

John McNamara Cantwell (1810-78)

John McNamara Cantwell was a prominent but now forgotten legal personality of the 19th century. He was a nationalist who acted for Daniel O'Connell; a one-time partner of the *Freeman's Journal* and, following his father's footsteps, fought against market and tolls corruption in the Dublin and Irish Administration. The family claimed to be ancestors of the medieval Cantwells, Lords of Moycarky.¹ The main source for his immediate ancestry comes from the *King's Inns Admission Papers*²

Peter Cantwell, only son of John, Dublin City Esq., Middle Temple 31st Jan 1776, Hilary term 1778

John Cantwell, only son of Peter, Dublin, barrister, deceased, and Esther Dodd, over 17, educated Dublin, affidavit by his mother, Hilary term 1800, Bond Easter, 1805.

John McNamara Cantwell, only son of John, Dublin, attorney, deceased, and Susan Gilmore, over 16, educated by private tutor, affidavit by John Houston, Easter 1832

John Cantwell

Nothing definite is known of him or who he married.³

Peter Cantwell

He was probably born c. 1740-50 and is said to have died in 1794 soon after the Government announced that he was to be elevated to the Bench⁴. His will was proved in the Prerogative Court the same year.⁵

He was a Commissioner of Bankruptcy and possibly the Mr Cantwell who one of the counsels for the defendants in the case between the co-heiress of the late Counsellor Hamilton of Castlefin versus Richard Cowan, late of Lifford, and John Cowan of London, his son⁶. He is described counsellor-at-law in 1792 when witnessing the will of James Cox Rainsford of Dublin⁷. A Counsellor Cantwell was one of eight

¹ Reported in his 1878 obituary and will of his daughter, Harriette, that states "where my ancestors the Lords of Moycarky presided for generations returning over centuries of time".

² Editors E Keane, PB Phair & TU Sadlier, Irish Manuscripts Commission, 1982

³ See Appendix for possibilities

⁴ *Illustrated London News*, 20/1/1844

⁵ National Archives: Index of Prerogative Wills and Betham's Abstracts of Prerogative Wills, vol. 15 made 10/8/1789 & proved 25/1/1794; wife Esther, son John, daughter Anne. Assuming the transcript is correct, it seems unlikely that a prerogative will could be proved in such a short time

⁶ *Belfast Newsletter*, 20/3/1789

⁷ Registry of Deeds, 444 97 287445

coffin bearers of Dudley Hussey, late Recorder of Dublin, from his house in St Stephen's Green to St. Mary's graveyard in 1785⁸.

He married Ester Dodd in 1777 when he signed a marriage settlement bond of £1,000⁹. She was the daughter of Richards Dodd, chandler, and Martha, Dublin City. She was baptised 27th April 1753 at St Mary Pro Cathedral (RC); sponsors Michael Mangan & Lucy Doyle¹⁰, She was a well-off lady in her own right; in 1774, she was granted property in Bolton Street from her grandfather, John Doyle, grocer, in thanks for the care she had given to him and his late wife¹¹. The next year she leased property on the north side of Ball/Bull Park for 28 years on the same street from Theophilus Clements¹². In 1783, Peter & Esther Cantwell leased brick house, small back house & stables to Peter Farrell, distiller, on the south side of Bolton St for balance of thirty years from 1773 for £52/5/6.

It appears that it was through his wife that the Bolton Street property ended up in the Cantwell family. After Peter's death, John and his unmarried sister Anne¹³ leased property on Bolton Street and Howth (Red House) on behalf of their mother till at least 1807. She may have died soon after as there are no further leases registered in her name.

John Cantwell

He was probably born around 1780 and qualified in 1805. From 1815 he was regularly reported in the newspapers in a variety of cases mostly protesting illegal tolls and customs. He was constantly in conflict with the Lord Mayor of Dublin, his sheriffs and other officers over their administration of trade in the city and was mostly on the side of the beleaguered citizenry, its craft workers, traders and factors. He went to prison several times for refusing to keep the peace while on market place protests.

In 1824 he was Secretary to the City of Dublin Toll Committee: "appointed for the purpose and forwarding petitions to Parliament against the Tolls and Customs Bill"¹⁴.

He published, in 1817, *A Practical Treatise on the Law of Tolls and Customs: as well those payable in the city of Dublin, as in every City, Corporate Town, Fair and Market in Ireland enabling the farmer, merchant, factor... To which is added, an appendix, comprising all the acts of Parliament on this very*

⁸ *Freeman's Journal* 19/11/1785

⁹ Registry of Deeds 455 234 292770 in 1792 the bond was transferred to Bryan Meagher Waterford & May Ann Cunningham widow Dublin City, a John Cantwell, possibly Peter's father, was a witness in that year.

¹⁰ Pro Cathedral (RC) Baptismal Registers, siblings baptised were George 23/2/1745 & Mary 19/8/1748

¹¹ Registry of Deeds 301 267 200702

¹² Registry of Deeds 308 356 205433

¹³ Nothing is further known about Anne

¹⁴ *Freeman's Journal* 21st April 1824

important subject...; several adjudged cases... and a copy of the docket of the tolls claimed by the city of Dublin.

This was based on letters published by *Carrick's Morning Post*, and printed by John Barlow, 26, Bolton-Street. It was reprinted in 1826 and in 1829 when he is described as 'the late', the only evidence of his death. The 1829 edition was revised by W C McDermot, barrister, to rectify errors, update legislation, and make the work less opinionated.

He, "of City celebrity" acted on in the case of *Byrne v Seaver* concerning a dispute over *screech money* paid to porters for the transport of potatoes from the Potato Market. Future purchasers were advised either to pay the porters or arrange their own transport. (*Freeman's Journal* 5th September, 1815)

He was called before the Magistrates concerning legal advice he gave to carters of spirits and other good regarding tolls demanded over and above the normal 3d per dray, which they refused to pay and forced their way onwards. He defended his advice on the basis that they had already paid the 3d and in fact they were not liable for tolls on goods leaving the city and that the Toll-House was illegal being outside the city at the lower end of Dorset St. The case was dismissed and Mr Beresford, the Toll farmer admitted that these practices were not known to him and offered restitution of money collected illegally.

(*Freeman's Journal* October 12th 1815)

Acted on behalf of two householders, Parish of St. Nicholas Within, who refused to pay Parish Cess, (*Freeman's Journal* April 26th & 23rd May 1817)

Vestry Meeting of St James's Parish: Mr O'Reilly "took a sort view of the heavy oppression of local taxes, particularly the Metal Main Tax. He observed, that by the exertion of one virtuous and enlightened individual, Mr Cantwell, the citizens were relieved from the very heavy and oppressive burthen of Tolls and Customs, and the persons who opposed this imposed this imposition were uninformed peasants who supplied our markets...." (*Freeman's Journal* 21st January 1818)

Acted as Law Agent on behalf of the Committee against illegal Tolls in Drogheda (*Freeman's Journal* 21st May 1819)

Other cases reported by the *Freemans Journal* include:

October 1827 acted in defence against illegal billeting and that a Constable was obliged to give information and was liable under legislation if he refused.

February 1828 acted for corn trade factors

April 1828 acted on behalf of Cavan Day Coach re overloading of passengers

April 1828 acted on behalf of defendant in property seizure by cess collector where two houses had same address and collector had taken property of one illegally

January 1828 acted in defence of whether someone had the right to change a lock in a shared property

The date of his death is unknown but it is before September 1829 when he is described as ‘the late’ in a review of a new edition of his book on tolls¹⁵. It may be that he died suddenly as he is said to have died young. Cases in early 1829 may have been his son who only uses McNamara after 1830. The newspaper’s habit of reporting on the activities of ‘Mr Cantwell’ does not help in identification.

Unfortunately his death was not reported in any newspaper; his will, which has not survived, was probated in 1830, viz. John Cantwell, Bolton St., Attorney at Law¹⁶.

John McNamara Cantwell

His first letter where he used McNamara as his middle name¹⁷ was published in the *Freeman’s Journal* of November 1829 when he refused to attend a summons as it was not signed as well as other faults. He acted on behalf of defendants against Lord Mayo who had seized hay at Hay Market by questioning his authority with other similar cases same month, seized by officials over poor quality¹⁸.

In 1829, he acted on behalf of a pig seller re jurisdiction by Lord Mayor over the placement of a pig market, “After some desultory observations between the Lord Mayor and Mr Cantwell – his Lordship directed police to turn Mr Cantwell out of the yard. Upon which a number seized hold of him and dragged him out on the footway”; Charged with violating public peace and committed to Newgate¹⁹. He was then committed to Newgate until he entered bail for “opposing the constituted authorities, who had chartered rights to remove markets” whether it should be heard by Lord Mayor or before a jury which was his preference, the Mayor only wanted acceptance that he would keep the peace, which he refused²⁰

¹⁵ *Freeman’s Journal* 23rd September 1829 “From the able and indefatigable pen of the late Mr Cantwell who did more by his single labour and exertion to check extortion and to crush fraud in the markets of Dublin than any of his contemporaries”

¹⁶ *Index to the Act or Grant Books, and to Original Wills, of the Diocese of Dublin 1800-1858*, Deputy Keeper of Ireland, 1899 He does not appear in St Mary’s Parish burial registers, 1824-30

¹⁷ The origin of McNamara is not known, it does not appear to have been a family or maternal name

¹⁸ *Freeman’s Journal* 19th November 1829

¹⁹ *Freeman’s Journal* 1st December 1829; October 16th long inquisition regarding where pigs should be sold

²⁰ *Freeman’s Journal* 27th November 1829

In April 1829 he acted on behalf of St Michan's cess payers whose summons were faulty²¹ and, the same month, acted concerning legislation on animal hide trade, suggested to be adjudicated by Attorney General. He also contributed to Lord Mayor's meeting at Mansion House October 1829, regarding submissions on moving the fish market.

There are two biographical synopses, the first is an 1844 profile when he acted for Daniel O'Connell and the second is his obituary²²; both are quoted in full, notwithstanding their panegyric qualities. Though it may overstate his contribution, the latter in particular is over and above the normal content of obituaries and shows the strength of his character and the times he lived in,. There were several errors regarding the Louth election that are corrected in three letters to the editor that follow, the last adding the name of the solicitor, Peter O'Gorman, to whom he was first apprenticed²³.

Illustrated London News Profile



If²⁴ men are to be judged according to their descent, and to be made answerable for the sins of their fathers, this gentleman is more Sassenach than the Saxons themselves, for he comes in a direct line from a Norman lord, the Baron Cantleon, who came over with Strongbow to Ireland 'to help himself', accompanied at the same time by his brother, the Baron Cantee, who was also anxious to take share of the plunder. From the latter of these early adventurers the present Bishop of Meath²⁵, who too is a Cantwell, derives his origin. The Baron Cantleon is supposed to have been one of the 18 of Strongbow's knights who fell on the plains of Kildare, and whose bodies are buried in the Black Abbey in Kilkenny. The Cantwell arms, inscribed over one of the tombs, has led to the supposition. Irish romance has a great many legends connected with this family, who settled in Tipperary. There is a tradition that for four generations the chiefs of the sept 'took to wife a Butler maiden', owing to which circumstances their descendants for a long time claimed

²¹ *Freeman's Journal* 15th April 1829

²² *Freeman's Journal* 15th January 1878

²³ *Freeman's Journal* 17th January 1878

²⁴ *Illustrated London News*, January 20th 1844, p 40 issue 90, which includes this portrait; see appendix for last paragraph and satiric poem on the fish market episode

²⁵ Doubtful, he and his family came from Rahan Parish, Offaly

consanguinity with the Ormonde family. One of the last of the chiefs, called the Black Knight, took an active part in the civil war which raged in his time, and having been taken prisoner, was executed, and his lands forfeited to the Crown.

The subject of my present notice is a young man very much beloved and respected in private life, and of first rate reputation in his profession, or he should not have been selected as an attorney for the defence in the important state affair now at issue. He is the grandson of a barrister of some eminence, who was a contemporary of Lord Clare, and who at that convivial time went by the name of 'Facetious Peter'. The latter died in 1794, very shortly after the Government of the day had signified its intention to elevate him to the bench. His sister was married to Mr Archbold, the owner of the celebrated Padhreen mare. Owing to the circumstance of Mr Archbold's being a Roman Catholic, and according to the disgraceful penal law of the day, a Roman Catholic's horse, if worth a thousand pounds, could be claimed by a Protestant for five, he was obliged to run Padhreen under sanction of the name of the then Lord Lansdowne, who shared largely in the profits, it is said, to the great augmentation of the family's fortunes.

Mr Cantwell, the barrister, left an only son, who followed the other branch of the legal profession, and who, if he had been alive today, would have been just the legal adviser for Rebecca – for he waged a very fierce and very successful war against tolls and customs throughout Ireland. He was a person, it also appears, of considerable literary talent, and his letters on his favourite public grievance in the Irish press, under the signature of T, caused public attention to be drawn seriously towards it, and brought about in the course of time the consummation which he had wished for so long and so devoutly.

His son seems to have imbibed no small share of his anti-tolls-and-anti-customs propensities, for in the year 1829, when he could have been only just out of his articles, and no more than about 21 years of age, we find him doing battle with the then Lord Mayor, Sir Jacob West, who made the bold attempt to remove the fish and pig markets from their ancient classic sites. This led to a series of conflicts, personal as well as legal, in which the youthful Cantwell was a prominent and principal actor. The civic functionaries had in the end to beat a retreat.

Freemans Journal Obituary

The announcement that John McNamara Cantwell is dead will be heard with mingled feelings of surprise, disappointment and grief. His life and character were so singular, so foreign from that which we associate with the pursuit of a solicitor, his gifts were so conspicuous, and his manner and bearing so remarkable, that it did not seem possible that such a man would pass away from life leaving behind him a merely

professional reputation. When we say that Mr Cantwell's youth and early manhood gave promise of ultimate fame and power, we are justified in touching upon his career with more than ordinary attention.

John M'Namara Cantwell was born in August 1810. Peter Cantwell, his grandfather was a notable lawyer 150 years ago. He filled the office of Commissioner of Bankruptcy. His son was well known in pre-Union times and later as the most upright and conscientious of solicitors. His advice was prayed for as a boon, and but for his comparatively early death he would have left an ample fortune and inheritance behind. The family was of Norman origin, and settled in Ireland after the Invasion. They lived in Cantwell Court, Co. Kilkenny, a place which passed away from them, to be re-purchased by the gentleman who has just died. The Cantwells were always indulgent landlords, and the characteristic was not lost on the deceased, who not only cancelled arrears in hard times, but was often known to replace tenant's stock.

Mr Cantwell's father must be allowed the credit for having formed and educated his son's mind. The characteristic which made him notable – intensity of purpose – gained for him a practice of the most difficult and often disastrous character. He had been known to struggle in the same cause for a score of years, and to fight the law's delay with a vigilance which never flagged and a daring which amazed his more Conservative brethren. He reared his son in the principles which he loved himself, and watched with more than ordinary solicitude the youth and boyhood of the hope of the House.

For the Cantwells boasted a splendid lineage, and from time immemorial the representative of the family was always careful to add his proper cognomen the 'M' which hinted that the ancient 'Moykarka' was within his rightful boast. This ancient descent lent a certain hauteur to the subject of this notice – a manner which always commanded deference, but invariably melted into genial familiarity on a nearer approach. In his eighteenth or twentieth year Mr Cantwell joined the 42nd Highlanders, then commanded by Colonel Maclean. He bore the colours of this famous corps for two years; but life in garrison towns was not enough for the man who subsequently conducted the most important defence of modern times – the defence of O'Connell and his 'fellow-conspirators'.

He left the Highlanders and entered his father's office. From this he transferred to the desk of a gentleman whose name we have not been able to procure. The discipline of military life had rather disabled than favoured the development of that disposition essential to success as a solicitor, and Mr Cantwell's father wisely determined to subdue his son by the influences of a stranger. Life in Dublin was then very different from anything this generation can imagine; and gentlemen lost nothing by frolics which would fright the isle from its propriety now. Mr Cantwell, without being an 'idle apprentice', was certainly not distinguished for that sedulous attention to duty which made him famous in later days. He was admitted

an Attorney in Easter Term, 1837; and almost immediately entered upon a lucrative and honourable practice.

The best proof of the wondrous strides made by him in a few years is to be found in the fact that when O'Connell, his son John, the Rev. Thomas Tierney, the Rev Peter Tyrrell, Richard Barrett, Gavan Duffy, John Gray, Thomas M Ray and 'Honest Tom Steele' were arrested on a charge of misdemeanour in promoting the Clontarf meeting, O'Connell, at whose feet lay the services of the whole Irish Bar and profession of Solicitors, exclaimed, "Send me John McNamara Cantwell". At that moment Mr Cantwell had just completed his thirty-third year, and was a solicitor of only six years standing.

The truth is there were one or two great family cases of the most complicated character that had come from father to son, and the son had outshone the father in those qualities which had marked him as the most trusted solicitor of the time. In matters of detail Mr Cantwell had the vigilance of the lynx, in contesting questions of principle he possessed the boldness of a lion. He was naturally reckless of consequences, once being persuaded of his course; and the constitutional hardihood which never deserted him for one moment of his life lent to his conversations and address a power which greater men could not assume and meaner men dared not imitate.

How he conducted O'Connell's defence²⁶ is a matter of history; but few men of the present time can know or appreciate the endless toil with which he brought the case from stage to stage, from the Irish Queen's Bench, with its packed jury, to the House of Lords, with Denman's famous declaration that if this verdict stood, "Trial by jury would become a mockery, a delusion, and a snare".²⁷

The news of the reversal was carried to the Pigeon House, which was then the chief landing stage from England. An hour or two brought the glad tidings to Richmond Bridewell. O'Connell received his liberties with dignified composure; but he said such things of Cantwell as ensured for him an unquestioned pre-eminence. Associated with him in defence were Pierce Mahony, M Forde, P M Gartlan and T O'Reilly. For four years afterwards Mr Cantwell reaped substantial reward of his professional labours, and being by nature careful, he had amassed a sum of money which promised a future of ease and competence.

²⁶ *The Queen against O'Connell and Others. Trial at Bar of Daniel O'Connell, M.P., John O'Connell, M.P., Thomas Steele, Thomas Matthew Ray, Charles Gavan Duffy, [et al] for a Seditious Conspiracy, 1843-44; Reports of State Trials, New Series, Vol. 5*

²⁷ "If it is possible that such a practice as that which has taken place in the present instance should be allowed to pass without a remedy, trial by jury itself, instead of being a security to persons who are accused, will be a delusion, a mockery, and a snare", Lord Thomas Denman

However, it was not to be advancement. In 1847²⁸ Mr Fortescue (now Lord Carlingford) stood for County Louth. Mr Cantwell opposed him. It may be mentioned here – we do so merely to explain a circumstance which deserves explanation – that Mr Cantwell had married a lady of ancient family and great personal accomplishments, and of the deepest piety, a member of the Presbyterian Church. A son, the issue of the marriage, was reared in the faith of his mother, for whose lightest wish from the hour of wedlock until she expired, a few months ago, Mr Cantwell entertained the most extraordinary and beautiful reverence. Rough as he was at times, but never in her presence; and whatever might be the vigour of his contentious hours he left all his trouble behind him when he reached his home.

The fact, however, that he had permitted his son to be reared in a faith not his own told very strongly against a man who boldly proclaimed himself the Catholic candidate. He reared the banner himself – that there was a flaw upon it was not the fault of his opponent. The election was contested with a virulence and a vehement hostility which the men of to-day can scarcely understand. Mr Cantwell was not a soft-spoken man when engaged in contest, and hard things were said of him which his proud and sensitive spirit could ill brook. He challenged a gentleman then in the camp of Mr Fortescue, and since known as the husband of one of the most charming novelists of the present generation. The duel was happily prevented, although the most incredible efforts were made by the challenger to bring matters to a deadly issue.

Not that Mr Cantwell was at all a relentless man. He was, in the contrary, a careless man – when the turmoil was over; and would take a glass of wine with his enemy, shake hands, and forget the dispute. But in this election²⁹ he... this heart needs that were never quite eradicated never again favoured the slightest pret.... clerical authority; and he always seemed to He had been unjustly dealt with. It was Contest that he first gave proof of powers and found no development in his profession ... became a wonderful speaker. His person.... and powerful. His face was handsome ...are lurked in his eyes a flash that few men see when he was angry. His voice was a ...iful baritone, and as he was from the ...tom of his heart a really outspokeness, honest man, his demeanour andage when addressing even a hostilebly were alike singularly attractive powerful.

It was then made manifest that the most profound mistake had been in placing him in the silent branch of the legal profession. No man of this century could have ... John McNamara Cantwell as a *nihil prius* ...te; and his extraordinary capacity for detail,d with mnemonic power that approached thellous would have made him learned in his time which others might devote to study. The melancholy conviction fastened itself in his ... and soured him not a little. In after yearsare opportunity and the persuasion of

²⁸ Incorrect date, see letters to the editor below for corrections and other information

²⁹ Some words obscured on the microfilm due to bent overlapping paper

friendsed him to speak, he invariably proved that them and the Senate had been robbed ofdinary ornament. He was wont t... that he did not and could not p.... speeches; that he thoroughly digested the en.....n his mind; and trusted to the influencesime for expression.

That this was true was proven on more than once occasion when the demand for a speech could not possibly have been foreseen. When Sir John Gray was first chosen for Kilkenny a banquet was given in honour of the event. As a life-long friend Mr Cantwell was present, and when it was decided to give ‘The memory of O’Connell’, Sir John fixed upon Mr Cantwell to respond. After a few minutes thought he accepted the responsibility and delivered one of the most powerful and fascinating speeches ever spoken on such a theme, Emigration had been nearing its climax, and the Irish Liberal party was largely leavened with ‘carpet-baggers’, who professed an undying attachment to the country. Mr Cantwell was always happy in a phrase, and his phrases covered a great deal. He alluded to the double affliction as a process whereby “we imported our patriots and exported our people”.

His voice was constantly heard in the great Tenant-right agitation³⁰, and he did signal service beside George Henry Moore, the Rev Mat O’Keefe, and the Rev Thomas O’Shea. He was always a devoted admirer of O’Connell, but held that Federalism should be the true aim of the Irish people. Dublin is indebted to him for the retention of the Viceroyalty. When Ireland was prostrated by the famine, and Lord Clarendon, improving the occasion, urged his colleagues to abolish one of the most ancient of our institution, Mr Cantwell, with the late W Long of Henry-street, and a few other patriotic citizens, excited such an outburst of public opinion that the project was abandoned. On that occasion a deputation waited on the Duke of Wellington, who strongly expressed his opinion in favour of the Viceroyalty³¹.

We must return, however, to the Louth election. It will astonish many men who knew Mr Cantwell to learn that when he reached home a defeated candidate³², he had exactly 6s 11d in the wide world. He had scrupulously defrayed every farthing of his expenses; and those who were intimate with him will readily imagine how rigidly every claim was discharged. He sat down to his desk, and no man heard from him the word of chagrin or disappointment.

That he was deeply disappointed – mortified beyond telling – was true enough; but he found relaxation from mental distress by mental employment, and when one year had passed away he discovered that he

³⁰ One time leader of the short-lived Irish Tenant League, Andrews Ann, *Newspapers and News Makers: The Dublin Nationalist Press in the Mid-Nineteenth Century*, Liverpool, 2014

³¹ See Mark Duncan <https://www.rte.ie/centuryireland/index.php/articles/irelands-lord-lieutenant-a-fount-of-all-that-slimy-in-our-national-life> That quote is from Arthur Griffith

³² The 1854 by-election was required when the elder Fortescue was appointed Lord Commissioner of the Treasury. His brother received 916 votes (54.5%) and Cantwell 766 (45.5%). The former held his seat as a Liberal against Conservatives and the Irish Independence Party until 1874 when the Home Rule Party took the two seats

had earned and put away, over and above, all cost and expense, no less than £5,500. About this time Mr Wilson Gray, Sir John's eldest brother, invited him to take a partnership in the *Freeman's Journal*, and for some few years he was associated with the two brothers, with Mr M'Cullagh Torrens, M.P. for Finsbury, and with Dr George Atkinson, in the management of the paper.

But there fell across his hearth a shadow which never quite lifted while his life remained. His son, his only son, was taken from him³³. The light of life was dimmed; the big wars that made ambition virtue had no charm for him; the great contusions which made men of daring spirit and vigorous resolve, great, powerful, and happy had no attraction for him now, There is something inexpressibly and in the blight which deprives a man off the only inheritor of his name; and the death of his son struck more sorrow into this man's soul than could all other earthly ills together.

His spirit was well-nigh vanquished, and it is not unkind to say that Mr Cantwell had not that fortitude which weaker men have shown under a like affliction. He had been disappointed in public life. He had been blasted at home. He was proud of his ancient lineage, and there lay in some remote recess a claim to a distinction which had his son lived he would have strived for. But all that was over now.

He devoted himself, however, to a daily toil of the most surprising description, and wrought to an excess that would have destroyed other men. He spent three years at one case – the case of the Kingston family against the creditors of John Sadlier; and closed it a creditor himself destined never to be paid. His life now settled into an ordinary groove, and he gave no more sign that the higher flights of ambition were for him. His business never fell away while he cared to retain it, and he was adviser to many public boards and companies.

By degrees he gave up *nihī prius* affairs, and was seldom seen at court. His once powerful frame had become shattered from the fell attacks of a disease which is amongst the most agonising of all human afflictions. For the last fifteen years lithiasis³⁴ had rendered him periodically prostrate, and the interruptions had naturally induced him to decline all duties involving movement and physical energy. As years grew upon him the attacks became more and more frequent, and he often spent months in his room. About four years ago he submitted to an operation which gave him temporary, and only temporary, relief; and the sufferings he then endured determined him to decline further essays in the same direction.

³³ Master John McNamara Cantwell buried 16th Feb 1857 aged nine years in half square of ground bought same day for £6/12/6 in St. George's cemetery, St. George's Burial Register, however if memory serves correctly his headstones says 19 years, which seems more accurate. As of 2019 the graveyard is currently closed as 'dangerous'

³⁴ Kidney stones, his death certificate says 'Urinary Affliction, 35 years'

Two years ago it was observed that he had not renewed his annual licence – a proof that he would work no more. For the last eight months he had been confined quite to his house; and when his wife died in the autumn³⁵ of last years he was heard to say that he wished the struggle were over. About a fortnight ago he caught a cold which assumed a bronchitis pure. His old malady tortured him almost to the very end. The last few hours, however, were peaceful, and his last sigh was one of goodwill to all the world.

It is worthy of mention, as showing the singular hardihood of his mental constitution, that he wrote out with his own hand the announcement of his death a few hours before he expired. The notice appears in our 'Death' column. The handwriting is bold, larges and fair as in life. On the lid of the envelope he wrote: "The enclosed was written by Cantwell in anticipation of his death". Outside all his letters he was wont to write 'Post' or 'Delivery'. On this he wrote 'Delivery', and directed the envelope to "The Editor of the *Freeman's Journal*, Prince's-street, Dublin".

The fact is characteristic, and suggests that he looked at Death not without assurance. He was a man far above the common crowd, and had his career been unthwarted he would have had left behind him a great name and notable performance. As it is, he will live in the esteem of those who knew his inner and higher nature, and who were proud of his friendship and of his many noble and elevating qualities.

Letters to the Editor

1) From J Cashel Hoey

*De mortuis nil nisi bonum*³⁶. I think the absurd legend about a duel at Dundalk, which I find related in today's *Freeman's Journal*, is not calculated to do any honour to Mr Cantwell's memory, or any credit to my character. In justice to both I must ask you to allow me to correct the statements which are made on the subject in your memoir of him, In the first place, the Louth election, in which Mr Cantwell opposed Mr Fortescue, occurred not in 1847 but in 1854, and I was on that occasion, not as you phrase it, "in Mr Fortescue's camp", but on the contrary proposed Mr Cantwell's candidature in the Tenant League and in the Country Club, and supported it throughout to the best of my ability. At the general election of 1857 Mr Cantwell, to the surprise of many of his old friends in Louth, appeared on the hustings at Dundalk on the morning of the election, after Sir George Bowyer had just been proposed by the late Primate, Dr Kieran. I at once opposed Mr Cantwell's candidature. In the course of the observations I addressed to the electors there were some phrases which he resented, and it may be with good reason. He interrupted me and said that as soon as the election was over he would demand from me that satisfaction which one

³⁵ Harriet Cantwell, 24 Lr. Dominick St, aged 67, buried 20th August 1877, with her son, St George's Burial Register (The Elizabeth Cantwell, 14 Summer St, buried 28 April 1874, aged 11 is unrelated)

³⁶ "Do not speak ill of the dead"

gentleman has a right to expect from another. I said that if I wanted to convey such an intimation I should not select the hustings of the borough and the presence of the High Sheriff for the occasion, and preceded with my speech. There the incident began and ended. Mr Cantwell never sent me a challenge, and therefore there was no occasion for the “incredible efforts” which, it is stated were necessary to prevent matters being brought to “a deadly issue”. I prefer to believe that Mr Cantwell, as soon as the proceedings were over, felt as heartily ashamed as I did of the momentary heat of temper which led us to use such language. There are at least a half a dozen gentlemen living, who were close beside us on the occasion, the High Sheriff, Mr O’Reilly Dease, the Sub-Sheriff, Mr W Edward Caraher; Sir George Bowyer, I may mention among others, who would, I’m sure, if it were necessary, confirm my statement of what took place – I am, sir, your obedient servant.

Letter from N. J. G.³⁷

As a Louth man, I crave your permission to correct an error in your most interesting sketch of the career of the late Mr J McN Cantwell. You state that he opposed Mr Fortescue at the election for Louth in 1847. That was not so. Mr Chichester Fortescue succeeded his brother without opposition in the representation of Louth in 1847, his brother, Mr Thomas Fortescue, having retired from the representation of that county on succeeding to the Clermont peerage. In 1852 Mr C Fortescue was again returned in opposition to Colonel McClintock (now Lord Rathdonnell), of Drumcor, who represented the Tory interest. In 1854 Mr Fortescue accepted a junior lordship of the Treasury, and to seek a renewal of the confidence of his constituents. On that occasion occurred the memorable contest with the late Mr McNamara Cantwell to which you so forcibly referred. Mr Cantwell had then the active support of Dr Gray, and of other leaders of the party of Independent (Parliamentary) Opposition. Your obedient servant.

Letter from Peter O’Gorman, Lower Gardiner-street, Dublin

Having read of the death of John McNamara Cantwell, solicitor, in this day’s *Freeman*, I think it my duty to inform you that the gentleman referred to thus – “From this he was transferred to the desk of a gentleman whose name we have not been able to procure” – was Peter O’Gorman, solicitor, who died in 1875, and was his intimate and trustworthy friend during life. It was he conducted the election in the county Louth. I would wish the date to be corrected, which was 1854, not 1847, as printed. See John D’Alton’s *History of Dundalk*, which gives an account of the election and describes Mr Cantwell thus: “John McNamara Cantwell, Esq., of Dublin, a solicitor by profession, of acknowledged talent, a powerful and fluent speaker, and for years a devoted supporter of Daniel O’Connell.” Yours,

³⁷ Gernon?

Note: John D'Alton co-wrote the *History of Dundalk*, published 1864, with J R O'Flanagan

“Two years later, Mr Fortescue, having taken office as one of the Lords of the Treasury, rendered his seat vacant; and, as he offered himself for re-election, a new candidate appeared to oppose him – this was John Macnamara Cantwell, Esq., of Dublin, a solicitor by profession, of acknowledged talent, a powerful and fluent speaker, and, for years, a devoted supporter of Daniel O'Connell. This formed his claim to popular support, and the Roman Catholic Clergy promoted his canvas. Mr Fortescue's friends had need to be active. Mr Gernon, a talented and energetic member of the Irish Bar, published some letters which did efficient service to the cause of Mr Fortescue. His family, and their numerous connections in the County of Louth, supported the Fortescue interest; and, notwithstanding the active and strenuous exertions used to return Mr Cantwell, and his own business qualities, which particularly recommended him for a seat in Parliament, he was defeated by a majority of 154.”

He also ran a second time for Dundalk Town in 1852 “undeterred by his defeat in the county, resolved to contest the town” against George Bowyer a Liberal lawyer who was supported by the Catholic interest for his defence of the Dr Wiseman, Archbishop of Westminster against Lord John Russell. He lost heavily, 39 votes against 133.

Funeral and Testament

The funeral took place on the 17th and he was buried with his wife, son and other family members at St George's burial ground on Drumcondra-road. The chief mourners were brothers-in-law John Howard Kyan and Dr Fleming; Rev Mr Kirkpatrick and Rev Mr Fleming. Other attendees were J O'Donoghue, John Stevenson senior and junior, Dr Atkinson, Martin Haverty, J Lawless, Ambrose Plunkett, Dr D White, Charles O'Brien, George Gray, John Hall, Professor Baldwin, James Hynes, James Dobson, J Kelly, Captain Ingram, Dr O'Grady, James Lauder, George James, Leslie M Fleming, W Hayes, E H Lawless QC, John Dillon, E C Lefroy, Joseph Carroll, E A Ennis, Samuel Ferguson LL D, James Plunkett, W Lane Joynt D L, Geo Keys B L, John Noble, James Reilly, Dr Keyes, Mr Raverty, Mr Carroll, Mr Ryan, Mr Falkner, James Reilly, J F Sloane, Peter O'Gorman, etc.³⁸

His will was proved in the Principal Registry in February 1878, the sole executor was Harriette Cantwell of the same address, 24 Lower Dominick St, spinster. The estate was valued at under £7,000. His will hasn't survived, but a will copy has: Harriette was the sole surviving family member. Lands in Crillan, Co

³⁸ *Freeman's Journal* 18th January 1878, nos. 923 & 924 on plan of St George's burial ground. Headstone erected 12th May 1879, £1/10/-

Tipperary purchased via Encumbered Estates Court & Landed Estates Court January 1858 & July 1860 to nephew Howard Kyan³⁹ (Surgeon) in trust for his sister (his mother) independent of her husband to devolve to him and brother William. £50 to dear & valued friend Edward Kamer O'Grady (Surgeon), esteemed friends and domestics Mary Brien, £20 annuity, and Rose Burne/Brien £100

Harriette Cantwell

Harriette Cantwell, his only surviving relative, died 2nd February 1896, aged 50, of Chronic Bright's disease, at John's Terrace, North Circular Road, previously 24 Lower Dominick St. However, St. George's burial register, says 82 years; so it is unclear whether she is a daughter or sister of the previous.

Her will⁴⁰ was proved the same month, the executor was Ambrose Plunkett, 22 Wellington Quay, solicitor, the estate was valued at £10,132/4/1. Legatees included £50 each to the Minister of the Presbyterian Church, Rutland Road, the Parish Priest of Moycarky Parish, the Parish Priest and Rector of the parish with her Cantwells Court property, Co. Kilkenny. Other legatees were Ambrose Plunkett, Mary Anne Bolger (a long-term servant), Thomas Sleman, Frances Sleman, (daughter and sons of her late beloved housekeeper, Mary Sleman), Jane Phibbs (her maid), Eliza Staunton (laundress of Blackhall Street), Maria Conlan (a pensioner residing at her old address), Mrs Kyan, Mary Harriette Cantwell Kyan (daughter of J H Kyan), Dr Kane Beresford Fleming (cousin), John Howard Kyan, Miss Etta Fleming (daughter of the late Reverend Robert Fleming), Clara O'Brien (cousin), Ina Kyle (daughter of the later Arthur Kyle and her cousin the late Sarah Kyle), Miss Nannie Gray (daughter of late Sir John Gray), Miss Rebecca Falkiner (daughter of Richard Baldwin Falkiner Esq), Isabella James (Sandymount-resident friend), Mrs Sara Brown (cousin, Cookstown), Dr O'Farrell (21 Rutland Sq., a friend). In one of the legacies she refers to an item inherited from a grandmother Fleming.

Appendix 1

The final paragraph of the 1844 profile:

One of these occasions was celebrated in an exceedingly clever lyric production, which appeared in Mr Sheehan's paper, the *Dublin Evening Mail*. It is really so full of wit and humour of the first order, and as an imitation of Scott, so far superior to the one in the 'Rejected Addresses', which is, notwithstanding, very good, that I cannot do better in concluding my notice of its chief hero, than transcribe it.

³⁹ A likely son of John Howard Kyan, 1774-1850, famous for the kyanizing process of wood preservation

⁴⁰ Will copy, National Archives; its printed abstract of her legatees has many errors. The Will indexes list two John Howard Kyan, died 1801 & 1850 and William Edward Kyan died 1874, executor of the second, all granted to a third John Howard Kyan in 1877 responsible for the parts that had not been administered. A Mary Kyan, widow, died 18 January 1876 at 17 Russell St, executor was Honourable William Henry Forde Cogan MP, Wicklow, estate: <£450

West-ward Ho!
A Tale of the Fish Market

Sir Jacob donned his three-cocked hat,
Gold chain, and lily wand;
And looked so portable and fat
So Lord Mayor-like and all to that
That nought could go beyond

And fiercely to the Fish-Market he
Bent back and shoulder, hip and knee,
Heel – toe – and ankle joint:
Resolved, as monarch absolute
O'er fish and flesh – fresh eggs and fruit,
And vegetables – leaf and root –
No vendor should his right dispute
The market to appoint

Arrived he views his marshalled force,
Beadles and peelers, foot and horse,
And constables like-wise;
On t'other side the hostile powers
Were meek *poissardes*, the choicest flowers
That bloom in Greek Street's attic bowers
With all their fair allies

The boys of Ormond Market there
Stood with clenched fists, and elbows bare
All frying for the broil,
The fish-boats sent a willing hand
From Dalkey – Bray – Killiney's strand,
From Rush – and that Fingallian land,
Balrudderry and Baldoyle

Thus either sex stood prompt to share
The perils of the fray
Hanratty ruled it o'er the fair
And Cantwell fierce as rampant bear
Led on the men that day!

Stunned at the preparations grim
And fearful lest his civic trim
That cased in freshest gloss each limb
Should suffer rent or soil,
Sir Jacob paused – and retreated – flew –
Fought least in sight – if all be true
That legends tell – was in a stew:
And from an ale wife's door did view
The progress of the broil

Now while he looked, a flourish proud

Of marrow bones and cleavers loud,
The kettle and the tongs,
Poker and gridiron, pot and pan,
The shriek of women, shout of man
Yells such as welcome 'Swaggering Dan',
Thro' Pill-Lane's echoing vista ran,
Mingled with tawdry songs

Whilst through the air in volumes flew
Garbage of every scent and hue
Hake's heads, without their fins, that day
Swam thro' the elemental fray.
Cod's gills – the tripes od haddocks paunched
Were on the airy regions launched;
Dead cats lavolted thro' the Heaven,
Nor lit upon the legs
Rats darted past, like flashing livin
With stinking sprats the air was riven,
And store of rotten eggs

The Civic Chief, Sir Jacob, felt
His bowels in a joldrum melt;
Yet, with undaunted pluck,
Bethought him, tho' his power was crossed,
"All that's in danger is not lost"
And to his hand the signal tossed
That they should try their luck

Forth sallied then a horse police
Amid the roaring mob
And seized a catiff by the fleece
That crowned his greasy nob

Wild uproar then let loose her throat
His missiles War let fly;
And forward rushed each petticoat,
Each arm from slaughter-house or boat
And CANTWELL was the cry!

And they charged the staggering foe,
And waved the battle to and fro –
'Twas clear a 'rescue' was the go;
And, firm to win or die,
The fish men yielded not a toe,
But cried with every stalwart blow
"HANRATTY TO THE RESCUE- HO!

Filed and defeated now the mayor
Was resting in his civic chair,
And sadly to himself did say –
"Unhappy venture! – Luckless fray!

No hope of golden spurs to day.
Of half my rights I'm fairly cheated
And to make matters worse, LORD FAUST!
Denies my right to break the peace
With squadrons of my own police,
But that I don't regard three figs –
And so. Tomorrow for the PIGS!!”

Appendix 2

Lease of John Doyle. A memorial of a deed poll bearing date the 25th March 1774 whereby John Doyle of Bolton Street in the City of Dublin Grocer for in consideration of the natural love and affection which he had & bore to his Grand Daughter Esther Dodd & for and on account of her diligent tender and laborious care of & exercised for & towards his late wife her Grand Mother before her death & her extraordinary care attention & dutifullness to both of them at all times and on every occasion since he took her into his house to take care of them and to manage their affairs & interest and for her goodness of heart of which he was truly sensible and also for & in consideration of ten shillings did give grant bargain sell & makeover unto his said Grand Daughter Esther Dodd all his right title and interest of in & to the house & concerns he & she then lived in together in Bolton Street together with all his stock in trade and furniture & implements of household whatsoever of every kind quality or nature, except the prints & drawings which he therefore promises to his Grand Daughter Elizth Roe, to have & to hold the said thereby granted bargained & sold premises with their appurtenances as also his interest of every kind whatsoever in Bolton Street aforesaid over and beside whatever she was or should be entitled to by or under his will unto the said Esther Dodd from and immediately after his decease to her own sole separate use benefit & ? of whatsoever. Witnessed by Patk McGennis, Bolton Street, Carpenter and Richard Dodd, Dublin City Chandler, memorial by Richard Dodd, sworn 24th May 1774

Other Deeds include

351 361 236781, 1783 Peter & Esther Cantwell (Dodd) leases brick house, small back house & stables to Peter Farrell, distiller, 52/5/6 , south side of Bolton St for balance of thirty years from 1773

404 417 269581 1789 Henry Thiops Clements & Peter Cantwell to Luke Gardiner, plot Bolton St, (1706) Drumcondra Lane.

455 234 292770, 1792 refers to 1777 marriage settlement with Esther Dodd only daughter of Richard Dodd City of Dublin, £1000 bond transfer of bond to Bryan Meagher Waterford & May Ann Cunningham widow City of Dublin, John Cantwell a witness

554 296 368282 1803 John Cantwell & Anne Cantwell spinster, Esther Cantwell, widow their mother to John McKenny Snr Howth, house (red House) & land in Howth, 573 446 391614. 1805 same lessees to Sarah Hoare, plot & house Bolton St. 632 451 434 344 1807, another Bolton St property lease

308 356 205433 1775 Theophilus Clements to Esther Dodd property lease Bolton St for 28 years north of Ball/Bull Park

96 368 68333 1739JC merchant, Elizabeth Storey widow, William Murphy, carpenter, father of Elizabeth Storey (Storry in marriage register) & William Palmer merchant, marriage settlement with bond of £100

Appendix 3

It was originally assumed that the family were Church of Ireland but it appears that they may have been originally Catholic; it seems that their religious allegiances were fluid. Esther Dodd and siblings were baptised Catholic, a sister of Peter Cantwell was married to a Catholic, while Bolton Street is in the Church of Ireland Parish of St Mary's no relevant baptisms, marriages or burials were found for any key dates 1774-1830. John McNamara Cantwell is described as a Catholic candidate during the Louth election but his marriage was 'mixed' – he married a Presbyterian. After 1850 all the family were buried in St. George's Church of Ireland Burial Ground in Drumcondra and are found in its burial registers.

Due to the 1922 loss of Church of Ireland records and in Dublin City Catholic parishes many priests compiled private records that were then copied monthly into a central register; however it is clear this did not always happen in time or at all. It is not yet known where Peter and Esther Dodd or John and Susan Gilmore were married, buried and children baptised; John McNamara and Hester's marriage and children baptisms are possibly in Presbyterian records, if they have survived.

Nothing in St Mary's marriages, 1775-83, baptisms 1777-82, death Peter 1785-94 or Esther, 1805-23, marriages 1800-20 or baptisms 1808-16. Other entries that may or may not be relevant are: John Cantwell, Dublin City merchant, that registered a marriage settlement bond of £100 with Elizabeth Storey, widow, and daughter of William Murphy, carpenter, both of Dublin City, in 1739.⁴¹ They married in St Mark's (CoI) 22nd January 1739; death of a child of John Cantwell 19/8/1739 St Marks (CoI); burial of John Cantwell, Poddle, St Nicholas Without (CoI), 15/4/1770; Burial of Anne wife of John Cantwell 12/10/1739 St Nicholas Without (CoI), John Cantwell, Back Lane, Chelsea Pensioner, will proved Dublin Diocese, 1772; burial of Mr Doyle, Church St, 11/7/1775 in St Mary's CoI but no female Doyle's 1770-4

⁴¹ Registry of Deeds, 96 368 68333