenditure if the Poor Law was to be really effective, but the British Government had decided that property in Ireland must support the poverty in Ireland and so shift the burden from England.

Thus the Poor Law system was applied to Ireland without reference to any existing institutions or to totally different degrees of poverty. The workhouses in County Limerick were in the unions of Croom, Kilmallock, Limerick, Newcastlestew and Rathkeale.

One of the English Poor Law Commissioners came over to Ireland to put the scheme into operation. In his first circular letter to his assistants he made known his views on the difference between the two countries:

In one respect we shall find an advantage in the application of the law in Ireland over what we experienced in

England. As regards legal provision for the relief of the poor, Ireland is, at present, entirely a blank and it is open to us to establish one rule, one system, in detail as well as in principle, throughout the whole country instead of modifying and adapting arrangements to previously existing institutions as we were frequently compelled to do in England. We may therefore hope that our work in this country will be on the whole more orderly and harmonious than we were able to make it there.

This was pure bureaucratic and civil service jargon at a time when the Poor Inquiry Commission had estimated that nearly two and a half million persons in Ireland starved every year.

To sum up it can be said that the modern system of local administration is mainly based on the Local Government (Ireland) Act, 1898, the purpose of which was to put local government in Ireland on a representative basis. Administrative counties with county councils were created. Six cities were made county boroughs in which the corporations had almost all the functions of a county council as well as the functions of a borough corporation. Kilkenny, Drogheda and the town of Galway, which had ranked as counties for grand

jury purposes, ceased as such and merged with the administrative county. Belfast, Cork, Derry, Dublin, Limerick and Waterford remained as counties in their own right with perpetual succession, with power to hold property, to sue and be sued. The geographical county of Tipperary forms two administrative counties, having been divided in 1838 into two ridings, north and south. The term 'riding' had already been applied to some shires in England and denotes a third part, but in its application to Ireland such preciseness was overlooked.

Allowing for its many defects, the system gave the Irish people a great opportunity for political education. The local bodies established had some 4,000 members and, with regular elections, a certain movement of new members occurred every three years. The boards of guardians and district councils were much more active than county councils. There was a better type of rural representative on smaller bodies. In the large counties the difficulty of travelling to meetings in the county's main town led to representation being confined to substantial landowners, shopkeepers and publicans. Travelling expenses were not paid, so tradesmen, labourers and small farmers could not afford to attend.

The first election to councils coincided with a drive by the newly-formed United Irish League to unite nationalists and the occasion gave a great opportunity for a display of political strength. From this beginning the practice developed of using local authorities for political purposes. A great amount of time was taken up at council meetings with speeches on national political problems and in proposing various resolutions highly critical of British rule in Ireland.

Up to 1899 the right to vote was confined to those who were ratepaying occupiers or owners of property. The qualification varied. In boroughs it was £10 yearly value; in other towns it was £4 and £5 in others.

In the Poor Law Unions the guardians were elected by ratepayers on a system of plural voting. The more property occupied the greater the number of votes. One vote was allowed up to £20 valuation. The number of votes increased by stages to six at £200 valuation and, in addition, if the occupier paying the rate was not entitled to deduct any part of it from his rent, the number of his votes was doubled. Voting by proxy was allowed.

Under the Local Government Act 1898, multiple votes, proportionate to the amount of rateable property, were abolished. Householders and persons occupying part of a house were now entitled to vote. The act made the parliamentary electorate, peers and qualified women the electorate for local government elections.

The next stage in enfranchisement was reached in 1918 when married

women of thirty years of age or over got the vote. In 1935 every citizen of 21 years or over received the franchise, thus assimilating that franchise in to the parliamentary franchise of the 1922 Constitution. Finally, the voting age was reduced to 18 years or over, in the past decade.

The term of office for members of a local council was, at first, three years. In 1953 the term for holding office as a member was increased to five years.

Proportional representation was introduced by local act in 1918 for the borough election in Sligo. The system was generally applied to Ireland for the municipal and urban elections in 1920. The object of proportional representation is to give representation in parties in proportion to their electoral strength and to secure adequate representation of minorities. To give proper representation to minorities, each electoral area or constituency returns at least three members, but preferably more.

The British Government had introduced the system for Ireland only, with the obvious intention of giving increased representation to the pro-British minority of the population and reducing or destroying the Sinn Fein majority at the polls. The fact that Sinn Fein approved of the introduction of the system occasioned a good deal of surprise. **The Daily Mail** in its issue of 6th January, 1920, observed that the fact that "Sinn Fein, instead of opposing a change, declaredly designed to cripple its power should willingly help in its development, is more than remarkable". The same paper noted that "incredible as it may seem, not a single penny could be obtained from the Government for the purpose of explaining the system to the voters." The assumption of the British Government seemed to be that the less instructed mass of the Irish people formed the chief support of Sinn Fein and that those confused by the new and intricate system would spoil their votes. However, instruction in the new system was carried out by the Sinn Fein organisation with such thoroughness that the number of spoiled votes recorded was less than 2.5%.

The familiar British argument that the Irish were unfit for self-government was now discarded in favour of the suggestion that their organising abilities were so remarkable as to compensate for the weakness of their cause. "The great genius for organisation" was attributed by the hostile as well as by the friendly press, to Sinn Fein. Sinn Fein candidates were returned with large majorities and the local authorities cast off their connection with the Local Government Board and gave allegiance to the new Minister for Local Government of Dail Eireann.

The new bodies were filled with reforming zeal and immediately attacked the Poor Law system. It was decided in most counties to amalgamate the unions and

to administer the service on a county basis. The restrictions on the payment of outdoor relief were removed so that able-bodied persons would not have to enter the workhouse. A county home was to be established for the aged and infirm poor and a county hospital for medical and surgical cases. The administration was to be carried out by a county board of health, formed from members of the county council. These changes were formally legalised by our own government in 1923 and applied throughout the state.

It soon became evident that there was a striking contrast between the strict central control exercised over the officers of the numerous Poor Law authorities, dating from 1838, and the loose control exercised over the larger and fewer local authorities, established in 1898. It had long been one of the planks of Sinn Fein policy - announced in the early years of the century - to have a "local Civil Service" recruited by competition of merit rather than by competition of votes, remunerated on rational lines and available for service in any part of the state. Hence in the years 1923 and 1926, side by side with the changes that were made in the structure of local government, changes were also made in the conditions of service of local officers and their relationship to the central authority. In 1926 the Local Appointments Commission was set up to control the appointments to all senior posts in the Local service - the object being to remove the danger of corruption in making appointments locally. It was not essential that all appointments made under local authorities be filled by the Commission - promotion could, with the sanction of the Minister, be made - but in practice almost every important office was filled through the Commission.

For a century or more, the main lines of local government in Ireland were modelled on the English system, but a fundamental change occurred in the 1930s with the adoption of the American-type system of city and county management. City managers were appointed to the cities of Dublin, Cork, Limerick and Waterford. In 1943 county managers were appointed to each of the major counties, while the smaller ones were joined for similar management purposes. Boards of health were abolished and their functions and powers were transferred to the relevant local council.

Representative local government was drastically altered by the transference of some of the members' powers and duties to the chief executive officer - the city or county manager. However, some important functions were reserved to the elected members in assembly.

The next step in the rationalisation of local government occurred in 1970 with the creation of eight regional health boards and the transfer of all health functions to them from the city and county councils.