



**TIPPERARY HISTORICAL
JOURNAL 1993**

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ISSN 0791-0655

Tipperary Courtmartials — 1798 to 1801

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Earlier issues of this Journal have produced conflicting opinions on the extent of United Irishmen activity and rebellion generally in Co. Tipperary in 1798. Diarmuid O'Keeffe has asserted that United Irishmen swearing continued there until 1802, but commented on the paucity of folk memories of the subject — drawing mild reaction later from the Golden area.^{1&2} Rev. Dr. William Neely has claimed that the '98 rebels did not "penetrate" the county, and suggested that the numbers of United Irishmen were smaller than the rumours, a curious suggestion if one equates his "rumours" with O'Keeffe's folk memories.³

The purpose of this paper is to show that, to judge from courtmartials held from 1798 to 1801, both of these writers may have understated the extent of "rebellion" in Co. Tipperary, especially in the three years after 1798 itself. The sources of the information regarding most of the courtmartials recorded here are in the Rebellion Papers in the National Archives, Dublin.

These documents show that Thurles is the most northerly town in Co. Tipperary mentioned with regard to rebel action and the like. These papers were accumulated because after his appointment in May 1798 Lord Cornwallis, Viceroy and Commander-in-Chief, ordered that all courtmartial and related papers should be forwarded to him for confirmation or review of the sentences passed.

Martial law had been in force in Tipperary since 30 March 1798, but the normal assizes continued to be held; some cases were heard by courtmartials which might have been expected to come before the ordinary courts. While "acting, siding with and assisting in the rebellion" was obviously a capital offence, it was also a capital offence to tender the United Irishmen's oath to any person. For voluntarily taking this oath, the penalty was transportation for life.

The arrest of some members of the Clanwilliam Corps of Yeomen is the subject of some papers from early July 1798. These men had been accused, in a letter written by William Dillon to Colonel Francis Massey of the Tipperary Yeomen Cavalry, of being associated with a planned rising. All were from the eastern end of the Glen of Aherlow and the country from there towards the Suir. Dennis Meagher of Kilmoylan was accused of being the prospective colonel of rebel forces, Dennis Meagher of Tooreen of being a future captain. The others were Nicholas Meagher of Ballymorris, William Meagher of Tooreen, Thomas Smithwick of Barnlough and Richard Baker of Ballydavid.

They were arrested by Colonel Deering, the commander in Cashel. This drew a letter of protest from Lord Mathew to his father in Dublin, in which he said that the six men were taken without consultation with the gentlemen of the county and that Deering had refused to listen to any protest from them. Dillon was "the most infamous fellow existing and yet to be found". His arrest could lead to a rising, he said. The file does not indicate the result of the arrests; but by mid-July events may have overtaken any action in that part of the county.⁴

Boytonrath 'Gathering'

On the night of Monday, 16 July 1798 there was a gathering of armed men at Boytonrath near Golden to march on Cashel. Because the number was not sufficiently large, no action took place.



However, by 18 July the military authorities in Cashel had got evidence from informers that led to the trying of nine men for "aiding, siding and assisting in the rebellion that now exists".

The first to be tried were Innocent Callaghan, James Horan and Matthew Ryan. John Lambert of Cloughleigh testified against them, and described how he and three others went to Boytonrath to the hosting. Fifty men were there, all armed with pikes, pitchforks, scythes on long handles and flesh-knives. The accused denied being there, but were condemned to hang at Boytonrath, their heads to be hung on the highest point of the Rock of Cashel.



*Cappagh bridge, Tankardstown, Cahir —
where William Dillon, a United Irishman, lived in 1799.*

The next accused was John Connor. A blacksmith testified against him, Cornelius Ryan of Lagganstown. Ryan stated that Connor with 20 others came to his forge, where they "framed and fitted" scythes and reaping-hooks to long poles with the intention of attacking Cashel. Connor was condemned to hang, but was reprieved in the hope that the death of the first three should be sufficient deterrent to others.

Robin O'Brien of Ballyslateen was then tried, Cornelius Ryan again being the witness for the Crown with John Lambert. When they had finished their testimony, O'Brien defended himself. He said that Terence O'Neal and Edmund Mullany came and called him to accompany them. He went to Cornelius Ryan's forge, but later escaped to his father's house. O'Brien's employer, Mr. Robins, a gentleman, vouched for him as a well-behaved fellow, and O'Brien was discharged.

Two more now faced the courtmartial, Philip Hickey and James O'Flaherty. Once again Cornelius Ryan testified for the Crown. Hickey was a smith but he had come merely to have a scythe-blade fixed to a pole. He added that he had had enough since 18 May, when he and other smiths were jailed on suspicion of pike-making, although he had been released the next morning.

He told Ryan that he needed the weapon to guard Mullany's orchard, but Ryan did not believe him and refused to fit the scythe, although he knew that both Hickey and his brother had rented the orchard from Mullany, he said. Hickey now produced a witness, Alice Welch, who saw him in bed in her house on Monday night. Another woman stated that she bolted the door when Hickey was indoors and confirmed that some children had been suspected of the intention of robbing the orchard.

When it came to O'Flaherty's turn, Cornelius Ryan said that he saw him at his forge on Monday morning to fit weapons. O'Flaherty stated that he had been to the shop for tobacco and saw a crowd gathering. One Peggy Ryan testified that she was in the same house as O'Flaherty that night, as was also Judith de la Hunte.

Hickey was acquitted. O'Flaherty was sentenced to transportation for life and to the barbarous punishment of 1,000 lashes to be inflicted on his bare back on board the transport to Botany Bay.

Finally the two already mentioned, Edmund Mullany (from near Bansha) and Terence O'Neal, were tried. Edmund Cummins of Ballyslateen stated that both threatened him with having his house burned and his throat cut if he did not come to Mr. Dexter's land at Boytonrath on Monday night. He was advised by a William Murphy to flee into the fields if "a party came from the Glen of Aherlow."

This sounds interesting when the arrest of the six men whom Colonel Deering had earlier arrested is remembered. One John Coalman also testified against him, as well as Robin O'Brien, who had already been acquitted. O'Brien had been threatened with having his house burned and his throat cut, he said. He stated that he understood that parties from both Aherlow and Cahir were to meet at Boytonrath to attack Cashel.

Cornelius Ryan once more testified, saying that both Mullany from Knocknatully and O'Neal of Dangandargan had encouraged the parish to riot and rebellion. Denis Lanigan of Lagganstown said that the two were persuading people to go to Dogstown (alongside Lagganstown) to proceed to Cashel, and that William Hanley had been threatened with a pike to join. William Murphy, already mentioned by O'Brien, said that O'Neal called on him at Ballyslateen on Monday evening and said that they expected 2,000 men from the west to assemble at Boytonrath.

George Robins of Hymenstown confirmed that William Murphy had said that both Mullany and O'Neal went through the countryside to stir the people on Monday. They also came to Cummins, a tailor, whom Robins advised to conceal himself with Murphy.

Mullany defended himself. He had been absent from home on Monday because he went between 10 and 11 o'clock to get potatoes from Joan Dillon. She in turn explained his lengthy time staying, about the area by saying that she had waited for her husband's return from work at Mr. Robin's farm before giving Mullany the potatoes. Mullany said that he met O'Neal, whom he told about the "meeting", and O'Neal said that they had enough to do otherwise; he also saw O'Neal discuss the meeting with Coalman, Murphy and Cummins.

Finally Thomas Grady, a labourer from Golden, said that he stayed overnight in the house "because of the army" — a reference to the martial law prohibition on being out at night. The papers end here without any reference to the conclusion. In the other Rebellion Papers generally there is no mention of a verdict.⁵

The courtmartials of three others took place in Cashel also in July 1798. The first was that of James Hogan of Anacarty, a blacksmith, who was charged in the same manner as those who had assembled at Boytonrath. He was acquitted because of the testimony of two witnesses. One was the parish priest. William O'Donnell, who spoke well of Hogan and said that he knew him for three years.

James Bell, a labourer of Kilpatrick near Dundrum, swore that Hogan spent the night of 16 July in his house. Mary Bell, James's sister, said that Hogan's family had fled into the fields because they had been told that the military were coming to burn their cabins; but Hogan was in delicate health and needed house-shelter.

Michael Ryan and Connor O'Coffee were charged with being away from home on the night of 16 July for illegal purposes, "contrary to the late proclamation." They were acquitted. The Hon. T. Maude, of the well-known landlord family of Dundrum, called at Ryan's house "on

information received", and found young Ryan absent between 11 and 12 p.m. He was told that Ryan was "out about cows".

Maude said that if both father and son came to him within an hour he would not make them prisoners. At 2 a.m. he called and found the two at home. In the morning young Ryan gave himself up. So did O'Coffee, who had said that he was fetching potatoes from a brother-in-law. A weaver, Mr. Gain, corroborated Ryan's alibi of being out to inspect his cows.⁶

Ninemilehouse Battle

At this stage the drumhead courtmartials took place near Ninemilehouse after the day-long *francas* on 23 July, the only pitched battle of the rebellion in county Tipperary. Among the incidents was the rescue by local people of prisoners arrested from the Clonmel Yeomen Cavalry. The local inn, Thomas O'Neill's, was entered and wrecked by the rebels.

The following day the Carrick-on-Suir Yeomen and the Upperrthird Cavalry defeated the rebels. Two leaders were tried in the field and shot, according to contemporary sources. This may have been one of the rare cases when hanging was not used for capital punishment at that time.⁷

A letter of August 1798 from the notorious sheriff of County Tipperary, Thomas Judkin Fitzgerald, is preserved among the Rebellion papers. He writes to Lord Castlereagh from Nenagh and mentions the danger of rebellion in the county and his determination to keep it quiet. Apart from the yeomanry units and Irish militia, he points out that there are but 300 "King's troops" there, exclusive of these at Cashel and Carrick-on-Suir.⁸

The next recorded courtmartial in county Tipperary took place in Tipperary town on 22 March 1799. Before the court was Timothy Fahy of Shandangan near Donohill, who was charged with seducing Dennis Dwyer, a private dragoon in the Prince of Wales Light Regiment, from his allegiance on 14 March. The court hearing was told by Dennis Dwyer that he was paid on 14 March and went to Paddy Ryan's public house with an English dragoon, Thomas Burnis, to change a banknote.

Here he met Timothy Fahy, who drank with him. Then he went away to Jack Bourke's public house with Dwyer, and left Burnis behind. In Sargeant Kearn's house they drank 3½ jugs of punch. When Burnis asked why he parted company with them, he said they spoke Irish, which he did not understand. On the sole evidence of Dwyer, the court convicted Fahy and sentenced him to transportation for life.⁹

Another courtmartial is recorded as having taken place at Carhue near Dundrum on 27 March 1799. Peter Ryan was charged with assaulting John Candle of the 2nd Fencible Dragoons by knocking off his helmet with a stick and saying that he (Ryan) was a croppy and would remain a croppy. Candle said that Ryan ran away when he loaded his pistol and was about to shoot at him; he later found him under a bed in a house! This happened three miles from Carhue, where there was a military post. Ryan was sentenced to transportation for life.¹⁰

On 28 March 1799 a charge of the murder of one John Delahunty, a shepherd of George Tuttle of the Tullamaine region, against Dennis Breen was heard and went on until 1 April. This was essentially a domestic case, but since the victim had been called as one witness in an assault-case at the assizes on 14 or 15 March in Clonmel and did not attend at court but was found dead later, the murder trial was transferred to a courtmartial in Clonmel.

The prosecution case was that Breen had murdered Delahunty to prevent him giving evidence against his brother. On Wednesday 13 March Delahunty came to Irishtown and arranged to stay at Kelly's guesthouse. The next day he had his hair cut and a wig chosen to attend the



assizes. Later he went to his room, where three others were staying, and there drank heavily. Breen was there, and the last drink brought in was a pint of liquor. Delahunty was dead in the morning, probably from inhalation of vomit, judging from the evidence. His body was taken the next morning from the lodging house, put into a box and dumped in a pit of water.

Of all who seemed to be connected with the case, only Dennis Breen went on trial. He was sentenced to be hanged but was recommended to mercy and was reprieved. It was said that he was of good character, but it also happened that he had named seven men who had escaped when a military party tried to arrest all together near Cashel.¹¹

In March 1799 also a courtmartial of a Cappawhite man, William Meehan, took place at Limerick. He was charged with three offences. One was being out-of-doors at night contrary to General Lake's orders. The second was insulting Captain Waller, who commanded the men who arrested him. Lastly he was charged with impeding Robert Floyd in the execution of his duty as constable, and for various threats after he had been confined to the guardroom.

It is not clear whether the offences were committed in Limerick city or county or near Cappawhite. Meehan was sentenced to serve for the rest of his natural life with His Majesty's sea or land forces, and sent to New Geneva barracks on 4 April after the sentence had been confirmed.¹²

On the file of Meehan's case is a list of five men sentenced by courtmartials in Tipperary that year. Two of them have been mentioned — Peter Ryan and Dennis Breen. The others, who do not appear in any of the Rebellion Papers, were William Ryan, Dennis Carrol and John Ryan.¹³

1799 Clonmel Trials

The case of John Dunne of Ballingarry, Cahir, was heard in Clonmel on 14 April 1799. He was a blacksmith and was charged with being out of his house on 13 April contrary to both the Insurrection Act and General Lake's orders, as well as admitting a stranger to his house contrary to a recognisance entered into on 29 March 1799.

The day before this he gave sureties for good behaviour for five years. The sureties were John Dunne (£200), Michael Keating of Cashel Street, Clonmel (£100), and Philip O'Donnell of Lagganstown (£100). He had also signed his name to a paper dated 12 February 1799 saying: "Dunn shall not permit any weapon, tool or instrument or pike to be made in his forge."¹⁴

Patrick Kelly, a carpenter of Clonmel, was transported for life on a charge of "uttering seditious and disaffections" in Mrs. Farrell's public-house in the town on 30 March 1799. His accuser was Richard Croft of the Royal Lancashire Militia, who said that "Cuddy will jump over the stone yet". Cuddy was a prisoner and Croft one of the escorts who took him to Carrick-on-Suir. The "stone" was the jail-wall!¹⁵

On 19 March 1799 William Dillon, a carpenter of Cappagh Bridge in Tankardstown, was charged with administering the United Irishmen's oath to Innocent O'Callaghan of the Ancient Britons, a Welsh unit. He was lucky to be sentenced only to transportation during His Majesty's pleasure for this capital offence.

The information given at the trial is interesting. Dillon's house had been burned by military in April, but he had absconded already from home, bringing his tools with him, so he must have known that he was being sought. He worked at Whitechurch near Tubrid with John Ready, a blacksmith, until 23-24 May. In November 1798 he went to Rathronan to work for Michael Loughman and others, until he was arrested on 1 April 1799.¹⁶

The case of William Meagher, also a carpenter and from Clonmel, was heard on 27 April 1799.



At the courtmartial there he was charged with attempting to injure one Nowlan, a lawyer of the town, by persuading tradesmen not to work for him, because Nolan's nephew had prosecuted United Irishman. Meagher pointed out Nolan in the street to countrymen in derision.

When Michael, the nephew, gave evidence, he said that rebels had burned out eight friends of his, and a brother of his had prosecuted rebels to the gallows. He then said that Clonmel was a very loyal town. As for Meagher: "I don't believe he was [a United Irishman] nor anyone in Clonmel." Meagher was acquitted. It appears that the Nowlans feared retaliation.¹⁷

Also in Clonmel on 2 May 1799 the trial of Patrick Brian took place. He was accused of robbing the house of the Widow Hoare of Ballinahinch, and with taking ½ silver guinea, a pair of men's old yard stockings, a blanket of two breadths and a silver watch. For this he was transported for life. There is no hint as to why this case went to courtmartial or why the courtmartial was not held in Cashel.¹⁸

On 13 May 1799 Martin Fogarty was tried in Cashel on two charges of attempting to seduce John Ivers, a shoemaker from Portlaw and a member of the Waterford Militia, from his allegiance. A second charge was that he had burglariously entered the house of James Sheehan with others armed, and threatened his life if he executed a decree against Fogarty.

Ivers was quartered in Thurles in March and had a pass from his commanding officer to meet one Michael Dwyer on the road. As it happened, he met Fogarty and they entered Dwyer's house, where Fogarty heard that Dwyer had said he wished to meet Ivers "as a brother to 11,000 men". After this Fogarty and the soldier had three noggins in a public-house, and then they went walking. Fogarty told him that he could have 1,000 men to command if he deserted with arms.

On their return a crowd around the public-house frightened Ivers, but nothing happened because of something which Fogarty said in Irish, which Ivers did not understand. The following Sunday Ivers was in Drombane and was promised to give 60 stand of arms if Fogarty and Dwyer came to Thurles on the following Saturday.

When Dwyer arrived in Thurles he was arrested; but Fogarty never came. When the intimidation case against Fogarty came on for hearing, his witnesses (he said) could not attend, because they were at Knocklong Fair. But James Sheehan testified that on the night of 3 February he had been intimidated by four men to drop his insistence on being paid for a horse by Martin Fogarty. He did not say that the latter was with the four or was one of them.

Fogarty was sentenced to death and wrote to Lord Cornwallis saying that he had seven small children and offered to serve in His Majesty's forces. As a result Cornwallis noted on the courtmartial papers: "I cannot approve of the above sentence and therefore direct that the prisoner, Martin Fogarty, be discharged."¹⁹

On 14 September 1799 two cases before a courtmartial in Clonmel had widely differing results. In one, Arthur O'Hara was accused of approaching George Giller with two poles to have pike-heads mounted on them. Giller refused and O'Hara, who was drunk, took him by the throat and said he was determined to be General O'Hara! O'Hara threw himself on the mercy of the court and was transported for life for his drunken folly.

In the other trial the same day Timothy McCarthy was charged with taking the United Irishmen's oath and stealing a yeoman's pistol and ball-cartridges. For this he was hanged, and it was directed that his grave be quicklimed.²⁰

The offence Arthur O'Hara was charged with took place on 6 September. Also on that date James Gibbons (alias Fitzgibbons) was said to have been an emissary of rebels and to have gone to John Carey's house in Knocklofty, where he met rebels armed with pikes. He warned them that the army was ready for them in Clonmel and not to attack the town. He was tried on 29 September and sentenced to hang, but was transported for life instead.²¹

Carrick Courtmartials

A series of courtmartials in Carrick-on-Suir on 10 September arose out of an attack made by a crowd with pikes and other weapons on Comeragh Lodge outside the town, where a John Mansfield dwelt. Five were courtmartialled on the evidence of Sarah and James Leahy. Edmund Walsh was sentenced to life-transportation, but with a recommendation for mercy. He was pardoned.

Michael Power was transported for life, as were John Fanning and John Cramp. James Connors was acquitted; but Lord Cornwallis, when he confirmed this, demanded sureties for good behaviour. Later the court tried John Brazill for the same attack; he was transported for life.²²

On Friday 13 September 1799 John Norris of Lamoge was tried in Carrick-on-Suir for "compelling and obliging George Sloane, a policeman" to take an oath "to be true to the United Irishmen and the French". This case related to that portion of county Kilkenny adjoining county Tipperary. There were allegations by Norris that Sloane had waged a personal vendetta against Norris; even Sloane's clergyman, Rev. Mr. Dorrens, admitted that Sloane drank heavily. Another witness said that Sloane always sang treasonable songs when "in his cups".

The most interesting part of the case was that dealing with the events of July 1798 at Ninemilehouse. One witness said that "a man of the name of Hogan [came] as a Rebel Express to intimidate the Inhabitants of Lamoge and force them to Ninemilehouse". Norris had said that he would rather die than go to Ninemilehouse, and his landlord's agent testified that instead of rebelling Norris carried 2,000 cartloads of manure to the fields.

However, he was sentenced to hang. The notables of the town were shocked when they heard that Norris was to die the next morning. They sent a representative to General Lake in Clonmel and after 1¼ hours' discussion Lake agreed to a rehearing, which resulted in Norris's reprieve. He was transported for life instead.²³

In October 1799 the trials took place in Clonmel of John Bowen, a watchmaker, for being present while an oath was being administered in Dungarvan. He was transported for life after a two-day trial on 4 and 5 October. It was alleged that the offence occurred at 8 or 9 in the evening when the rebel company was intoxicated.

On 9 October Philip Cunningham of Clonmel and Richard Guiry, a farmer from the Wilderness, were tried together for "traitorously going to Dungarvan" to foment rebellion there, and also going with the same object to Carrick-on-Suir. Cunningham was sentenced to death, but this was commuted to transportation for life because only two-thirds of the courtmartial agreed on the sentence.

Guiry was acquitted because he proved that he had gone to Dungarvan "to swim in the saltwater". The proposed Act of Union was discussed, when people are said to have spoken of "the parliament going".²⁴

In June 1799 the release of two convicted men is recorded. They were John Ryan and William Bryan from Moycarkey, who had been taken prisoners on 17 May 1799 and lodged for a week in Cashel bridewell. On 25 May they were courtmartialled, but the papers of the case appeared to have been lost or mislaid. Ryan was charged with rebellion and disaffection; he said he had attended only one meeting for a few hours after being threatened.

Bryan was charged with making illicit spirits and entertaining rebels. He said that he had not sold any illicit spirits for a long time before his arrest, and had nothing to do with the United Irishmen. Both were convicted; but in June after a petition was lodged on their behalf Lord Matthew ordered them released.²⁵

A Clonmel courtmartial held on 3 February 1800 tried a rather brutal case in what is called



the "New Courthouse", still in use. This was no case of political rebellion, but of assault on a man and his son because of a dispute over a house. Cornelius Delaney's house at Ballinahinch was entered on the night of 16-17 January 1800 by John and James Dwyer. John Hanneberry, Thomas Bourke and William Devane. Young Patrick Dwyer was taken by the hair of his head and pulled into the yard, where Malachy Dwyer beat him on the head with the butt-end of a gun until restrained by Hanneberry.

Then another man flogged him with a whip. When they returned him to the house, his father came out of the room and was struck and threatened "to be out of the house" by the following Monday. All except Hanneberry were transported for life. He was recommended for discharge if he gave sureties to the court. Curiously the wielder of the gun, Malachy Dwyer, did not appear before the courtmartial!²⁶

The month of April 1800 brought a further agrarian case before a courtmartial in Clonmel. It was alleged against John Slattery of Lisava in Cahir parish that he delivered a written letter or notice to William Curry of the same place not to set his potato-ground for more than a certain rent. In evidence Curry said that Slattery was forced by other people to deliver the letter who "have spite against both of us". Slattery was acquitted.²⁷

A Templemore Deserter

It was no agrarian cause, however, which brought Patrick Connelly before a Clonmel courtmartial on 14 April 1800, but a charge of escaping from New Geneva and firing at the Templemore Yeomanry Cavalry, wounding a yeoman's horse, and being with a gang of robbers. One Richard Jones, a magistrate, had sentenced Connelly to serve in either army or navy for being idle and disorderly. William Smithwick, the turnkey of Clonmel Jail, said at the trial that Connelly had been put in his custody on 10 October 1799 and was sent to New Geneva on 30 October.

Apparently Connelly was found after a funeral by the Templemore Cavalry in a cowhouse at his father's farm. He escaped after an exchange of shots but was captured in a nearby bog. His pocket-book contained one half-guinea, a seven-shilling gold-piece, a French crown, a dollar and lace-edging and thread.

Connelly then made a confession. He was (he said) in the neighbourhood of Templetuohy, and his party contained Patrick Kennedy, who was a deserter from the sheriff and formerly a United Irishman captain, with Robert and Jerry, his brothers. Also there were Thomas Mahon, a deserter from the sheriff. Michael Phelan of Kilbredy in the Queen's County was described as a labourer and a leader.

After naming this motley group of fugitives, Connelly then gave information. He states that he knew William Hunt of Glengoole, who was flogged in Clonmel but confessed nothing and is now commanding United Irishmen in the Queen's County. He also mentioned that John Boodings's house of Grean [Pallasgreen?] was robbed of 23 guineas.

The sentence was death at the scene of the crime as a deterrent to others, his body not to be given over to his friends. The final warrant for Connelly's hanging was 18 April 1800.²⁸

Another man was tried on 25 April 1800 for being with a gang of robbers which attacked the house of Walter Butler of Ballyphilip near Tipperary town. He was William Hogan, and he was also charged with forcing Butler to give his horse, being found in possession of it next morning (on 16 March) at the "an improper and early hour".

It appears that Hogan was with others at 8 or 9 p.m. on 15 March and later took away a horse,



bridle and saddle. None of the men was armed. At 3 a.m. William Lamphier, corporal of the Tipperary Infantry Yeomanry, was on duty at the entrance to the town to detain anyone trying to enter it, when he saw Hogan on horseback, very drunk. When he was detained, Hogan had to be helped from the horse and admitted that the horse was not his, but Butler's.

Hogan was a farmer of more than 23 statute acres, quite sufficient for those times, and his motives for this senseless act are unclear. When he was sentenced to transportation for life, Lord Cornwallis reduced it to seven years. Hogan had been described by all witnesses as an honest man and the Butlers were his neighbours and knew him for 12 or 14 years.²⁹

A case heard by courtmartial in Clonmel on 10 May 1800 was political in nature, and concerned attacks on a party of the Loyal Essex Regiment of Fencible Infantry, who were escorting a prisoner from Doon. The accused was William Tracy. It was stated by Sergeant Thomas Davis of the escort that half-a-mile from Cappawhite he saw Tracy with some women and children. He ordered him back with what he called his pike [lance?]. Half-a-mile from Doon chapel he saw him again; he had gone through the fields and stones were now thrown.

The defendant had a stone in each hand, and a crowd around him shouted: "Hip, hip, hurray! Follow!" Someone fired four or five shots and a shout of "Let the prisoner go!" was heard. Private Harding of the Loyal Essex stated that they had one subaltern, Ensign Hearne, one sergeant and 16 rank-and-file and the prisoner had been taken by the Durham Cavalry. His name was not revealed. Tracy was condemned to death, but with a recommendation to mercy. Lord Cornwallis commuted this to seven years' transportation.³⁰

A case heard in Clonmel on 17 May 1800 was that of Maurice Cuddihy, who was charged with delivering or causing to be delivered a letter to "To Thomas Connele of Bally Patrick" which stated that he had no right to the land that he had taken from James Hackett and to surrender it and the houses there within eight days. It was signed "John Doe Gen." There was also a death-threat. For this the sentence was seven years' transportation. The letter had been given to him in Clonmel on 20 April.³¹

The fate of Philip and Edmund English who broke into the house of Henry Smithwick on Sunday 2 June 1800 was different. They were sentenced to be hanged; this was confirmed. They were found concealed in the house by soldiers commanded by Sergeant Britton of the Nottingham Fencibles. When searching for them the sergeant was refused a light by a servant girl; he threatened to shoot her dead if she refused to obey. One man tried to wrest a carbine from Britton, but failed when the other soldiers overwhelmed him. This trial was held in Clonmel on 11 June.³²

On 23 June 1800 at another Clonmel courtmartial there was the curious case of Michael Magrath, who was charged with being mounted on a stolen horse on the night of June 14. Lieutenant Prendergast of the Clogheen Yeomanry went out with a party of the Prince of Wales Dragoons from the village towards the Skeheenarinka area. Hearing the noise of horses being ridden and the report of arms, he found the defendant galloping towards him.

Magrath gave a false reason for being out-of-doors. He said that one Mary Fitzgibbons said that she had given a saddle and a bridle, as well as a key to unlock the horse-chains in a field, to someone. In the morning the two horses were missing; this was the first time that they were taken. Lieutenant Prendergast said he found horses, bridles, collars and saddles as well as a rusty sword on the ground nearby.

It all sounds rather odd. No violence was used or threatened; nor was the prisoner found armed. Whatever he was doing galloping about the countryside in the dark of a night, he was found guilty of being out of his house on the night of 14 June and mounted on a stolen horse. For this he was transported for life and given 1,000 lashes on the bare back. The sentence was

confirmed as far as transportation was concerned; but Lord Cornwallis "withheld" the lashing.³³

Another file from county Tipperary is worth noting here, because it also deals with Captain Prendergast of the Tipperary Militia. In this it is said that this unit was at Glenarm in co. Antrim during the rising with the Argyle Fencibles to prevent rebels taking ships to Scotland. The matter at issue in 1801 was whether Prendergast should repay two sureties for suspected rebels which he claimed he could keep under the Indemnity Acts.³⁴

From 1801 a list of nine courtmartial held in Clonmel is preserved in the Rebellion Papers with a summary of the verdicts. On 21 May Cornelius Ryan was charged with murdering William Price of the city of Cashel on 4 April 1801 on the road near Ballinree, "in furtherance of rebellion". He was hanged and his corpse dissected at Cashel Infirmary. Michael Kelly and John Stack were tried for conspiracy to murder William Price. Kelly was hanged and Stack acquitted. This trial was held on 23 May. On 27 May Michael Barret was tried for robbery the previous March at Woodroffe, but acquitted.

Knockgraffon affair — 1800

On 2 June William Heffernan was tried for the murder of James Griffin and the wounding of Thomas Blake at Knockgraffon in November 1800. The circumstances were as follows. On 28 November Heffernan entered James Hennessy's house at Knockgraffon and with three others forced Griffin and Blake out 60 yards and put them on their knees. Then Griffin was killed with a pistol-shot to the head but two attempts with a blunderbuss only wounded Blake. Heffernan was hanged and his body sent to the Cashel surgeons for dissection.

On 15 June Michael Noonan (alias Green), Thomas Mara and David Power were tried for the flogging of John Trihy in April 1801 at Lagganstown. All three died on the scaffold and their bodies buried in quicklime. William Kennedy was tried 22 July for "digging up a field" and robbing arms in Donegal townland west of Knockgraffon. The offences had been committed on 25 March and 27 June 1801 respectively. He was transported for life.

The case of Robert Sheehy was heard in Clonmel on 29 September. He was related to Fr. Nicholas Sheehy. Sheehy was charged with attempting to seduce a Roscommon militiaman from his allegiance on 5 August in Tipperary, trying to incite him to adhere to the King's enemies in time of war and with uttering treasonable expressions and so on.

Sheehy asked that the trial be postponed because Rt. Hon. Cornelius Lord Baron of Lismore and Rev. Charles Hickey of Clogheen were material witnesses for his defence. The latter was in Enniscorthy at the instalment of a new mayor and the latter was in Galway. The case went ahead nevertheless, and after lengthy statements and discussion Sheehy was acquitted. General Asgill wrote a letter to Lord Hardwicke, the successor of Cornwallis, vehemently disagreeing with the verdict, but it was confirmed by the Lord Lieutenant.

Finally, William Moroney was tried for housebreaking and stealing arms at Bansha. This trial was held on 2 October and Moroney was sentenced to seven years' transportation.³⁵

Of the 14 tried, seven were hanged, five transported and two acquitted. One Captain Allen alone had as Judge Advocate the seven hanged, four transported and one acquitted. George Grove was the Judge-Advocate in the other two cases.

The question arises as to why there was no rising in South Tipperary in 1798 except for the Ninemilehouse affray. One thing that is clear is that leaders of calibre were wanting. No landowner or professional man came forward to lead the rebels, as happened in Wexford and the North-East of Ireland.



If the file on the captured yeomen tells the truth, the leaders were all farmers or tenants. A reference to the lack of good leaders may be seen in the song *Sliabh na mBan*: "Níor tháinig ár major i dtús an lae chugainn . . ." ("Our major came not at start of day to us".)

If the foregoing proposition be true, the question arises: why were there no persons of standing to lead the rebels? The answer may lie in the fact that although since 1760 Tipperary was seething with hate against the authorities and the landlords, there were also those who secured good holdings in the enclosing of the land, who had a different point of view. Thus there was a readymade base of loyalty to the government composed of well-off tenants, who were hardly likely to lead rebels.

As the courtmartials show, the "rebellious" acts gravitated into many agrarian outrages after 1799 at least, thus returning to what British officials called "bloody Tipperary", the Tipperary of the post-1760 era of widescale Whiteboy activity.³⁶ The more acts of rebellion looked like Whiteboy activity, the less the well-off or comfortable farmers were likely to support them. Only real threats against landowners' security could ever arouse rebellion among their class.

The Rebellion Papers also give an insight into many interesting events in the rebellion period. For example, the arrest of blacksmiths in May was carried out throughout Ireland, and 18 May 1798 is the date given in two cases above. The custom of evading marauding soldiers by fleeing into the fields is referred to in another. The general impression in papers is that firearms were scarce. Pikes, scythes mounted on poles, even flesh-forks seem to have been the weapons.

The attack planned on Cashel for 16 July is seen by those who gave testimony as an attempt to burn the town; but further plans are not mentioned. There is no hint that a wider plan for a greater rising was made.

It should also be noted how much the authorities depended on informers. It is astonishing that only two days after the gathering at Boytonrath a full trial could be mounted. It could have been, of course, that some of those who gave evidence may have been in the pay of the government beforehand; but there is no confirmation of this.

It is often difficult to understand from the written words of the courtmartials why one person was hanged or transported, while another was acquitted. Lord Cornwallis clearly played a clement role in many cases. His successor, Lord Hardwicke, was also sometimes very humane. It was he who wrote on a report the following regarding the quickliming of hanged corpses. He admitted that it was done to keep bodies from being exhumed and honoured, but said that it was "a practice not only disgraceful in itself but tending to keep alive the same spirit which actuated the criminals. . .".³⁷

One other matter which merits mention is the subject of alcohol. Public-houses are referred to. There was the case of a witness being sent to his death by over-indulgence to keep him from the witness-stand; there is the almost farcical case of the man who steals a horse becoming so drunk that he rides into a control-point outside Tipperary town. There is finally the charge against William Bryan of Moycarkey of making poteen. It is of note that at a Waterford courtmartial it was mentioned that United Irishmen meeting in Dungarvan agreed to a proposal to limit their drinking so as not to divulge secrets or information. The proposed limit for each day was one glass of spirits and three pots of porter each day.³⁸

There is at least a hint that an attack was planned on the town of Clonmel; see n. 21. This is, however, the only piece of evidence and there is no indication of where the rebels were said to be assembling. September 6 1799 was late in the day, after all that had happened since May 1798.

One aspect of the acts of rebellion or attempted acts of rebellion in the years 1798 to 1801 is the area where most of them took place. Nearly all took place between the Galtee mountains

on the south with Cashel and Thurles on the north, and between the county boundary on the west to the countryside south of Cashel east of the river Suir.

It was in this rough quadrilateral that the only significant action took place in 1867 during the Fenian rising, while in 1916 it was in the Glen of Aherlow also that the only action took place. The most active fighters during both the War of Independence (and in the Civil War on the republican side) also came generally from this area. The Ninemilehouse episode can be roughly matched by the hosting in 1848 at Ballyneale in the same area to march on Carrick-on-Suir, an attempt which fizzled out.

Finally, the point might be made that modern republican doctrine did not have the powerful driving force which regaining possession of lands from the landlords had, and which made Tipperary a centre of agrarian agitation during the struggle for the land towards the end of the 19th century. While the priests gave full support to that movement, they held aloof from any dealings with the rebels of 1798. Not one priest is known to have been sympathetic to the United Irishmen in co. Tipperary!

Footnotes

(Note: "RP" means Rebellion Papers, National Archives, Dublin.)

1. THJ 1990, pp. 109-120.
2. THJ 1991, p. 243.
3. THJ 1992, pp. 132-139.
4. RP 620/3/47/1.
5. RP 620/13/22/1.
6. RP 620/13/22.
7. Journal of Waterford & South East Ireland Archaeological Society 1914: "A Carrickman's Diary", Vol. XIV, p. 7. See also *Retrospections of Dorothea Herbert*, London, (1930), p. 369.
8. RP 620/3/51/29.
9. RP 620/6/69/1.
10. RP 620/69/4. There is also a courtmartial document at RP 620/7/86 concerning the assault of John Carrol of the 2nd Fencible Dragoons on 26 March 1799, when the verdict was transportation for life and an order to have the accused Peter Ryan sent to New Geneva. The sentence and the accused are similar in both cases but in the second case the courtmartial was held in Tipperary town. The name "Candle" in the first case may have been the name "Carrol" in the second case.
11. RP 620/6/69/5.
12. RP 620/7/86.
13. Ibid.
14. RP 620/6/69/9.
15. RP 620/6/69/10.
16. RP *ibid*.
17. RP 620/6/69/11.
18. RP 620/6/69/12.
19. RP 620/6/69/24.
20. RP 620/6/69/1.
21. RP 620/6/69/16.
22. RP 620/6/69/25.
23. RP 620/6/69/31.
24. RP 620/6/69/14 (Bowen's trial); RP 620/6/69/13 (Guiry and Cunningham).
25. RP 620/8/85/19.
26. RP 620/9/90/4.
27. RP 620/9/90/5.
28. RP 620/9/90/2.
29. RP 620/9/90/7.
30. RP 620/9/90/6.
31. RP 620/9/90/3.
32. RP 620/9/90/1.
33. RP 620/9/90/80.



34. RP 620/10/1-5. This Prendergast, a native of Derrygrath was, as Major Prendergast of the Tipperary Militia, the author of reports on agrarian crime in south-west Tipperary in 1808, when he secured information from militiamen at Birr and Kilbeggan summer-camps in 1808. See *State of the Country Papers*, 1808 No. 1188.
35. RP 620/10/114. In the case of Robert Sheehy there are also the actual courtmartial papers in 620/10/110/1. These have been used here to give an account of his trial.
36. The term "bloody Tipperary" appears to have been familiar to even British military people. For example, in 1798 A. T. Wilson, an English officer, said in a letter home: "Please tell Lord Frederick (Bentinck) that I found in him the real *bloody Tipperary*." "Him" here was the sheriff of the county, the blood-thirsty Thomas Judkin Fitzgerald. This letter is in the Portland papers (MS PW Ja 424), preserved at Nottingham University, and is dated July 4 1798.
37. See remarks written on RP 620/10/110/6.
38. See 620/10/70/2, trial of Francis Hearn.

