Crime and Punishment: Whiteboyism and the Law in Late Nineteenth-Century Ireland

Ciara Breathnach and Laurence M. Geary

What, killin’ a man here and killin’ a man there, and frightenin’ a lot of poor foolish colleens, wid rushin’ in to the houses in the dead of the night. Cuttin’ off their hair, an’ makin’ them sware—the divil a bit they know what! Dibstroying dumb bastes, too, that never did no one any harm.

Emily Lawless, Hurrish. A Study (originally published, 1886; Belfast, 1992), p. 29

A man is as safe in the moonlighters as out of them. And if the choice fell on a man to do a bad deed itself, ‘tisn’t him might be hung at all but some one as free of the crime as Jesus Christ himself, if he hadn’t his alibi correct or was about the vicinity. The peeler don’t care a devil but to make a case; the judge don’t give a whack but to choke you for an example, and a jury of Cork Scotchmen would swing the nation on circumstantial evidence.

George Fitzmaurice, The Moonlighter, in George Fitzmaurice, Five Plays (London and Dublin, 1914), p. 79

This chapter examines agrarian activism and violence in the south-west of Ireland, one of the country’s most disturbed regions, between 1879 and 1882. These were the years of the land war, the first of three phases of agrarian agitation that stretched from the late 1870s through to the early years of the twentieth century. Our treatment focuses on a number of Whiteboy cases—the designation employed in the official record. Most of the individuals concerned were arrested for agrarian infractions, which were invariably classified as outrages; they were subsequently tried, convicted, and given disproportionately harsh sentences compared with those handed down to persons convicted of ordinary crimes.

The chapter is in two sections: the first concentrates on a succession of Whiteboy cases that were tried before the Munster winter assizes in 1881; the second traces the prison experiences of those convicted, the impact incarceration had on their physical and mental health, the appeals for clemency made by their families on their behalf, and the controversy surrounding their eventual release. Our research shows that the suppression of agrarian crime was carefully managed by the Royal Irish Constabulary (RIC), the judiciary, and the General Prisons Board (GPB) (established in 1877) in a process that extended from the assizes to the prison experience and the convicts’ conditional release.

The forty convicts in our sample were Roman Catholic, generally from a labouring or small to middling farming background, and they constituted an entirely different cohort from Fenian prisoners in the 1860s and 1870s, and to nationalist political prisoners in the 1880s.1 They were brought before the courts for Whiteboy offences, usually—but not always, as we shall see—involving agrarian issues.2 Whiteboyism, like Ribbonism, was both a designation and a concept, and the authorities employed the term generically to describe serious agrarian crime, which they classified tripartitely:
• Offences against the person: homicide (murder, manslaughter); firing at the person; administering poison; aggravated assault; assault endangering life; assault on bailiffs and process servers; cutting or maiming the person.
• Offences against property: incendiary fire and arson; burglary and robbery; taking and holding forcible possession; killing, cutting, or maiming cattle; demanding money.
• Offences affecting the public peace: riots and affrays; administering unlawful oaths; intimidation (by threatening letters or notices, otherwise); resistance to legal process; attacking houses; injury to property; firing into dwellings.

The term ‘Whiteboyism’ had general currency among the police, judiciary, and central authorities, but ‘Moonlighting’ was the preferred usage in the countryside. Both designations appear to have applied particularly to the nocturnal activities of armed and masked groups of men who broke into the homes of transgressors of the customary code of communal conduct, who threatened, humiliated, or assaulted the occupants, and occasionally seized arms, ammunition, and money to purchase weapons. The evidence uncovered here suggests that the authorities took particular exception to the discharge of firearms during these midnight incursions.

The roots of such late nineteenth-century activity can be traced to the agrarian secret societies of earlier generations, notably to the oath-bound, distinctively clad Whiteboys in the 1760s and 1770s, whose nocturnal protests against excessive rents and tithes, evictions, and other grievances featured many of the enforcement tactics that their lineal descendants were to embrace so enthusiastically more than a century later: nocturnal house searches for arms and money; intimidation; punishment beatings; houghing or maiming cattle; and other violations of the person, property, or the public peace.3

A succession of emblematically named secret societies followed the first Whiteboy outbreak: Hearts of Steel or Steelboys in the north of the country, Rightboys in the 1780s, Rockites in the early 1820s, Ribbonmen, and Terry Alts, among many others—all drawing from the same deep well of agrarian grievances and discontent, and reflecting the broader concerns and sympathies of the community that spawned them. According to James S. Donnelly, Jr, the initial Whiteboy movement of 1761–65 gave rise to a complex tradition of peasant protest throughout much of Munster and Leinster. ‘Many of its features (uniforms, quasi-military organisation, oaths of secrecy and loyalty, codes of approved behaviour, rituals of intimidation and punishment) reappeared in a regular succession of major eruptions of rural unrest during the late eighteenth and early nineteenth centuries’.4

The government responded to these expressions of rural social protest by enacting draconian legislation. The 1776 Whiteboy Act, 15 & 16 Geo. III, c. 21, made certain offences against persons, property, or the public peace punishable by death, and greatly increased the coercive power of magistrates in searching for arms, and in relation to suspected Whiteboy activity.5

The Whiteboy Amendment Act of 1831 mitigated the severity of the 1776 Act, substituting transportation, penal servitude, or imprisonment for the death penalty for offences such as breaking into houses, malicious injury to property, sending threatening letters, and procuring arms by threats.6

I Whiteboy Crime

Cells of agrarian agitation with strong historical antecedents appear to have persisted in county-boundary areas of Kerry, Limerick, and Cork. One such surfaced at Scrahan, in the parish of Duagh near Listowel in north Kerry in the latter part of 1881. In August of that year, Revd George
Fitzmaurice, of Bedford, County Kerry, brought a case under the Malicious Injuries Act against Daniel Galvin, Michael Galvin, and Cornelius McAuliffe for damaging the gate at the entrance to the plaintiff’s driveway. A local woman, Bridget Lennane, was examined in relation to the case and, largely on her testimony, the defendants were found guilty and each was ordered to pay £3 compensation and costs of 8 shillings and 6 pence, which was a considerable imposition. They refused to pay the fine and in default were sentenced to two months’ imprisonment with hard labour in Tralee gaol.⁷

On the night of 26 November 1881, sometime after the prisoners’ release, and fuelled by the alcohol that had been provided at a local funeral, a party of disguised and armed individuals broke into Lennane’s house. One of the intruders discharged a firearm, wounding her and her daughter. On Lennane’s information, the police arrested seven men—Patrick Cronin, Bartholomew (Batt) Nolan, James Quinlan, Maurice Molony, and the trio whom she had previously helped to convict, Daniel Galvin, Michael Galvin, and Cornelius McAuliffe—and they were returned for trial to the Munster winter assizes at Cork early in the following month.⁸

Incidents such as the ‘Scrahan outrage’, as it became known, and agrarian unrest generally multiplied as the land war intensified between 1879 and 1882. One barometer was the increase in the number of recorded agrarian outrages: 5,609 in 1880, 7,788 in the following year.⁹ In an address to the Cork Grand Jury at the opening of the 1881 Munster winter assizes, which began on 6 December, and which covered four counties—Cork, Kerry, Limerick, and Clare—and two cities—Cork and Limerick—Justice Fitzgerald excluded ordinary crime from his considerations and focused solely and at length on agrarian crime in the assizes’ jurisdiction. During the previous four months, the official returns disclosed that 240 indictable agrarian offences had occurred in the West Riding of Cork, 233 in the East Riding, 223 in Co. Kerry, 191 in Co. Limerick, and 174 in Co. Clare, a total of 1,061, including eight murders. The total compared to 606 in the same four-month period of the previous year.¹⁰

The 233 indictable offences returned for Cork East Riding included: 1 murder; 35 threats to murder; 63 threats generally; 4 cases of firing at the person; 26 of malicious burnings; 12 of maiming cattle; 18 of malicious injury to property; 10 arms seizures and levying contributions by armed parties, which, Fitzgerald explained, were carried out at night, under the pretence that ‘the money was taken for the country’s good’; and 14 assaults on houses by night, not to mention ‘the ordinary cases of threatening notices’. Kerry’s 223 indictable agrarian offences included 2 murders; 11 letters threatening murder; 1 wounding and stabbing; 11 assaults inflicting bodily harm; 10 cases of arson and other wilful burnings; 11 of killing and maiming cattle; 10 of serious and malicious injury to property; 23 arms seizures and levying contributions of money or goods, in every instance by an armed party at night; and 84 threatening letters or notices ‘not exactly mentioning death or murder’. Fitzgerald concluded from the statistics relating to the four Munster counties that life in the province was insecure, or was rendered so miserable as to be worthless. He stated that ‘a spirit of lawlessness and disorder marked by an insolent defiance of law’ prevailed, ‘and the existence of the very fabric of society itself was threatened’.¹¹

The threat that Fitzgerald perceived was mainly directed at the law-abiding and loyalist, mainly Conservative, segment of southern society—property owners and their retinues of rural and urban employees, dependants, and supporters. Fitzgerald had a reputation as a staunch defender of their cause and stance, as an upholder of law and order, implicit in one nationalist newspaper’s depiction of him ‘as an authority for the suppression of liberty in Ireland’.¹²
The Scrahan seven appeared before Justice Fitzgerald on Saturday, 10 December 1881. The indictment against the defendants was that two weeks earlier, on 26 November, at Scrahan, County Kerry, they had

assembled with firearms and other weapons, with their faces blackened and covered with cloths and otherwise disguised, and did then and there unlawfully assemble and make a riot, and did assault and break into the dwelling of Bridget Lennane and did carry away the sum of 14s and a petticoat, the property of Ellen Hennessy.

The motive that was assigned for the violation of Lennane’s home was that in the previous August she had given evidence at Listowel petty sessions that led to the imprisonment of some of the defendants.13

Ellen Hennessy was Lennane’s niece and lived with her and her three children—Robert Buckley, Johanna Stack, and Mary Dillane—in the house that Lennane had occupied for the previous eleven years. Lennane, who had never married, acknowledged at the trial that her three children were ‘called after their several fathers’. Counsel for the defence informed the court that she had previously been denounced from the altar by the local priest because of her ‘immorality’, and her lack of moral probity prompted the unchristian comment from the editor of one Kerry nationalist newspaper that evidently she was ‘not Caesar’s wife’, and he urged his readers to keep a close watch on developments in the case.14

In her evidence at the trial, Lennane stated that a party of eighteen men, some armed and all disguised, broke into her house about midnight; three of the intruders pressed their guns to her breast, and subsequently struck her on the back and head with their weapons, while one of them castigated her as ‘the devil that swore on those decent boys, and put them into gaol’. One of the three armed men had ‘a red cloak over his face, with two holes opposite his eyes’; another had his face blackened with soot, and the third, Patrick Cronin, whom she had known for the previous five years, ‘had his eyes coloured white, and was painted with soot’. She identified Daniel Galvin and James Quinlan, stating that she knew them very well as they lived quite near her. She also identified Bartholomew (Batt) Nolan as the ‘officer’ giving the orders. He was blackened with soot on the occasion, but she recognised him, having known him well for seven years. She did not recognise the other men. Her seventeen-year-old son, Robert Buckley, stated that four of the intruders, including Cronin, were armed. Buckley had worked for Cronin’s father for some time ‘and knew them well’. Buckley also identified Galvin, McAuliffe, Molony, and Quinlan. As they were preparing to leave Lennane’s house on the night in question, a shot was fired, for which Cronin was subsequently held responsible. Mary Dillane was wounded in both legs and Lennane received a superficial injury. The intruders gave Lennane a week to leave the district, having previously threatened to hang her, and to shoot her and the children. On the following morning, she informed the police of what had occurred and the defendants were arrested.15

Witnesses for the defence—‘a vast number’, according to the Cork Constitution newspaper, and ‘all related to the prisoners as fathers, mothers, brothers, or sisters’—swore that the prisoners could not possibly have been engaged in the outrage as they were asleep in their beds at the time. Cronin’s father and sister were among their number and they testified that he was at home in bed that night and did not leave the house. Crown counsel, Peter O’Brien, QC, ridiculed the alibis offered by the defence witnesses, and while he did not accuse them openly of perjury, the implication was clear enough.16
The veracity of such witnesses was a recurring feature of the 1881 Munster winter assizes at Cork, and, indeed, was not unique to the cases heard there. One judge’s scepticism, and that of many Crown prosecutors, was captured in his wry comment that perjury in Ireland referred only to false evidence being given to convict an innocent man; there was ‘no sin in lying to exonerate’.

Justice Fitzgerald paid little heed to judicial balance or impartiality. In his charge to the jury, he described the actions of the midnight marauders as ‘atrocious’, and condemned the violation of Lennane’s home as ‘the greatest disgrace’, adding that ‘this country was the only part of the civilised world in which a transaction of the kind could take place’. The judge paid even less heed to the moral obloquy in which Lennane was held locally, depicting her as ‘that helpless woman living on the mountainside, some eight or nine miles from the police station, where the unfortunate woman could hope for no help’. Fitzgerald informed the jury that the intruders ‘wanted to revenge themselves on this woman and frighten her out of the district, as she might be an impediment to them in their course of crime by becoming a witness’. He added that the outrage was committed by some of Lennane’s neighbours who had taken ‘some little refreshment’ at a funeral they had attended on the day in question, and all that was required was the identity of these individuals. Fitzgerald concluded that it was an all-important case for ‘the public peace, and for the district in which it occurred’.

After a short deliberation, the jury returned a guilty verdict against the seven accused. In passing sentence, Fitzgerald returned to the sentiments he had expressed in his charge to the jury. He stated that several outrages were committed on ‘the defenceless woman and her family. She was alone and unprotected, the only male in the house being a boy of about sixteen years of age—a poor, feeble boy’. Fitzgerald denounced the intrusion as ‘a cowardly and a dastardly outrage’, which was prompted by her evidence at the Listowel petty sessions that resulted in the conviction and imprisonment of a number of individuals. He added that the case was typical of a class of outrages that he had commented on already as disgracing the south of Ireland, ‘and some measures must be taken to put a stop to them’. The sentence he was about to impose should not be regarded as an act of vengeance but as a deterrent: ‘to proclaim to the people of this country that peace shall be established, and that it shall be made safe in every part of it for the humblest person in the land. It is the poor that suffer from these outrages and not the rich or well to do—it is the poor in their desolate cabins who are subjected to an odious and horrible tyranny’. Justice Fitzgerald had no doubt about Cronin’s more serious involvement and culpability: ‘the evidence is clear that it was you fired the shot and you alone’, and he sentenced him to ten years’ penal servitude, a sentence that caused a sensation in court. Nolan pleaded for leniency, stating that he had eight young children, and an elderly mother of eighty years of age, who were dependent on him. He was forty-four, had no previous convictions, and was ‘no more there than your lordship. I confess that to God and to you, this minute’. His plea was unavailing and he and the other accused were each sentenced to five years’ penal servitude.

Some days later, the case of Timothy Keeffe and James Joseph Hennessy was heard. They were indicted for assembling at night, on 30 August 1881, at Coolkirky, Riverstick, County Cork, ‘with firearms and disguised, and with assaulting the dwelling house of Richard Good and Daniel Dineen’, land agent and caretaker respectively of a farm and dwelling house over which Keeffe claimed title. In his charge to the jury, Fitzgerald described the case as an extraordinary one, which demonstrated that ‘once the floodgates of lawlessness and disorder were opened, it would be hard to tell where it would stop’. He stated that the agrarian doctrines that were currently in vogue had ‘taught the people that if they took possession of the land and held it, it would be their own for ever free’. Under such
influences, the defendants attempted to take possession of a 225-acre farm and a house to which they had no legal or moral claim.20

According to Justice Fitzgerald, the defendants were on their trial for a Whiteboy offence—membership of ‘an armed and disguised party of men who attacked a dwelling house and created terror amongst her majesty’s subjects’. He stated that it was his duty to stamp out such outrages and to restore County Cork to the tranquillity it had previously enjoyed, ‘when the humblest individual went to bed at night in peace and quiet, and with a certainty that no midnight marauders would disturb his repose’. Influenced by the jury’s recommendation, and because the defendants had not committed any personal violence on the occupants of the house, Fitzgerald set aside his usual practice of imposing penal servitude for such offences, and reduced the sentence to what he termed the moderate one of eighteen months’ imprisonment with hard labour from the date of their committal.21

When the assizes reconvened after the Christmas and New Year recess, John Houlihan and John Breen were indicted on four counts: on the night of 30 November 1881 at Glenvakeigh, near Cara Lake, County Kerry, they had ‘assembled with divers other disguised and armed persons, and did appear together to the terror and alarm of her majesty’s subjects’. They were charged with assaulting the dwelling house of John Morris, with breaking into the house in the company of ‘other disguised and unknown persons’, and with stealing £10. 17s., Morris’s property.22

Crown counsel distinguished this particular Whiteboy offence from other cases that had been heard at the assizes, in that the defendants were accused of belonging to ‘a party known as raiders’, who searched for firearms, and money to purchase weapons and ammunition. In this instance, they claimed that the money was required ‘to buy powder for Parnell’. Morris, who was related to Breen and who knew Houlihan, testified that the raiders, whose faces were covered with black nets, fired two shots into the house. Morris was knocked to the ground, kicked, and threatened that he would be shot and have his ears cut off; and all the while, he added, his terrified children were screeching in the background.23

Crown counsel categorised ‘these Whiteboy offences’ as ‘very serious outrages’. He rejected the defendants’ alibis, which were supported by family members, claiming that they were ‘fabricated, concocted’. Justice Fitzgerald viewed the case as one of robbery, and not as an agrarian offence, but, he said, its likely provenance was ‘the spirit of lawlessness that has gone abroad’. He sentenced both defendants to ten years’ penal servitude.24

The next Whiteboy case that came before the assizes involved Michael Doherty, Cornelius Murphy, Peter Connors, and Timothy Lucy, who were charged with unlawful assembly and attacking the dwelling house of Timothy Lyons, at Meeneygorgeen, near Millstreet, on 16 October 1881. Some six or seven shots were fired into the house. Doherty, Murphy, and Connors were found guilty but the jury were unable to agree in Lucy’s case.25

In this, and in every similar case heard at the assizes, some family member testified that the defendant/s had slept at home and had not left the house on the night in question. In this particular case, Crown counsel, referring in the round to the defendants’ alibis, stated: ‘If the pope and all the cardinals came up there and said they saw a man commit an outrage, every member of that man’s family would come up and swear that he was at home at the hour the outrage occurred’. He concluded that ‘the whole of these alibis were fabricated perjuries’.26 In a subsequent case involving a similar Whiteboy attack on a house and its occupants near Castleisland, County Kerry, counsel was equally dismissive of defence arguments and alibi: ‘Such was the perfect feeling of security from punishment
that those midnight marauders in Kerry entertained that they believed if they went in and wrote their
names in the visitors’ book of the house they attacked, they could rely on a Kerry jury to believe them
innocent’.27

Daniel Flanagan and his younger brother Edward were indicted for the armed attack on the dwelling
house of James Molony, Rathclooney, County Clare, on 22 October 1881, in the course of which a
shot was fired into the house. About an hour later, Molony’s brother Michael was shot dead in his
own home. The prisoners were not charged with his murder, but solely with firing into James
Molony’s residence.28

As Crown counsel made clear during the prosecution, this instance of Whiteboyism—the discharge of
a weapon into a dwelling house, to the endangerment of the occupants’ lives—originated in family
and social complications rather than in agrarianism as such. James Molony’s only child, Catherine,
had married Daniel Flanagan following an elopement in the previous spring, an action that had
compromised her character and virtue. This may have been a late nineteenth-century instance of a
phenomenon that had been widespread a century earlier, the abduction of a farmer’s daughter or other
heiresses for financial and social advancement.29 Regardless, Flanagan clearly mistreated his bride
and she returned to her father’s house on 1 August, ‘in a weak, prostrate and emaciated condition’,
and relations between the broader Flanagan and Molony families became and remained fractious.30

Crown counsel distinguished between ‘the Whiteboy offence’ and the murder of Michael Molony on
the same evening, and, he added, it was not an agrarian case but one that was ‘purely attributable to
social occurrences’. The jury duly found both prisoners guilty. They were convicted on the evidence
of James Molony’s servant, sixteen-year-old Michael Molloy, who was in the house at the time of the
attack and who knew and identified the defendants. The judge described Molloy as that ‘very
intelligent, clear, cool-headed and courageous boy’. He sentenced Daniel Flanagan to seven years’
penal servitude and his brother Edward to five.31

Florence McAuliffe, Cornelius McAuliffe, John Guinee, and Maurice Carroll were indicted for
unlawful assembly on the night of 10 September 1881, at Tooreenconsaugh, near Millstreet, County
Cork. Disguised and armed, they broke into the house of Eugene Mahony, shot him in the shoulder,
and injured his brother Dan. Crown counsel claimed that the motivation for the attack was a trade
jealousy and not any agrarian discontent or political lawlessness. Most of the individuals involved
were cooperers who lived in neighbouring parishes and the assault on Mahony’s house was the
culmination of a festering dispute over trade and parish boundaries.32

On the night in question, Mahony’s mother woke him with the information that ‘the “Moonlights”
were outside’. Mahony defended himself with a spokeshave and marked some of the intruders, which
subsequently made identification possible. The planning of the event appears to have taken place at
Newmarket fair, on 9 September, and alcohol may have been a factor; certainly, some of the party
were drinking in a public house and in what was described as an ‘eating house’.33

After the prosecution case closed, Justice Fitzgerald dismissed the case against Cornelius McAuliffe
and discharged him. Fitzgerald, in his charge to the jury, stated: ‘This was not an agrarian case, it was
a trade outrage caused by rivalry between cooperers, but there was no doubt that it would never have
occurred were it not for the agrarian agitation’. The jury convicted Florence McAuliffe, acquitted
Carroll, and disagreed in Guinee’s case. Fitzgerald sentenced McAuliffe to seven years’ penal
servitude, again specifically making an example of him: ‘The case was one of an aggravated character
and the sentence should, therefore, be sufficient to secure the peace of the district’.34
In the ultimate Whiteboy case that came before the protracted 1881 Munster winter assizes, Jeremiah Twohig and his brother James were indicted for unlawful assembly and for attacking and breaking into the dwelling of Catherine Fitzgerald, on the night of 7 December, at Mushera, between Millstreet and Macroom, County Cork. The entire party of armed intruders, with the exception of the Twohig brothers, were disguised: some wore hats with plumes and feathers and sported ‘foxes’ tails for whiskers’, while others attempted to conceal their identities beneath handkerchiefs and wide-awake (wide-brimmed) hats. The Twohig brothers were identified by Andrew McCarthy, Fitzgerald’s servant, who was in the house at the time of the attack, and who described the men involved as ‘the Moonlights’. There was also the evidence of an approver, nineteen-year-old Daniel Connell, who was one of the eleven men who carried out the attack.35 The jury found the Twohig brothers guilty on all counts and the judge sentenced each to seven years’ penal servitude.36

The Munster winter assizes terminated on 25 January 1882, with several Whiteboy cases held over to the Cork spring assizes, and subsequently to the summer assizes, and many of the defendants were remanded in custody while the authorities attempted to gather further evidence and strengthen the prosecution case against them.37 A substantial number were more than the simple ‘Moonlights’ described by Andrew McCarthy; they were part of a far bigger combination, a particularly active Fenian network in the Millstreet district, which, if Connell’s testimony can be credited, involved as many as 1,600 sworn members, and combined Fenian and Whiteboy or Moonlight activism.38

At the subsequent trial of some of these remand prisoners, the presiding justice commented:

In no civilised country in the world would there be established on sworn testimony, unimpeached and not impeachable, such a state of things as had been proved to have existed in this Millstreet district. The houses of people fired into at the dead of night; men and women knocked down and beaten; a man made to run in his bare feet on stones; a couple of his ribs broken; naked men beaten with furze bushes.39

A number of connecting threads run through the various Whiteboy cases that came before the 1881 Munster winter assizes, not least, the discharge of weaponry into and within the targeted households. The state, through its judicial representative, Justice Fitzgerald, was determined to make an example of these Whiteboy defendants, to punish the individuals concerned, and to deter potential activists in disturbed districts from engaging in similar nocturnal activities.

II Whiteboys in Convict Prisons: Treatment and Experiences

Within a matter of months, Justice Fitzgerald began to reconsider the sentences he had imposed at the Munster winter assizes but, bolstered in part by police evidence of potential disturbance, the convict prison came to be used as an effective instrument in the suppression of agrarian unrest, particularly in the Srahan case. Setting individual penal files (GPB/PEN) against the convict reference files (CRFs) offers several fruitful avenues for research and shows the subtle differences between Whiteboys’ penal experience and that of individuals convicted of ordinary crimes. For instance, a convict reference file will only exist if the prisoner or a relative appealed the length of the sentence or complained of ill treatment, and, in many cases, particularly those of convict women, there is none.40 Unlike repeat offenders, only three of our sample of forty Whiteboy prisoners had prior convictions and all were for minor offences. The following exploration of the regulations, procedures, and regimen of the convict prison system and its function in late nineteenth-century Ireland locates the experience of incarcerated Whiteboys—in particular, Patrick Cronin and Bartholomew Nolan, both
from Scrahan, and John Houlihan from Killorglin—in the broader penological context, and traces the ways in which the Whiteboy convicts, their families, communities, and political representatives mobilised their appeals for clemency.

Sir Walter Crofton, director of the Irish penal system in the 1850s and 1860s, was careful to distinguish between those convicted of agrarian offences and ‘habitual criminals’. He categorised the latter as ‘a class with no calling but that of crime, who in thousands, prey upon society as ostensibly, and nearly as openly, as honest men ply their vocations’. It was clear that by the 1880s Ireland had a serious recidivism problem and a significant prison population deriving primarily from urban areas. For the most part, Irish convicts were imprisoned for larceny, or larceny-related crimes (for instance, breaking and entering, more commonly recorded as larceny+), and sentences could range from three to five years’ imprisonment. Generally, the sentences handed down at the 1881 Munster winter assizes were not commensurate with the nature of the crime, even though shots were fired into or within victims’ homes in each case. Were their activities divested of their political connotations and translated to ordinary crimes, the actions of accessories would have been categorised as ‘breaking and entering’, and larceny, which would have carried a sentence of a few months in a local prison for first-time offenders. Agrarian unrest represented one of the greatest threats to the status quo in 1880s’ Ireland; it had the potential to fuel a peasant revolt and was dealt with severely. The principles of reform and rehabilitation of criminals were at the core of the newly streamlined convict system; it had not been designed as a corrective to politically motivated or agrarian crime and in many respects responses to the problems posed by this class of convict were unorthodox, as this article will show.

In accordance with the general prison rules, prisoners, on reception, were examined by the prison medical officer, who took a detailed anthropometrical description, an account of previous illness, and looked for signs of incipient mental or physical illness. A convict’s medical data determined the type of labour for which he was suited—hard, ordinary, or light—but the reality was that most prisoners undertook the light labour associated with mat-making, shoe-making, tailoring, or picking oakum. With one exception, all the Whiteboys in our sample were assigned hard or ordinary labour, and were described as either ‘stout and strong’ or ‘spare but muscular’, indicating that they were all in healthy weight ranges and were in good physical condition on arrival. The prison regimen was punctuated by an early-morning breakfast of bread and cocoa or coffee, a gruel or stirabout dinner and a bread-based supper for all classes. It was by no means a fat-laden diet and it contained more protein than the Scottish and English equivalents. In most instances calorific intake surpassed physical activity. Consequently, muscle wastage and weight gain were endemic, with the exception of convicts suffering from chronic bronchial disease, who tended to present with dramatic weight loss. In our overall sample of forty Whiteboys, nine lost an average of 13½ lb due to stomach or respiratory problems. Five could not be factored because their medical sheet is missing or incomplete, twenty-six gained an average weight of 9½ lb. This brief analysis makes no provision for fluctuations throughout incarceration but provides an overall indication of how it affected the constitution of erstwhile able and highly active bodies. In fact, Whiteboys regularly appealed through the prison medical officer for permission to exercise.

The impact of sedentary employment, especially on agricultural labourers like Bartholomew Nolan who were used to heavy physical work, was tantamount to complete inactivity and had a significant impact on body mass. Although an imperfect science, Body Mass Index (BMI) can be calculated from convict records on entry and departure and it provides a general indicator of well-being. John Breen’s weight gain of 20 lb within the first ten months of his incarceration altered his BMI from 25 to 28, but this was due to the hospital diet he was prescribed to combat his recurrent pleurisy, bronchitis, and pneumonia. His BMI had returned to 25 on his departure from the convict prison.
Patrick Cronin’s weight presents similar fluctuation of a BMI of 21 on arrival, rising to 26 after seventeen months—following five months at the Spike Island convalescent facility. On departure, his BMI had reduced to its original 21. Symptomatic of the low levels of physical activity, for reasons we will discuss later, Nolan’s BMI on admission moved from the normal range of 23, to 26, in the overweight category, on departure. For some constitutions, the conditions in convict prison proved too difficult to withstand. One of the Scrahan seven, Daniel Galvin, became very ill shortly after incarceration. It was noted in early 1883 that his life was in ‘immediate danger by further confinement’. He was released on licence on 10 May 1883 from Spike Island where it appears he had suffered from bronchial problems. During his seventeen months’ incarceration, he lost 21 lb, which brought his BMI into the underweight range of 19 and, according to the prison records, he died shortly after his release. Death rates in Irish convict prisons were much lower than those in England but were not uncommon, and, as the following discussion shows, his demise did not add materially to the case for remission of sentence made by his fellow detainees.

Under ordinary circumstances, prisoners were required to pass through a formulaic ‘mark’ system which underwent considerable refinement between 1854 and 1877, and by the 1880s consisted of four grades or classes: probation class, which lasted for one year, nine months of which were spent in solitary confinement. During the year, 720 marks had to be earned, at a maximum of six per day. Third and second class each lasted for one year and during this time 2,920 marks had to be earned, with eight marks accruing for a day’s hard labour. Once second class was successfully completed, the prisoner was eligible for promotion to first class and, subsequently, to special class, which was a prerequisite for release on licence or parole. Such progression did not apply to the Whiteboys, especially the Scrahan seven. Visiting and letterwriting privileges were linked to the various stages, each phase permitting an incremental increase in visiting time and in the frequency of personal correspondence. For instance, third-class convicts were allowed one twenty-minute visit and to send and receive one letter in six months; second-class prisoners were allowed three visits per annum, which was increased to one per quarter for those in first class. These communication channels proved very important to the Whiteboys’ individual and collective campaigns for release.

Attention to the plight of the Whiteboy cases was brought about in part by family members who began to petition the Lord Lieutenant for clemency immediately after conviction, which indicates that they had good legal counsel. In contrast, few ordinary criminals petitioned the Lord Lieutenant until after third- or second-class status had been achieved. Prisoners were entitled to appeal their sentence, to complain about their treatment, and to petition the Lord Lieutenant for clemency. The prison rules stipulated that the governor was obliged to receive and deal with complaints or clemency applications from inmates. But the right to communicate with the Lord Lieutenant was far less transparent. It was not mentioned in the initial 1877 regulations, nor in the revised 1888 rules. This, combined with poor literacy levels, meant that memorialisation was not a natural recourse for the majority of prisoners who were invariably convicted of ordinary crimes.

As early as January 1882, Justice Fitzgerald suggested that Bartholomew Nolan’s case could be reconsidered after a period of 12 months had elapsed. In April 1882, following the receipt of further memorials from the Whiteboys’ families and friends, Fitzgerald began to deal with the Scrahan cases collectively. The possibility of the Scrahan evidence being unsatisfactory was also mooted. John Houlihan, who, with John Breen, had been convicted of an attack on the Morris house near Glencar, County Kerry, was able to prove that his was a case of ‘mistaken identity’ and he was released on 7 August 1882. In his case for compensation in October 1882, Houlihan claimed that ‘the vindictive and corrupt prosecution was got up by three previously convicted criminals’, and it was done as an act of reprisal against his wife and himself for giving evidence against these individuals. Existing laws
facilitated conviction and detention on scant evidence, resulting in the possibility of abuse in the lower courts, and influencing, perhaps, the way individuals behaved as witnesses in higher courts. Crown counsel believed that family members perjured themselves freely in Whiteboy cases, with the result that legitimate alibis were routinely dismissed. Another case of potential mistaken identity was that of Florence McAuliffe, who submitted a memorial on 6 October 1885 to have his sentence revoked because the guilty parties had eventually revealed themselves. He claimed that he had an unshakable alibi for the night in question, and that his was a case of wrongful conviction.64

Each of the Whiteboy convicts, with the exception of the Twohig brothers, made his appeal separately, but the authorities dealt with them as a collective. For instance, when Cornelius McAuliffe’s health failed during his incarceration, he petitioned the Lord Lieutenant on health grounds in March 1882. Believing his medical case to be serious, he wrote: ‘Petitioner most respectfully asks your excellency to grant to petitioner his liberty to be buried with his friends as your petitioner believes he will not live much longer if kept in prison’.65 Justice Fitzgerald responded to a query from the Lord Lieutenant’s office on the issue:

My former short report on the memorial of Bartholomew Nolan applies to the case of Cornelius McAuliffe as there is no substantial distinction between the two cases. The same observation applies to all the convicts for the ‘Scrahan Outrage’ save Patrick Cronin who actually fired the shot which wounded the child Mary Dillane.66

Fitzgerald was willing to review the Scrahan cases, except Cronin’s, but other forces prevented a remission of sentence. Captain T.O. Plunkett, Special Resident Magistrate for Kerry and Cork West Riding, was regularly consulted on whether ‘the peace of the district would be disturbed by the release on licence, or otherwise’, of the Scrahan prisoners.67 He invariably responded that there was too much unrest in the locality to risk their release and return. Plunkett operated a zero-tolerance policy in Kerry, a county in which, he claimed, ‘all sense of honesty, decency, and religion’ had been lost.68

The external opposition to their repatriation was only part of the problem the Scrahan Whiteboys faced. The prison authorities treated them differently from ordinary criminals throughout their incarceration. For instance, Michael Galvin, aged twenty-two, was a single labourer from Listowel who had no previous convictions. He was placed in the ‘select’ or third class on 22 August 1882 because his conduct in solitary confinement was considered satisfactory, but, ‘owing to nature of crime’, he was not sent to intermediary prison, which offered opportunities for outdoor work and was considered something of a luxury.69 Similarly, James Quinlan, aged twenty on conviction, was not permitted entry to interim class.70 Patrick Cronin, the purported Scrahan leader, who was aged twenty-one at the time of his incarceration, was not sent to the intermediate class, ‘owing to the nature of his crime’. He wrote to the Lord Lieutenant on 15 April 1884, appealing for ‘a week of outdoor labour’ but his request was denied, with ‘the law must take its course’ offered as the reason for the refusal. He made three further appeals and each time his request was similarly rejected.71 Richard Lalor, MP submitted a parliamentary question about the Scrahan case in May 1886, noting that the men should have been released on licence from the previous December onwards, had the Crofton mark system been correctly applied. The Chief Secretary, John Morley, admitted that the delay in releasing them was due to ‘special reasons’, not least ‘the disturbed state of the part of the country from which the prisoners came’.72

It seems that the potential for disturbance overshadowed all other issues and for this reason Bartholomew Nolan’s mental health deterioration did not receive due consideration in the context of early release. Initially categorised as ‘spare but muscular’ (5 feet 10 inches and 160 lb), and deemed
fit for ‘hard labour’, his behaviour in solitary confinement was noted as good. In contrast to Lennane’s evidence that described him as ‘the officer’ giving orders, Nolan’s petitioners cast him as a dim-witted and hapless sort who was caught in a bind owing to the fact that the purported Scrahan ringleader was his employer. But his file portrays someone who had some nous and he quickly adapted to the penal system. When Nolan applied on 31 August 1882 for permission to write to his brother to instruct him on how to memorialise on his behalf, permission was granted. It seems that his mental health failed subsequently and in 1883 he was recorded as being ‘weak-minded and subject to delusions of a suicidal tendency’. He was sent to Maryborough (Portlaoise) prison in 1884 as an invalid, his medical sheet recording that he was ‘mentally weak’. Five petitions for leniency were entered but, being one of the Scrahan seven, ‘the law must take its course’ was returned each time. On 10 June 1885, he was described as both delusional and suicidal. In the convict prison it was the duty of the prison medical officer to observe changes in prisoners’ physical and mental health as a result of ‘the discipline or treatment observed in the prison’. On one undated occasion Nolan’s fragile mental health caused the prison medical officer to advise against placing him in cellular confinement.

Nolan used his condition to conjure pity in a petition to the Lord Lieutenant, Lord Spencer, on 21 April 1885, stating that he felt ‘in great trouble of mind’. It was reiterated by his wife in her regular petitions to the Lord Lieutenant, who initiated an inquiry into Nolan’s level of political risk. In May 1885, it was reported that he was of ‘the labouring class and in very poor circumstances’, and that ‘he exercised very little influence in his neighbourhood’. In stark contrast to entries in his medical record over the previous three years, the inquiry concluded that there was little evidence of his weak-mindedness. He was eventually released on licence on 10 June 1885 for one year and six months, but a few weeks later he was brought before Tralee assizes for murdering his wife, Catherine. He was proven insane and thus incapable of pleading, and was ordered to be detained in a lunatic asylum at the Lord Lieutenant’s pleasure. The wisdom of discharging Nolan was queried in the House of Commons by William Corbet, MP, who asked if insanity was the cause of his release. The Chief Secretary rejected any suggestions in relation to mental health problems, contrary to evidence in Nolan’s file. Instead, he cited the lack of unrest in Nolan’s area of origin as the primary reason for his release.

The delayed release of the Scrahan prisoners was not the only issue to emerge in the report that was generated as a result of the parliamentary question. Patrick Cronin, who was alleged to have led the party of intruders and to have fired the shot that wounded Lennane and her daughter, claimed that his case, like Houlihan’s, was one of mistaken identity. Cronin had several causes for contesting his incarceration, not least that of ill health. He suffered from recurrent bronchial problems, and his weight fluctuated throughout his incarceration owing to inactivity and illness. On his eventual release he weighed 123 lb and was described by the prison medical officer as ‘delicate’, probably due to muscle wastage. His parents submitted several emotional clemency appeals on his behalf, adopting the same approach as Mrs Twohig: they cited their old age and ailing health, and their need for his help on the family farm, but their pleas had little impact. When it was clear that the Scrahan seven campaign was gaining traction, but efforts to convince the Lord Lieutenant had failed, Cronin’s mother, on 7 April 1885, wrote directly to the Princess of Wales, appealing to her ‘maternal sympathy’ and requesting that her ‘long-suffering though innocent son’ be restored to the ‘fond embrace of a broken-hearted mother’, and, she added, she would pray unceasingly that the princess might ‘live long and happy and be one day crowned Queen consort of this great and mighty empire’. A week later, she acknowledged receipt of ‘a hopeful reply’. In September 1886, Cronin’s case was brought to the attention of the House of Commons by John Stack, MP for Kerry, who stated that Bridget Lennane, the individual whose evidence led to Cronin’s arrest, was ‘a woman of known bad
character’. Thomas Sexton, MP for Belfast, reminded the house that ‘the Judge who imposed this heavy sentence of 10 years declared that he did so for the purpose of deterring others, and that he hoped afterwards to be able to advise a remission of the sentence’.

In 1886, a further memorial made the case that all others involved in the Scrahan outrage had been released and that Cronin was the sole support of his elderly and ailing parents. His father wrote again to the Lord Lieutenant on 15 December 1888, outlining his case and his family’s reduced circumstances:

> We have been separated for seven years and to the old people it has been a trial of great severity. A season of universal rejoicing is near at hand. The Christmas hearth of one old couple would be brightened and gladdened if your Excellency would accede to the prayer of this petition.

Cronin was eventually released on licence on 27 July 1889 with a little over two years and four months of his sentence left to serve. John Breen’s case was simultaneously reconsidered and he was released in August 1889. Breen’s health had deteriorated to such an extent in August 1882 that Dublin Castle requested daily reports, which continued until mid-September when the prison medical officer deemed him ‘quite convalescent’. He continued to suffer ill-health, specifically bronchial problems like pleurisy and pneumonia. As a result he did very little work during his incarceration, and his ability to earn marks and thus improve his circumstances was thereby reduced. He tried to use grounds of ill-health to strengthen his memorial for clemency to Lord Spencer in 1882 but no alteration was made to his sentence. His memorial of 12 January 1887 (seeking a reduction in sentence to seven years) declared his willingness to go to America 'should it be required of him: is willing to comply with any conditions even to leave the country if necessary'. John Breen’s eventual release on licence in August 1889 concluded the sentences handed down at the 1881 Munster winter assizes in Cork.

**Conclusion**

This chapter uses the 1881 Munster winter assizes as a case study for analysing agrarian crime and punishment in south-west Munster, a particularly ‘disturbed’ part of the country, at the height of the land war. The court proceedings reveal the extent and nature of agrarian lawlessness that prevailed and the determination of the country’s executive, police, and judiciary to restore peace and tranquillity to the anarchic countryside, essentially by the vigorous pursuit and prosecution of the perpetrators of agrarian outrages—variously depicted as Whiteboys or Moonlighters—and the ruthless imposition of harsh prison sentences, conditions, and treatment to deter potential recruits and activists.

There was no evidence of an organised Whiteboy conspiracy in the south-west of the country despite the substantial number of convictions for Whiteboy offences that were secured at the assizes. Rather, disparate groups of individuals appear to have acted opportunistically, prompted and facilitated by the prevailing rural violence, the virtual social anarchy that surrounded the land war of the late 1870s and early 1880s. They acted as the atavistic enforcers of communal sanctions, their actions directed against those who had violated the ‘unwritten’ law or code of the countryside—informers and landgrabbers particularly, but others also who had rendered themselves obnoxious in their communities. Those who testified in court on behalf of the Crown revealed themselves as collaborators and informers in the eyes of the community, and exposed themselves to social obloquy, ostracism, and physical punishment. Bridget Lennane did it twice, relatively harmlessly in the first
instance, far more seriously in the second, in the case of the ‘Scrahan outrage’ which resulted in lengthy prison sentences being imposed on seven individuals. Her motive is hidden from history but, whatever her reason, she endangered her own life and the lives of her niece and three children. With the exception of the Millstreet network, which revolved around Fenianism more than Whiteboyism, there was no reference in any of the court proceedings to swearing-in ceremonies or oath-taking, no elite targeting of landlords or their agents, no grand political design. Petty personal and family feuds and vendettas, as well as trade disputes and demarcation, and an almost elemental antipathy to informers lay at the heart of the cases heard before the 1881 Munster winter assizes. Youth, testosterone, and alcohol may also have been part of the heady motivational mix.

The various convictions secured by the Crown at these assizes and the ensuing disproportionate prison sentences, which were intended as a deterrent to would-be political activists locally and regionally, rested circumstantially and problematically on the question of identity, on the evidence offered by victims, Crown witnesses, and informers. There was at least one case of wrongful conviction on false testimony, that of John Houlihan, which came to light within six months of the assizes’ termination, and which should have brought the potential for miscarriage of justice into sharper focus. Justice Fitzgerald had indicated that he was willing to revisit the various cases and to reconsider the initial sentences except in relation to Patrick Cronin and John Breen. Cronin’s case was regarded as particularly reprehensible because an innocent child had been shot in the course of an armed attack on her defenceless mother’s home, while Breen’s release would have represented an admission of shoddy policing and corruption in the lower courts.

Generally, families provided defendants with their alibis, which invariably conflicted with the sworn testimony of informers and Crown witnesses, suggesting either wholesale miscarriage of justice or widespread perjury by defence witnesses. If true, the latter indicates wholesale contempt for the Queen’s writ and the law of the land, ordinary and exceptional, among the general population. Nonetheless, once family members were convicted and imprisoned, parents, siblings and supporters proved adept at playing the system, particularly the use of clemency pleas and formulaic petitions to the Lord Lieutenant and others in authority and positions of influence.

Such interventions were only partly successful. Some of the forty men in our overall sample who were sentenced to more than three years at the 1881 Munster winter assizes suffered serious health problems arising from the unforgiving conditions they endured during their incarceration. It is clear that the Whiteboys within the prison system were treated differently from those who were convicted of non-agrarian crimes, being denied the opportunity to go to ‘interim’ prison, for example, where conditions were better. For such reasons, we believe their health was compromised due to inactivity and confinement to indoor occupations. The history of convict welfare is an area that requires more thorough attention and such research could provide invaluable new insights into the respective areas of prisoner health prospects and post-incarceration opportunity.

Our research has shown that the convict prisons were being used tactically, primarily as a deterrent to would-be political activists locally and regionally. These Whiteboy prisoners came from areas of general disturbance, which, indeed, they had helped to foment, and, given that their conviction and removal contributed to a reduction and in some cases cessation of violence in these localities, the convict prison system proved to be an effective instrument in the war against agrarian unrest at a local level.


7 *Cork Constitution*, 12 December 1881.

8 Ibid.

9 *Outrages (Ireland), Return of Outrages Reported to the Royal Irish Constabulary Office in Each Month of the Year 1880 and 1881, and in the Month of January 1882*, HC 1882 (7) LV, 615, p. 2.

10 *Cork Constitution*, 7 December 1881.
21 *Cork Constitution*, 19, 20 December 1881. Penal servitude differed from imprisonment in requiring hard labour of those so sentenced, whereas imprisonment literally meant confinement (although in this case it meant confinement with hard labour).


23 Ibid.

24 Ibid.


26 Ibid.

27 *Cork Constitution*, 21 January 1882.


30 *Cork Constitution*, 17 January 1882.

31 Ibid.

32 *Cork Constitution*, 18 January 1882

33 Ibid.

34 *Cork Constitution*, 18, 19, 23 January 1882.

35 An approver was an individual who was directly involved in criminal activity, and who, on detection, reneged on his accomplices, usually in the hope of securing immunity from prosecution. Approvers differed from informers in that the latter were invariably motivated by the prospect of

36 *Cork Constitution*, 24 January 1882.

37 *Cork Constitution*, 26 January 1882.

38 *Cork Constitution*, 1 August 1882.

39 *Cork Constitution*, 2 August 1882.

40 NAI, GPB/PEN/1895/11, case of Anne Price, a repeat offender who never exercised her right of appeal.


42 GPB/PEN/1885/11, Daniel Downing convicted in 1880 for larceny.

43 GPB/PEN/1885/86, John McVicker convicted in 1881 for larceny.

44 In 1877, the General Prisons Board (GPB), Ireland superseded the offices of the Inspector General of Prisons and the Director of Convict Prisons, which dated from 1854 and had been instituted to manage the transition from transportation to confinement. Convict Prisons (Ireland) Act 1854, 17 & 18 Vict., c. 76. General Prisons (Ireland) Act, 1877, 40 & 41 Vict., c. 49. British Parliamentary Papers (BPP), *First Report of the General Prisons Board, Ireland, 1879; with Appendices 1878–79* [C. 2447], p. 5.


46 GPB/PEN/1895/121, Patrick Casey, described as ‘spare and weak’.

47 *Prisons (Ireland), Copy of Rules with Respect to the Diets of Prisoners Confined in Ordinary Prisons, 1878* (314).


49 For instance, GPB/PEN/1898/78, Michael Walsh, who suffered recurrent throat infections, complained regularly of the cold, lack of exercise, and his treatment within the system. He lost 17 lb during his three-year incarceration. GPB/PEN/1896/68, Timothy Casey also applied for permission to exercise. He lost 1 lb.

50 BMI is a value derived from the weight and height of an individual (weight divided by the square of the body height).

51 GPB/PEN/1889/84.

52 GPB/PEN/1889/82.
54 CRF/G9/1883, 1 May 1883. The Criminal Reference Files (CRFs) are held at the National Archives of Ireland (NAI). They are organised as follows: CRF/initial of the prisoner, correspondence number/year. While each file used in this chapter has a separate reference, all are contained in CRF/C71/1888, which is that of Patrick Cronin, the last prisoner to be released.

55 Report of the Directors of Convict Prisons on the Discipline and Management of Millbank and Pentonville Prisons and of Borstal, Chatham, Dartmoor, Dover, Parkhurst, Portland, Portsmouth, Woking, and Wormwood Scrubs Prisons for Male Convicts, with Fulham and Woking Prisons for Female Convicts; also the Convict Establishment in Western Australia. for the Year 1885–6 (Part I) [C.4833] [C.4833–I] (1886), 220.

56 Franz Von Holtzendorff noted how the ‘zeal for separation, carried through in the most minute details, would one day raise wooden partitions even between the graves of deceased prisoners’: The Irish Convict System: More Especially Intermediary Prisons (Dublin, 1860), p. 54.

57 Prisons (Ireland), Copy of an Order in Council, made on 12th September 1881, Approving of Rules Made by the General Prisons Board for Ireland with Respect to the Classification of Male Convicts in Convict Prisons in Ireland, 1882 (31).

58 For an overview of how the system of petitioning operated in the early nineteenth century, see Vaughan, Murder Trials in Ireland, pp. 304–26.

59 Prisons (Ireland), Copy of Rules and Regulations in Force in the Prisons in Ireland, 1888 (329), p. 56. The Governor was obliged according to the Rules and Regulations (no. 78) to receive and deal with complaints or applications from inmates. Second Report of the General Prisons Board, Ireland, 1879–80; with Appendices, 1880 [C.2689], p, 39. A circular dated 6 October 1879 stipulated that ‘4. A prisoner is further allowed to make a memorial to the General Prisons Board, and to petition the Lord Lieutenant at any time’.

60 Royal Commission on Prisons in Ireland, vol. 1, Reports, with Digest of Evidence, Appendices, 1884–85 [C.4233] [C.4233-I], p. 42. Although restrictions to communicating with the Government were removed following the foundation of the GPB, under cross examination and in evidence to the Royal Commission on Prisons, Crofton revealed that the right to memorialise the Lord Lieutenant was outlined in a circular in 1879 and was since then verbally communicated to prisoners.


62 CRF/G9/1883, 1 May 1883; CRF/Misc.1488/1883, 21 July 1883; CRF/Mc.23/1882, 5 April 1882. As further evidence of concern in government circles about the safety of the convictions at the 1881 Munster winter assizes, see CRF/Misc.1084/1883, Memorandum to Earl Spencer, Lord Lieutenant of Ireland, 10 July 1883.

63 CRF/H31/1882, 30 October 1882.

64 CRF/Mc.71/1885, 6 October 1885.

65 CRF/Mc.23/1882, 16 March 1882

66 CRF/Mc.23/1882, 2 April 1882.
Plunkett was one of six special resident magistrates drafted into areas of particular disturbance in 1882. For the role and responsibilities of the special resident magistrates, see Charles Townshend, Political Violence in Ireland: Government and Resistance since 1848 (Oxford, 1983), pp. 138–47, 174–75; see also Clifford Lloyd, Ireland under the Land League: A Narrative of Personal Experience (Edinburgh and London, 1892), pp. 227–49.

National Library of Ireland, Considine papers, MS 43,079/3.

Charles F. Bourke, 15 May 1885.

GPB/PEN/1885/75.

GPB/PEN/1885/75. Nolan subsequently spent thirteen years in the Central Criminal Asylum, Dundrum, and in 1898 was transferred to the district asylum in Killarney, where he died in 1901 from Bright’s disease. Killarney District Lunatic Asylum/KDLA/AR/1898, patient no. 3500; KDLA/DDR/1901. We are grateful to Rose Molloy for these references.

Sir William Hart Dyke explained that although his wife had made several petitions ‘it was not considered advisable to comply with her prayer, owing to the unsettled state of the locality. In April last the convict himself sent in a memorial, and on the usual form attached thereto the medical officers of the prison reported for the first time that the convict was weak-minded, but in good health. Lord Spencer, after some local inquiries, felt enabled to order Nolan’s release on licence, and he was accordingly discharged. The discharge was not on the ground of ill-health or in consequence of his showing signs of insanity. No report was ever made that he showed signs of insanity, and his conduct in prison was always reported as good’.
82 CRF/C49/1886, 12 August 1886.

83 Memorial, ND, appended to CRF/C49/1886, July/August 1886. Regarding Houlihan’s alleged case of mistaken identity, see CRF/H31/1882.

84 CRF/C49/1886, 12 July 1886.

85 CRF/C25/1885, 7 April 1885, at Toor, Duagh, Co. Kerry.

86 CRF/Misc.1356/1885, 12 April 1885.


88 CRF/C49/1886, July 1886.

89 CRF/C1/1887, 15 December 1888.

90 CRF/B36/1882, 14 September 1882.

91 CRF/B5/1887, 19 January 1887.