

The Burning of Portland House,

May 1938

by Seamus King

Portland Park House, Lorrha was burned to the ground in the early hours of Tuesday, May 10, 1938 by a body of twenty armed men, who entered the house about 2.30 a.m. Major Butler-Stoney, who owned Portland Park, hadn't lived in the house for ten years and had recently handed over the house to the trustees of Emmanuel Home, Rathgar, Dublin as a home for Protestant children. Seventeen orphans from Emmanuel House were to arrive and take up residence there on May 10.

The armed men ordered out the inmates, Mr. John W. Densmore, his wife and two children, and a maid, Miss Meredith. Major Butler-Stoney lived in a house about a mile from Portland House and on the Friday following the burning 710 acres belonging to him were allocated to tenants, as part of the distribution of the land of the estate by the Land Commission.

Mr. Densmore answered a loud knocking at the door soon after 2 a.m. and found eight men on the doorstep. They told him they had come to burn the house and that he would have to leave and take anybody else in the house with him. When the family left, the men, some masked and carrying revolvers and cans of petrol, filed into the house and shortly afterwards it was set alight. The men, whom Mrs. Densmore described as courteous to her, and one of whom said to her that they didn't like burning the house but that they had their orders, then marched away.

Emmanuel House

Major Butler-Stoney had given the house to the trustees of Emmanuel House because the latter was full. It was to provide a home for Protestant children and assurances had been given that it would not be a proselytising institution. These assurances had been given as a result of bad feeling locally against the project. There was no question of land trouble because the land had already been divided between tenants sometime previously.

The mansion was over one hundred years old and had twenty-five rooms. Some furniture and carpets belonging to Major Butler-Stoney, as well as some belonging to the Densmores and some installed for the reception of the children were destroyed by the fire.

Man Arrested

Intense police activity followed the burning but it took some time for arrests to be made. On July 1 Thomas Hough, Carrigahorig, Lorrha was charged at Birr District Court with having 'with others not in custody, wilfully and maliciously set fire to a dwelling house, known as Portland House, value £1,500 . . .'

The first prosecution witness was John William Densmore, who stated he was nominally superintendent of the orphanage at Portland House. He resided with his wife and family at the house. According to him 'We were going to carry on the custody and care of illegitimate Protestant children. These children were to come to us from Emmanuel Home,



Portland House

Orwell Road, Dublin. We were going to work without remuneration.'

He was awakened at about 2.30 am in the morning of May 10 by knocking at the hall door. He went to the window and was told to come down. When he asked for what he was told it was about business. When he commented on such an extraordinary hour for doing business, the reply was: 'Come down if you don't want to go up in smoke.' He decided to go down, dressed and was followed by his wife. When he opened the door he was confronted by between eight and ten men, the leader of whom presented a revolver and said: 'Hands up!'. Mr. Densmore put up his hands and said he was unarmed. The leader said: 'We'll give you time to clear out; we have come to burn the place.'

Several men then invaded the house and disappeared into various parts. The spokesman asked him how many occupants were in the house and he told him of his wife, the maid and two children. He began to reason with the leader as to why they were burning them out. The leader of the group replied that he had no time to argue: 'I don't want to hear any of this talk - we know what you are.'

Mr. Densmore continued that he then went upstairs to his wife and children, who were crying. Soon the children were pacified and one of the men helped his wife to dress the children. They collected some of their personal belongings and carried them down to the lawn. He was exhorted by one of the men to hurry up and he tried to reason with him also. 'Sure you are proselytisers,' the man said. When Mr. Densmore denied that he had ever proselytised a human being in his life, the man replied: 'Don't you pick up Roman Catholic children off the streets of Dublin to make Protestants of them?' When this was denied the man said: 'We have no time to argue; hurry up and get out.'

Mr. Densmore related how he continued to remove his private papers and other personal belongings to the lawn and how, after some time, the man who appeared to be leader said to him: 'I think you have enough out now.' They were allowed to take nothing but their personal belongings.

House on Fire

As they went on to the lawn the house was ablaze. This was ten to fifteen minutes after the men arrived. Soon the place was completely engulfed in flames and by six o'clock in the morning it was completely burnt out.

The men left immediately the fire had started and didn't seem to have bicycles or motors. According to Mr. Densmore, the leader 'was wearing large horn-rimmed spectacles and what appeared to be a muffler round the lower part of his face and a soft hat. He believed that there were at most about twenty men there that morning.

At 6.20 a.m. he reported the burning to the Civic Guards in Lorrha. On May 21 he attended an identification parade at Templemore Garda Station with his wife and maid. He was unable to identify any of the men paraded before him. Under cross-examination he did admit he was in the bedroom with his wife and children and had met two men face to face for two or three minutes on two or three occasions.

Man Recognised

Mrs. Densmore corroborated her husband's evidence but added that she recognised one of the men in the Templemore parade 'as the man who was in my bedroom on the morning of May 10. I had not the slightest hesitation or difficulty in recognising him. I pointed him out to the Superintendent at the time. I first saw this man on the 10th May standing on my left hand side in the hall. He walked almost alongside me up the stairs and into my bedroom. He remained there until he came down with me also. He was in the bedroom with me for about ten minutes. He was the man who dressed the child, rolled up the bedclothes and was very courteous. I saw him again in the hall when we got downstairs. The electric light was on in all these places. I now see him in court - he is the accused.' Earlier she had informed the court that the man wasn't masked. He wore a scarf round his neck and a soft hat. He wore a dark brown overcoat. In order to give time for cross-examination Justice W. J. Meagher, D.J. adjourned the further hearing to Birr District Court on July 29.

When the case resumed Mrs. Densmore was examined by Mr. Sean McCurtain for the accused. He asked her why she had recognised the accused in the identification parade at the barracks at Templemore and her husband had not. She claimed that her husband hadn't the same opportunity as she had for recognising him as she spoke directly to the man in her room on the morning of the burning whereas her husband had only passed in and out of her bedroom. Another reason she stated was that he hadn't his glasses on that morning. Mr. McCurtain's defence was to cast doubt on Mrs. Densmore's identification and he kept pressing her that she could not be positive. At one point the prosecuting counsel, Mr. Haugh, objected to the persistence of the questioning stating 'that the matter had gone far enough and there was a limit to everything.'

Another witness was Mrs. Densmore's maid, who saw the men on the morning but failed to identify the accused at the identification parade.

In the course of his evidence Charles Kemble Butler-Stoney told the court that his family lived at Portland House until about ten years previously. The previous December he gave the house over to Emmanuel Home, Orwell Road, Rathgar and had nothing to say as regards the running or management of the intended home. He had made a claim for £15,000 for malicious damage to the house and £768 for the furniture destroyed. Under

cross-examination he stated: 'I was aware there was some feeling from one source about the handing over of the house.'

Superintendent O'Boyle of Nenagh told the court about the identification parade. It consisted of nineteen men, fourteen from the Templemore area, the accused, and four other suspects from Lorrha and Borrisokane. The accused and the other suspects were given the choice of their own places in the line. He related how Mr. Densmore failed to recognise anyone but that Mrs. Densmore, having walked along the line and examined each man, she returned to the middle of the line and said to the Superintendent: 'I have seen this man before,' pointing to Thomas Hough. Superintendent O'Boyle continued: 'I asked her to place her hand on the man to whom she was referring. She then placed her hand upon Thomas Hough. I asked Mrs. Densmore where she saw him and she replied, 'in Portland Park.' I asked her when and she said 'on the morning of the 10th' I asked her what month and she said 'May'. I asked her what year and she said 'nineteen thirty-eight'. She then said: 'That is all I could conscientiously swear to.'

Sergeant Patrick Vaughan of Tipperary gave evidence that he took the accused and the other suspects to Templemore. Under cross-examination he stated that none of them asked for a solicitor before they arrived at Templemore. Mr. McCurtain suggested to Sergeant Vaughan that it was an unfair identification parade. The accused and the other suspects were engaged in agricultural work and had the marks of it on their clothes. On the other hand, those from Templemore on the panel were not dressed in agricultural type clothing. The accused had been taken off his farm where he had been ploughing and was covered in clay.

Inspector Thomas O'Reilly read a statement that the accused made to him on May 20th. In it he told how he had spent the day before the burning and how he retired at 10.15 p.m. to bed on the night of the burning. He got up shortly after 6 a.m. and didn't hear about the burning until 6.30 p.m. on Tuesday evening. 'When I heard this news I said 'Powerful work' and said no more about it.'

The statement continued: 'Prior to last Monday week, for about six weeks, it was talked of in the parish for miles around that a 'bird's nest' was being established at Portland House and for some time before last Monday week it was thought that the orphans were already there. All the people were cursing and saying that the damn thing should not be allowed, that it would be alright in the cities. I could not give the names of the persons who were so cursing, because the whole countryside was against the 'bird's nest' without exception.'

'I never heard that Portland House was going to be burned, nor never dreamed that it would be burned. I had no hand, act or part whatsoever in the burning of Portland House. I would not like to see any place burned. I was not a bit sorry to hear of Portland House been burned - if anything I was glad.'

When the judge asked the accused if he had anything to add to the statement, he replied: 'Not guilty.'

Returned for Trial

The prosecutor, Mr. Haugh, applied to have the accused returned for trial to Nenagh Circuit Court on October 4. Defence Counsel McCurtain disagreed. According to him the prosecution case rested on the evidence of Mrs. Densmore's identification of the accused,

which was not corroborated by her husband or the maid. Also, no jury would agree with the manner of the identification parade, which was unfair to Hough, who had the distinguishing marks of the farm on him. He continued that Mrs. Densmore's evidence was not reliable because her recollection wasn't good. 'She hadn't been properly cross-examined, nor was there any really close investigation into her evidence. She had plenty of time to consider her answers.'

For instance, according to McCurtain, Mrs Densmore had stated that there was a man in her room that night from the time the men arrived until they left. That evidence was contradicted by the maid who said that when she first went into Mrs. Densmore's room, there was no man there. Another example of her faulty recollection was Mrs. Densmore's statement that she arrived at Templemore for the identification parade at 1 o'clock, whereas the evidence of the Inspector said it was 2.50. For these reasons the accused should not be returned for trial.

The Justice said that he had no jurisdiction to say if the accused was guilty or not guilty. His position was to decide if there were a prima facie case to have the accused tried by jury, and he had come to the conclusion there was. The justice accordingly returned the accused for trial to Nenagh.

Trial Moved to Dublin

When Thomas Hough, described as a farmer and shopkeeper of Carrigahorig, Lorrha, appeared at Nenagh Circuit Court on October 4, the State Solicitor, Mr. James O'Brien, applied under Section 54 of the Courts of Justice Act to have the trial transferred to the Central Criminal Court, Dublin. Justice Sealy consented.

The trial took place on December 6 at the Central Criminal Court, Green Street, Dublin before Mr. Justice O'Byrne and a jury. Mr. Kevin Haugh conducted the prosecution on behalf of the State and Mr. A. E. Wood, S.C. instructed by Mr. Sean McCurtain defended the accused.

Most of the evidence was a rehash of what had been given at the District Court sitting. Mr. Wood's main defence was to throw doubt on the evidence of Mrs. Densmore, especially on the question of who was in the room while she was dressing her children and completing her own. He also cast doubt on the accuracy of her account regarding the dressing of the children and on the amount of time that the men stayed in the room. When the accused was cross-examined by Mr. Haugh, he didn't add anything new to his original statement.

When Mr. Wood closed the case for the defence, he said there were two matters for the jury's consideration: 'They would have to first find that it was while those persons (Mr. & Mrs. Densmore) were in the house that it was actually set on fire, and they had secondly to find that the accused was in the house participating in the dastardly act that took place.'

To sustain the indictment it would be necessary to find that the parties should be in the house at the very time the fire was communicated to it. He thought they could not be satisfied on the evidence that that was so. He thought there was one thing that was undisputed that the dastards who burned the house that night, the one thing they were anxious about was that the persons who were in the house and their personal belongings should be removed out of the house before it was set on fire. He took it that the evidence

would also satisfy them that before any fire was seen all the occupants were out on the lawn. On the second point he told the jury that many judges thought that visual identification was not as strong or imposing as circumstantial evidence.

Mr. Wood, proceeding, said that he was not suggesting that Mrs. Densmore was doing anything but trying to tell the truth but the question was could a person be anxious and trying to tell the truth and yet be completely mistaken. 'Mrs. Densmore's mind', said Mr. Wood, 'was aflame with religious zeal, her children were crying in the room, she was confronted by armed and desperate men, and her mind was set aglow with the prospect that the house, which was the citadel of her soul's desire, was about to be burned.'

Defence Counsel, in conclusion, appealed to the jury that having heard the accused's statement on oath to say that they could not be convinced that the fire was communicated to the buildings before the occupants left it or that the accused was the man who was in the room with Mrs. Densmore that night.

Mr. Haugh did not address the jury for the State.

Address by Judge

Mr. Justice Byrne, in charging the jury, said they would have to consider the evidence with very great care: "We, in this country," he proceeded, 'are supposed to be living under a rule of law and order. We are living in a country where freedom of religion is guaranteed and where people are supposed to be able to carry on their ordinary avocations unless they offend against the law. Whatever the result of this case may be, you will have no doubt that on this morning of 10th May last a shocking outrage was committed. This house, known as Portland House, had been presented by the owner to an institution in Dublin, having as its object the upbringing of Protestant illegitimate children, children who have nobody to look after them. The care and maintenance and education of such children is a very laudable object.'

He added that it was obvious from some of the evidence that there was strong local feeling against this institution. There were suggestions that the people in charge were proselytising Catholic children. But the jury should not be concerned with that aspect of the case. They should know that strong private feeling was no entitlement to anyone to go in and burn down property. Therefore they should consider the evidence with care because if, in their opinion, the case against the accused was satisfactory, then they must vindicate the law of this country and find the accused guilty.

As regards the charge against the accused, it was necessary that he should refer the jury to Section 2 of the Malicious Damage Acts of 1861, which provided that whoever should set fire unlawfully and maliciously to any dwelling house, a person being within, shall be guilty of a felony. It was alleged in the indictment that Mr. and Mrs. Densmore and family were in the house at the time it was set on fire, but the State had to prove that. If the State failed to prove this, and also failed to prove that the accused was one of the persons that set fire to it, then the accused should be acquitted.

He continued: 'It was obviously no part of the intentions of these men to set fire to the house and burn the inmates of it. That was clearly not their contemplation. Consistently with their object it may be that before the parties had actually gone out, they had set fire to this portion of the house - a fire that would not impede their progress to the outside.' It would

seem to his lordship that Mrs. Densmore had much greater opportunities of taking notice of the man and being able to recognise him than her husband or the maid, and they might take into account that she was a more observant person than her husband.

Dealing with the case for the defence, the Justice referred to the statement made by the accused on May 19, and particularly to the part in which he said that a man named Paddy Hogan got a gallon of oil in his shop in a large petrol tin: 'Hogan, of course, may have required that oil for a particularly innocent purpose and it might be that it was a portion of the oil used for the burning of Portland House. They should remember there were two tins seen at Portland House.'

Another point made by the Justice was the strangeness of the accused's brother, who was actually in court but didn't appear in the witness box: 'It may be of course that he could only tell them that he had gone to sleep before his brother went to bed.'

If the jury accepted the accused's evidence they should acquit him. If they rejected it they weren't entitled to convict him until they considered the evidence for the prosecution and decided whether it satisfied them that the accused was one of the guilty parties.'

Not Guilty Verdict

The jury retired at 3.50 p.m. and returned at 5 p.m., when the foreman announced that they disagreed. The question they wanted to know, according to the foreman, was when the fire was first seen. The judge went over the evidence and a juror asked if it were possible to see the drawing room, where the fire started, from the hall. The justice was unable to give an answer as they had no plan of the house. The jury retired a second time but was recalled again to be referred to some of Mr. Densmore's evidence. At 5.10 it retired a third time and returned after ten minutes with a verdict of not guilty. The Justice discharged the accused. There was applause in the gallery and later outside the court.

Sequel

At Nenagh Circuit Court on October 5, Judge Sealy heard a claim by Major C.K. Butler-Stoney of Portland Hill, Lorrha for £7,000 for the malicious burning of the house and £863 for the destruction of the furniture. In the course of the hearing Counsel for North Tipperary, Galway and Offaly County Councils accepted the malice of the burning but sought to reduce the amount of the award by illustrating that Portland House, at the time of the burning on May 10, was a 'white elephant' and an unsaleable asset.

In the course of the hearing it was revealed how the owner, Major Charles Stoney, who inherited the house from his brother, Thomas, in 1917, did not take up residence in it until 1928, because he had been occupied with army work in England. Major Stoney was a bachelor and soon found the house too big, built another nearby for £1,500 to £2,000 and let Portland House to a relative, Mrs. Colwyn Smith, on a five-year lease at a rent of £275. From 1933-1936 the house was occupied for six weeks every year by Richard Butler-Stoney. He was the only one of the Stoneys to be married. Up to 1936 the house was insured for £8,000 and the furniture for £1,000. In that year the insurance was reduced to £2,000 and £600 respectively.

It was also revealed that the estate attached to the house contained 3,000 acres up to 1930, when it was sold to the Land Commission with the exception of 100 acres for Major Stoney and six acres to remain with the house. The land was parcelled out among twenty-

five tenants including the park land through which the avenue of the house went. This avenue of 1,100 yards was now bisected by four tenants' plots and access to the house was through four gates across an avenue, which was now in a bad state of repair.

This development, according to the defence, made the house much less attractive and in fact made it suitable to nobody but 'a shopkeeper in Portumna (who) might utilise the house as a weekend residence at a rent of £35 per year.'

Before the house was handed over to the Densmores in 1937 an auction of some of the effects was held in Birr. The prices paid for items were low and defence claimed this as an argument against the size of the compensation sought for the furniture. The claimant stated that the best furniture was kept and was to be left at Portland House until suitable alternative accommodation should be found for it. The effects included 1,500 books, which included 'some extraordinary old bibles'. There were also some paintings of value.

Another argument against the size of the claim was that the house was no longer in use by the owner. It had been on the books of the auctioneers for a number of years and no buyers had come forward. There were many such mansions around the country and they were more attractive to religious communities because there was a sizable amount of land with them. The owner had given the house to the Densmores because they could find nobody to buy it. It was the only way he could get it off his hands. There was no evidence that it was an attractive proposition for someone interested in hunting. Neither would it be a success as a hotel and there was no reason to believe there would be an onrush of wealthy people from England in the wake of the rise of Hitler.

In his summing up Judge Sealy discussed the merits of the evidence before him and came to the conclusion that the house which, from the photographs he had seen, appeared to be beautiful and well kept-up, had depreciated in value as a result of selling off the estate. Also the presence of farmers on the avenue would deteriorate it to the state of a country breen. However, the house did have a saleable value as evidenced by the fact that Emmanuel House, having been burned out of Portland House, had purchased a similar mansion in Wicklow for £1,800. His lordship said he would allow £1,200 for the mansion, which he considered a fair sum for the loss sustained, and £600 for the furniture.

The area of charge would be confined to North Tipperary because, even though the bounds of County Galway were only 450 yards from the house, there was no evidence to show that any of the malefactors came from County Galway.