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# Thomas Francis Bourke (1840-1889)

## PART 1

by Michael O'Donnell\*

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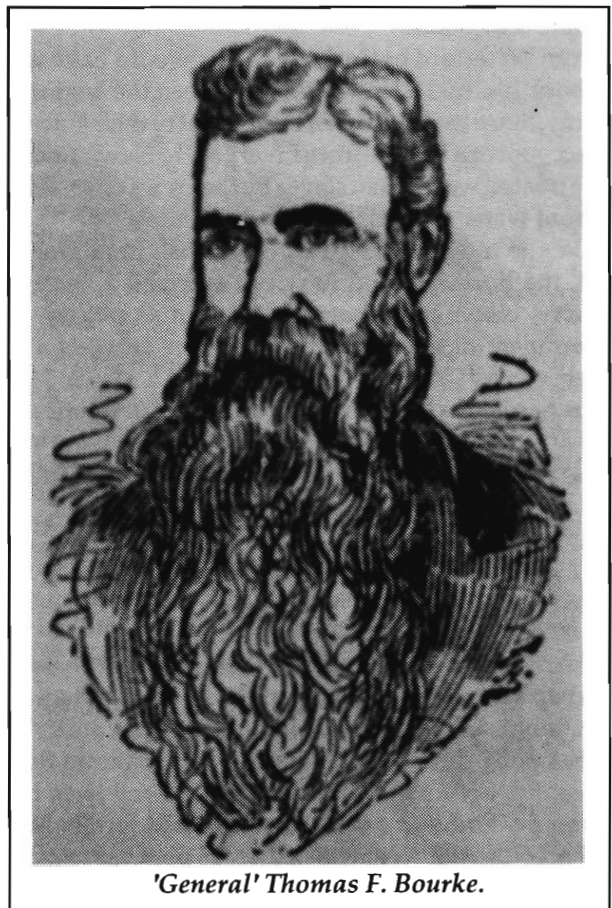
The lives of most men are determined by their environment. They accept the circumstances amid which fate has thrown them. They are like tram-cars running contentedly on their rails. When, rarely, one finds a man who has boldly taken the course of his life into his own hands, it is worth while having a good look at him. One such man was Thomas Francis Burke.

Of Burke, John Devoy wrote: "Thomas Francis Bourke was one of the finest characters in the Fenian movement . . . of a most lovable disposition, generous and good-natured, he had no enemies. Although he could fight for his opinion when necessary, his manner even in the hottest debate was conciliatory . . . he was essentially a peacemaker"<sup>1</sup>.

Burke was born in Fethard on 10 December 1840, and was baptised in the local catholic church three days later. From the register we learn that the family name was spelled Burke; that he had two brothers (James, baptised 2 September 1838, and Edward, baptised 10 May 1844) and two sisters, Annie, baptised 25 January 1843, and Mary Anne, baptised 26 May 1846; and that the father's name was Edmond and the mother's maiden name Mary Dwyer<sup>2</sup>.

In America another child (a girl?) seems to have been born to Edmond and Mary Burke. A source who personally knew Thomas wrote of his being one of six children<sup>3</sup>. From the same source we learn that "Ned" Burke, who was a house-painter, was a man of noted intelligence; his education had been above that of most working men.

Burke senior is said to have been successful in his occupation. He was also connected with the new rising catholic



*'General' Thomas F. Bourke.*

\*Revised version of talk given to Fethard Historical Society on 12 November 1989.

class. The Crean family of Gurtskaugh, Fethard, who claimed relationship, was in the middle levels of farming, with sons in the professions<sup>4</sup>.

Before emigrating, the Burke family apparently lived on the edge of Fethard town close to the present Augustinian church. As a patriotic gesture in the centenary year of 1898, Fethard Town Commissioners changed the name of The Moor (or Moor street) to General Thomas Francis Bourke (or Burke) street. Local folk tradition would then have known the birth-place of Thomas Burke. A house at the "corner of Moor St." the property of a family named Burke, was leased from the local landlord, Barton of Grove, on 9 June 1817 for three lives at a yearly rent of £4. The three lives were: Thomas Burke, Edmund Burke, and the son of agent Richard Wright. "Ned" Burke may then have been a minor and unmarried<sup>5</sup>.

The famine of the late 1840s probably affected the Burkes. The whole family — father, mother, and five young children (the oldest only 12) — decided to move to New York in 1852. They must have felt that such a drastic move would improve their lot<sup>6</sup>.

In emigrating the family had to tear up their roots, face a voyage that could take from four to seven weeks with the danger of shipwreck, and then face the unknown at journey's end. The steerage fare for the voyage, which may have been in a sailing-ship, would have been in the region of £3.10s. each.

They would have been packed like slaves in a slave-ship. At storm time the hatches would have been closed on them with no chance of cooking a hot meal, assuming fear and seasickness permitted them to enjoy food. With the hatches closed down and a storm likely to last a week, the holds could become cess-pools.

From Waterford or Cork the family would have sailed first to Liverpool in an open boat at a cost of about 10s. each. This could have been the beginning of their misery, if the weather was wet or stormy. Since the Burkes left no account of their journey, one can only surmise at what they endured. An account of a voyage from Liverpool to New York in October 1850 shows that steerage passengers were treated worse than slaves by the crews of vessels, subjected to irrational violence and often left without water or food<sup>7</sup>.

Like the million-and-a-half other Irish immigrants who landed in America between 1845 and 1854, the Burkes would have not received a hearty welcome in New York. In those years Irish poverty, crime and disease were seen as placing a tremendous strain on the resources of the government of that city. The Irish were labelled a social plague, creating problems for law and order<sup>8</sup>.

The hardships and hazards of a voyage to America were described in a letter written in April 1848:

... the Captain said we would have a storm, and truly Boreas spent his rage on us that night. We were tumbled out of our berths, the hold was two feet full of water, a leak was gaining an inch a minute on us, our top sails were carried away, the most of the male passengers were all night relieving each other at the pump and in the morning I left my hammock at seven o'clock to look at the terrible sea . . .

Ten o'clock, the scene below no light, the hatches nailed down, some praying, some crying, some cursing and singing, the wife jawing the husband for bringing her into such danger, everything topsy turvey, barrels, boxes, cans, berths, children rolling about with the swaying of the vessel, now and again might be heard the groan of a dying creature and continually the deep moaning of the tempest . . .<sup>9</sup>.

In America the Burkes spent their first two years in New York. Edmund Burke began again to build up a business as house-painter. By 1854 he had acquired a modest practice. But he had to move to St. John's in Newfoundland because Mrs. Burke's health had declined seriously.

The family did not settle there either. Edmund Burke's health now necessitated a further move to Toronto in Canada. This illness may well have been that bane of painters in those times. lead poisoning. Edmund's health deteriorated further about 1858, and in 1859 he died. According to a 1867 account, this "villainous disease peculiar to painters, combined with the physical exhaustion which resulted from overstrained exertions during his earlier struggles to make ends meet in the



new country completely undermined his constitution and ended in consumption"<sup>10</sup>.

From an early age the two boys James and Thomas had joined their father as painters. Thomas became so skilled that he was permitted to travel on his own. James now drops out of the picture; no further account of him can be found.

Having a relative in Boston, Thomas seems to have spent some years working there, sending regular contributions to the support of his ailing father and family. Unfortunately, the panic of 1857 had so depleted the savings of the Irish in America that employment among them was spasmodic. Between 1856 and 1861, Tom Burke travelled much of the United States seeking work in the next town when jobs became slack in the last<sup>11</sup>.

Although some authorities state that the Burkes had a relative in Toronto who was a member of the city's legislative assembly, it has not been possible to prove this from a list of members, and when the Burkes were leaving one learns that the family had "no ties in Toronto". With the death of Ned Burke, his wife sold their cottage in the Toronto suburbs and moved back to New York. The 1867 source (oddly) states that they left behind the youngest child Edward with a relative to be educated in Toronto.

Following the move to New York, "the girls found work and relieved their brother in part of the burden he had so loyally borne . . . And when the tea-things were removed, they read from the morning papers which Tom was always sure to fetch home, and from some national journal which they received from an unforgetful friend in the old country"<sup>12</sup>. By 1860, the Burke family consisted of mother, two sons (Thomas Francis, and Edward who was still in Toronto at school), and three sisters. However, John Devoy in his *Recollections* records that the father with James, Thomas and Edward all joined the Fenian Brotherhood in the late 1850s<sup>13 & 14</sup>.

In 1858 an organisation was founded which was to have a profound effect on the life of Tom Burke. In that year James Stephens founded the Irish Republican Brotherhood in Dublin, and in New York John O'Mahony transformed the Emmet Monument Association (of which he and Michael Doheny were co-directors) into the American wing of the Fenian Brotherhood. Following European practice, the Brotherhood were formed into 'circles' each commanded by a 'centre', and each circle being divided into smaller cells led by a 'captain' who had authority over 'sergeants' who supervised the work of 'privates'. Stephens was head centre for the home country and O'Mahony held that post in the United States.

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Until the middle of the 19th century the U.S. economy was essentially agricultural; then the Industrial Revolution reached America. The southern states, however, remained agricultural; their principal crops were cotton and tobacco and essential to the cheap production of these were the black slaves. Many in the north were opposed to slavery, which soon became a major political and economic issue.

Those in the south felt that the remedy was to leave the Union. Secession began with the adoption of a secession law by South Carolina in December 1860, and on 8 February 1861 the Confederate States were proclaimed. In April the northern government was faced with a demand from Carolina to surrender Fort Sumter in Charleston. Upon refusal by the fort commander, the southern forces opened fire and compelled its surrender on 14 April 1861. The U.S. Civil War had begun.

Tom Burke was then working in New Orleans, the centre of a large Irish population. The Irish were anti-black in outlook, at the bottom of the social ladder with blacks and contending with them for the less menial work; consequently, they were opposed to the northern government. Devoy states that Burke was working in New Orleans when Fort Sumter was fired on, and like most Irishmen fought with the state in which they lived.



A check of Confederate records in the National Archives, Washington, shows that six Thomas Burkes enlisted in Louisiana regiments. But using the scraps of information that have survived — living in New Orleans at the outbreak of war, a campaign in Virginia, wounding and capture at Gettysburg — it is possible to pin-point Tom Burke as serving the Confederacy as a private in Company B, 7th Louisiana Infantry<sup>15</sup>.

Most men saw the Civil War as a campaign of short duration, a summer of adventure. Probably Burke's friends were enlisting so he went along too; but, as Devoy wrote, "he was only a little over twenty and, as he admitted later, was not capable of doing much thinking, else he would not have taken that step". Devoy and other leading Fenians were pro-Union, so he felt the need to explain away their supporters having joined the Confederacy. In Burke's case there was much to cover up.

It is not known when Burke enlisted. The 7th Louisiana Infantry is not recorded in the official histories until the spring of 1862. He may have been taken up following the Confederate Conscription Act of 16 April 1862, or he may have felt impelled to join following the capture of New Orleans at the end of April 1862. Devoy notes that "he took part in the fighting around New Orleans when the Union General Butler landed some Northern forces there". Burke was to meet Butler under very different circumstances years later.

In February 1862 the Union army moved through Harpers Ferry and across the Potomac river into the Shenandoah Valley in Virginia. Because the Valley was of strategic importance in the protection of the Confederate capital, Richmond, Confederate troops were moved north.

By mid-May 1862 Burke's regiment was on the Blue Ridge mountains in the Valley. They had been led there through sleet, rain and mud, in a series of forced marches under the command of General "Stonewall" Jackson. The first battle in the Valley campaign was at Front Royal on 23 May 1862. Here the Union ranks soon broke, to be chased northwards to Cedarville.

However, often in this war regiments stood aside while their brother regiments bore the enemy's firepower. It is thus not possible to state Burke's position during the May-June campaign. On 24 May the regiment moved west to Middleton and then north to Winchester, where the Union army was again defeated. Here Burke's regiment came under heavy fire as they charged uphill. The defeated Union army continued to move north; the Confederates, shoe-deep in mud, followed.

On 8 June the two armies met again at Cross Keys. Burke's regiment had been marching south of and parallel with Jackson's main army, and was ordered to march the intervening three miles to join their colleagues. On arrival they were thrown into battle and given the task of capturing the Union guns which, after some heavy fighting, they did. This battle was the final one in the Valley campaign.

A new general now began to emerge as overall commander of the Confederate forces: General Robert E. Lee. In a series of brilliant moves he forced the Union army to retreat from Richmond where it had positioned itself. Both armies, between 28 August and 30 August 1862, engaged in bloody fighting at Bull Run, about 100 miles south of Washington, D.C.; 19,500 men were killed or wounded.

From here the Confederate army swept across the Potomac into Maryland state, which was Union territory. Lee had hopes of taking the war into northern lands and relieving Virginia. But he was stopped at Antietam near the little town of Sharpsburg, Maryland on 17 September 1862. On this day the Union lost 12,400 men; the Confederates left 10,700 men dead.

In this engagement Burke's regiment, the 7th Louisiana, played a glorious part; through a storm of shot and shell they drove back one of the crack Union regiments. When the battle ended their losses were as high as 50%. Although this clash was said to have ended in a draw, it was really the beginning of the end for the Confederate forces. As Lee turned south to winter quarters, he was engaged once more on 13 December 1862 by the Union forces at Fredericksburg, Virginia. Writing



on this battle, the English correspondent of the London *Times*, who travelled with Lee's army, wrote: "Never at Fontenoy, Albuera or Waterloo was more undaunted courage displayed by the sons of Erin than during those six frantic dashes".

Burke had now survived a year of warfare. After this last battle of 1862, the Confederate army moved into winter quarters. While in such quarters men were permitted furlough, but it was hardly possible for Burke to have used this, since his home was in New York, across Union lines.

It is difficult to state what effect the 1862 campaign and especially the semi-guerrilla one in the Shenandoah Valley had on Burke. Jackson showed what could be accomplished by a small mobile army operating on the enemy's flank and threatening his rear. This campaign could have served as a yardstick for the one Burke tried to command later in Tipperary, although he was merely a part of the "foot cavalry".

In the early summer of 1863, Lee decided to take the war north again into Maryland and Pennsylvania. Before moving northwards, Lee fought a pitched battle at Chancellorsville in May; Burke's regiment was at nearby Fredericksburg. In June Lee sent a brigade northwards, of which Burke's regiment was a part. It left Culpepper, Virginia on 10 June, clearing the Union Army before it, and on the 15th crossed the Potomac into Maryland, marching with great speed.

On 22 June the brigade was ordered to move to Pennsylvania and capture Harrisburg, the capital. The Confederates came within four miles of Harrisburg, a town that Burke was soon to see as a prisoner of war; but events forced the Confederates to turn back to Gettysburg.

Here for three days — Wednesday 1 July 1863 to Friday 3 July — the bloodiest battle in the whole Civil War was fought. When it ended the Confederate cause had shot its bolt even though it struggled on for a further two years, and Tom Burke was wounded and a prisoner. At least he was alive; in three days 23,000 Union soldiers and 20,000 Confederates had died.

At Gettysburg (probably on Friday 3 July 1863, since records show that as the date of his capture) Burke was wounded. John Savage tells that two bullets passed through his upper thigh. The hospitals were crowded with wounded, and although he got as much care as possible, his thigh muscles withered until "the skin alone covered the bone". He now had a limp.

After his capture Burke was taken to Harrisburg on 7 July, which he had almost helped capture a month before. From here, on 12 July 1863, he was transferred to the Union prisoner-of-war camp at Fort Delaware in the Delaware river<sup>16</sup>.

This camp, Pea Patch Island, known as Fort Delaware, was on a small island near Delaware City. The camp had been constructed originally as a fortification to defend the ports and shipyards of Wilmington and Philadelphia. By the beginning of 1863 there were 1,000 prisoners on the marshy island, but following the battles of that year the prisoner-numbers had risen to 12,787.

Primitive sanitary facilities and the general unhealthiness of the place gave it a deserved notoriety. Food seems to have been in short supply. The conditions can be guessed at when we read that 2,436 Confederate prisoners died there between August 1863 and May 1865. It was to this fort that Burke was transferred in July 1863. As far as is known he never spoke or wrote on this period of his life, which cannot have been healthy or wholesome.

When Robert E. Lee surrendered at Appomatox in April 1865, the prisoners were given the chance of swearing allegiance to the Union and then returning home. It seems that Burke availed himself of this and went home to New York. One can only guess at what he endured on Pea Island from the description of him made at the time of his arrest in Tipperary in March 1867<sup>17</sup>.

In May 1865 Tom Burke was putting behind him the experiences of youth, of travel, of war and of prison life and making his way to home, family and what he hoped would be a better future in New York. Home was at 209 East Thirtysixth street in Brooklyn<sup>18</sup>. According to a family friend:

Burke arrived in New York . . . with a shattered limb and an impaired constitution. He did not sit down



to talk of feats of arms and hair-breath escapes; but he manfully set to work at the trade which his father taught him and . . . he soon became foreman to one of the largest firms in that business in the city, at a handsome salary<sup>19</sup>.

He joined the Wolfe Tone circle of the Fenian Brotherhood (in June 1865), into whose cause he at once threw all the talent and energy that God had given him. He was that sort of man that never knew how to do anything by halves. He rose rapidly in the estimation of his brethren of that excellent circle, who elected him delegate to the disastrous Philadelphia Convention.

Because of his work in the Wolfe Tone circle, he was, according to Devoy, soon appointed an organiser for the district of Manhattan. Burke now forsook his job with the painting company to further the cause of Fenianism in New York city<sup>20</sup>.

Burke was a successful organiser. When he took up his duties, for which he was paid about 70 dollars a month, New York state contained about 10,000 members; two months later the city had 30,000. No man was more popular with the Fenians there than "honest Tom Burke". By the end of 1865 there were 50,000 in the Fenian Brotherhood, and the central treasury had collected 228,000 dollars.

In the following year this fund rose to 500,000 dollars; but all this was lost to Ireland at the Philadelphia convention of October 1865. There a new structure was drawn up based on that of the U.S. government, with the post of Head Centre and Central Council becoming President, Senate and House of Delegates. A split on strategy occurred.

Colonel W. R. Roberts, a dominant personality in the organisation, was insistent on a strike at Canada, while Stephens and O'Mahony held that resources should be concentrated on a revolution in Ireland. At Philadelphia Burke vehemently supported O'Mahony and saw the intended invasion of Canada as a waste of men and resources. He contended that every dollar collected was subscribed for a fight in Ireland, so that diverting the funds to other purposes was a breach of faith with those in Ireland<sup>21</sup>.

In January 1866 Burke was unanimously elected District Centre for the District of Manhattan at the New York congress, possibly as a consequence of his continued support for O'Mahony. In the O'Mahony system, which had remained unchanged since the Philadelphia split, a District Centre assumed the army title of Colonel. This explains Burke being widely referred to as Colonel Burke. As organiser Burke worked from Fenian headquarters at Moffat Mansion near Union Square, New York<sup>22</sup>.

News from Ireland in the spring of 1866 hinted that a rebellion was imminent. To help the coming struggle, the American Fenians purchased and fitted out a ship for Ireland; Tom Burke resigned his District Centreship to join it. But neither ship nor shipment reached Ireland; both were diverted to Canada, where in May 1866 an abortive invasion took place<sup>23</sup>.

James Stephens landed in New York on 10 May 1866 after his spectacular escape from prison in Dublin. On his arrival he replaced O'Mahony as head of the Fenian Brotherhood and appointed Colonel Thomas J. Kelly as his deputy and began whipping up support and enthusiasm for a rising in Ireland.

That summer Stephens and Burke worked out of Fenian headquarters, though it seems that Stephens did not think Ireland was ready for rebellion. However, in his public utterances and actions he appeared all set for action, and he decided to enlist the help of some trained military officers with European experience. He appointed Gustave Cluseret as commander-in-chief of Fenian forces in Ireland; the latter chose Octave Fariola and Victor Vifquain as his adjutants<sup>24</sup>.

At a number of stormy meetings held in New York in mid-December 1866 Stephens declared strongly for postponement. However, Burke favoured an early rising in Ireland. Stephens was then deposed from leadership; Colonel Kelly succeeded him and a date was fixed for an American-supported rising in Ireland<sup>25</sup>.



In the final days of December 1866 the new leaders “cut their hair short, shaved off their moustaches and changed their style of dress” before setting out for Ireland<sup>26</sup>. Shortly before Burke left for Ireland a friend described him:

He was a man of remarkably striking appearance. His height was about five feet ten inches . . . somewhat diminished by a slight stoop . . . His eyes were full but not prominent, and when lit up by enthusiasm they flashed upon you the full power of his splendid natural genius. His face was pale and bore the traces of strong physical suffering, though his temper betrayed nothing of the kind . . . He was deeply religious, and his affection for his mother and all his family filled his whole being . . . He possessed an easy grace, a clear ringing, and very pleasing tone of voice, a good education (although self-acquired) ...<sup>27</sup>.

Although he was prepared to help in the planned Irish rising, Burke, like the other Irish-Americans who joined him, saw no great hope of success. All felt in honour bound to carry out the pledges they had given to help to free Ireland<sup>28</sup>.

With other Irish-American Civil War veterans, Burke sailed on 12 January 1867 from New York for Liverpool<sup>29</sup>. Despite opposition from Stephens (who did not sail) and from local leaders in Ireland, a rising was fixed for 11 February 1867. According to the informer Corydon, Burke, when he landed in Liverpool, attended a Fenian meeting at Mullin’s beer-house. Here he said his purpose in coming to Ireland was to bring matters to a point of crisis since the organisation in New York was “burst up”.

From Liverpool, Burke went south to London where he stayed from 27 January 1867 until about 6 February. Godfrey Massey (Patrick Condon), who had been given overall command of the southern region in the forthcoming rebellion, and carried £550 in English gold to distribute among the American officers, sailed for Liverpool on 13 January<sup>30</sup>.

Colonel Kelly and the Frenchmen Cluseret and Vifquain sailed a day earlier for France, arriving in Paris on 25 January where on 27 January they were joined by Octave Fariola. All then went to London to meet Burke and the remaining Irish-Americans<sup>31</sup>. In London Burke had, according to Massey, lodgings at No. 1 Regent’s Square.

While in London he met Massey in several public-houses and attended meetings held by the leaders at the lodgings of Colonel Thomas Kelly at 5 North Crescent, Tottenham Court Road. Here the final preparations for a rising in Ireland, now fixed for Shrove Tuesday, 5 March 1867, were made. Massey was to have overall charge of the rising from his headquarters at Limerick Junction<sup>32</sup>.

The earliest evidence of Burke’s arrival in Ireland is that of Head-Constable Richard Hanlon who was in charge of the R.I.C. barracks in Fethard. In his report he said he knew Burke (though he does not say how) and that he saw him in Fethard on 10 February, and discovered that Burke had arrived on 8 February. It was probably here that Burke learned that the date of the rising had been postponed to 5 March.

In Fethard Burke visited a local Fenian, John Kenrick, from whom he presumably discovered the nature of conditions in Ireland and the preparedness of the local Fenians. He would also have met old friends; it was only 17 years since he left.

The R.I.C. in Clonmel, led by Sub-Inspector Kelly, went to interview him on Sunday 17 February. That night Kelly went to Cantwell’s Hotel, Clonmel together with a Head-Constable and a Constable to talk with him; although the police waited until 2 a.m. Burke did not appear. The next day the Sub-Inspector met Burke in the hotel bar and interviewed him and checked his baggage and person.

Burke said he had come from New York to get medical advice and to see his friends in Fethard before he died. The Sub-Inspector reported that Burke “wrapped his trousers round his leg, and there was to be seen through them his thigh, which was no thicker than a man’s wrist”. Burke also said he was a reporter for the New York *Tribune* and other papers, and that he intended soon to return to New York.





Burke told the inspector that, to the best of his recollection, he had stayed in Head's Hotel while in Dublin. Burke's bag (a carpet-bag tied by a belt) was searched; it contained only a few articles of clothing and an air-cushion. Burke had to use the latter when sitting because of the condition of his leg. He was searched for arms, but had none on him.

The reason Burke was not available in Clonmel when the R.I.C. called was that he had been detained by the police in Fethard. Head-Constable Hanlon reported that he arrested Burke when the latter, on his second known visit to the town, was going from the local hotel to the Clonmel mail-car. Hanlon took him to the barracks and searched him; he carried only a change of clothes.

Burke queried his arrest and was told that strangers were not permitted to wander about the town without the police knowing their business. Because of his ill-health and being a native of the town, Burke said he had every right to walk at liberty, and was later released. He then disappeared from notice for over a fortnight, until he surfaced at Bansha and Ballyhurst on March 5.

Later speaking on this month in Ireland, Burke gave out a more idealized version. Speaking in St. Louis, Missouri in 1871, as quoted in the *St. Louis Celt* of 11 May, he said:

For four weeks I was in one of the most populous counties in Ireland, living among the poorest of Ireland's children, sharing their scanty meals, sleeping in their huts and cabins, and although a reward of three hundred pounds was offered for me, and it was perfectly legal to kill me, not a man or woman could be found to give information to the enemy that an Irish rebel slept under their roof.

In New York in the previous March he told of a policeman's wife who had saved him more than once from arrest by giving him notice of the intended movement of the police. She furnished him with a pen portrait of himself that had appeared in the police gazette, the *Hue and Cry*. With the passing of time it seemed that Burke mixed fact and romantic vision when he recalled his short period in Ireland<sup>33</sup>. How he spent his time between the day he was questioned in Clonmel and when he appeared at Ballyhurst on 5 March may well have been as he described, though with less hardship than he suggested.

As mentioned, the rising was postponed from 11 February because the government were aware of the plans. In the last week of February word was sent to the leaders that Shrove Tuesday (5 March) was the day hostilities were to begin. All were to assemble at their posts on the night of 4 March. Savage, whose account of Fenian events seems occasionally far-fetched, alleges that Burke issued a proclamation from "Head Quarters, I.R. Army, Limerick Junction, Tipperary"; but there is no other evidence for this document<sup>34</sup>.

The events of Ballyhurst are too familiar to be described in detail. The rising was a fiasco: a group of labouring men and boys playing at the serious business of war and led by men with no experience in military command; beset by snow, sleet and frost, and the usual betrayals<sup>35</sup>. Before it began Massey (Condon) had collapsed into the arms of the authorities and told all.

It had been stated that even before the night of 4 March Massey had already been informing on the Fenians, and that his arrest was a "cleverly contrived theatrical" one. The Fenian papers in the Catholic University of Washington contain a letter sent to Stephens by the Fenian circle in New Orleans casting serious doubts on Massey's integrity; this letter was apparently ignored by Stephens.

Had Burke also ignored the guerrilla tactics advocated by Fariola (the second in command to Cluseret) at the London meeting in late January 1867? If he had carried them out the rising in Tipperary might have been more successful. Why Burke did not implement them we will never know. In a letter 12 March 1867 from Clonmel Thomas Kelly, the acting chief executive of the Fenians in Ireland, wrote:

I do wish you could be in Tipperary just now. I will be plain with you. A mistake was . . . made by the officer having the disposition of the forces in that locality . . . He . . . has now to suffer for mistakes, or rather violations of orders<sup>36</sup>.



Thomas Ryan of Kilfeacle, one of the those at Ballyhurst, when examined by the Crown Solicitor said: "I heard Thomas Burke tell the party that we were to go into and take the town of Tipperary"<sup>37</sup>.

If such were his plans, how did he get trapped on a hilltop on a winter's day? The official history of the 31st Regiment, 60 members of which chased the rebels from the hilltop, dismisses the event in two sentences<sup>38</sup>.

As the main body of the rebels ran from Ballyhurst, Burke rode away in a different direction shouting: "To the mountains". Did he hope to escape to fight another day? While riding down the hillside he fell from his horse. Soldiers took him prisoner before he could remount and brought him to the Bridewell in Tipperary with others captured.

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A week later Burke, "looking very pale and suffering from ill health", with 40 others, were taken from the goal (handcuffed in pairs) to the local railway station. Here they were held in cattle pens until placed in the third-class carriages of a train bound for Clonmel<sup>39</sup>. From there Burke was taken to Kilmainham in Dublin. Meanwhile the Crown Solicitor, Thomas Kemmis, was busy in Tipperary seeking information for the trial, which opened on 8 April 1867<sup>40</sup>.

Before the trial began, Burke wrote to his mother a letter which displays his deeply religious nature:

Dearly Beloved Mother:

Long before this reaches you my sentence . . . will have been made known to the American world . . . This is the night before my trial, and what that sentence may be I do not know; but I am resigned and prepared to meet, in a manner that becomes your son and my own manhood, whatever God, in his mercy, has destined for me . . . He will not desert me in my hour of trial, nor you in your deep affliction. O, my dear dear mother, there is only one thought that almost unmans me . . . that . . . I, who was only happy in your happiness, should, in your declining years, cause you even a moment's pang of sorrow . . . I have carefully preserved the *Agnus Dei* which you suspended round my neck at our parting . . . On last Easter Sunday I partook of Holy Communion at a late Mass . . .<sup>41</sup>.

The Special Commission, to try Burke and others for treason, first sat on 8 April 1867 at Green Street Courthouse, Dublin. The presiding judges were The Chief Justice, James Whiteside, Mr. Justice Fitzgerald, and Baron Deasy. The opening days were spent in selecting the grand jury, whose task was to discover if a bill for high treason should be brought against Burke.

The grand jury handed down bills for high treason against Burke, and on 10 April he was taken to the bar of the court where the indictment was read to him. He was then notified that he had ten days to prepare his evidence. He was given liberty to name his counsel; he choose Isaac Butt, Richard Dowse and Michael O'Loghlen as counsel and John Lawless as his attorney<sup>42</sup>.

Burke's trial began on Wednesday 24 April 1867. A favourable account of him at this time appeared in *The Irishman* of 27 April 1867.

. . . He is lame, and walks with difficulty and . . . painfully. As he enters . . . we all bend forward to look . . . He is dressed in a suit of plain grey tweed, and appears to be stooped . . . He does not impress you with the idea of being an athletic man, and his hands are worn and thin . . . Sallow in complexion, the lower portion of his face is covered with a black and bushy beard; his eyes gleam . . . and his countenance impresses me with the idea of cool determination. He has an anxious look . . . As he stands gazing around him, first at the judges, and then at the crowded bar and galleries, he strokes his moustache with his fingers, as if it was a habit with him . . .

The above was most likely written by Richard Pigott who, in his *Personal Recollections*, wrote also: Colonel Burke, in the dock, looked a soldier all over, and a gentleman. His features were regular, and were well set off by a fine flowing beard. He had an open and frank expression and there was much sympathy for him, even on the Bench<sup>43</sup>.

Two days were spent choosing a jury. After much wrangling, five catholics were asked to stand down. Among the names finally agreed (all protestant and middle-class) were John Findlater,



grocer and wine merchant, and William Bewley, Quaker.

Each day the prisoners were taken to and from Kilmainham in police vans. An escort of the Scots Greys was provided to foil rescue attempts<sup>44</sup>.

On Friday 26 April the Attorney General opened the case. He noted that Burke was in command at Ballyhurst and was armed with a revolver. He detailed the prisoner's travels from New York to Ballyhurst, describing the papers found on him at his capture.

These papers included a copy of the Fenian oath, a map of the country and a plan of a castle — it was inferred that the latter was a plan of Dublin Castle — and a slip of paper containing the names of Dublin, Cork and Belfast Fenians. The defence counsel made light of the papers. They were Bradshaw's railway guide, a prescription for eye ointment, three photos of "very well-looking young ladies", a prayer-book and a list of five names that could have been anybody's.

Then Godfrey Massey (Condon) was called. After his arrest at Limerick Junction, he had confessed his part in the rising and passed on all details to the authorities. Massey spoke of seeing Burke regularly in New York and of knowing that he had succeeded J. J. Rogers as district centre for Manhattan. When the American Fenians met in London at the end of January 1867 Burke, according to Massey, had been given £20 to enable him to travel to Ireland for the purpose of leading a rebellion there.

After Massey, the informer John Joseph Corydon was brought in. He traced Burke's journey from New York to Ballyhurst, confirming what the Attorney General stated. Corydon also described a meeting held in Liverpool at which Burke spoke of his loss of faith in Stephens as leader, also his wish to come to Ireland to help in a rebellion<sup>45</sup>.

When Burke's case resumed on Monday 29 April, the Crown witnesses dealt with Burke's time in Tipperary. Sub-Inspector William Kelly described an interview with Burke in Clonmel. Burke, who was lame and had to use a stick, spoke of coming to the area to visit his friend Mr. Sayers in Fethard and his cousin, Dr. Crean in Clonmel. To the Sub-Inspector, Burke appeared to be a very intelligent man<sup>46</sup>. The same day John Farrell, Thomas Ryan, Edmond Brett (all labourers), together with the soldiers who arrested Burke, gave an account of Burke's leadership at Ballyhurst<sup>47</sup>.

The sitting of Tuesday 30 April opened with Isaac Butt addressing the jury. He began by discrediting the evidence of men who were mere informers, Massey (Condon) and Corydon. He called the jury's attention to the fact that Burke had every right to be at Ballyhurst as an accredited correspondent for an American newspaper. This, Butt contended, would account for Burke riding away in a direction different from that of the main body of Fenians from Ballyhurst.

The actions of the leader at Ballyhurst were witnessed by mere informers and one or two others of doubtful character. After Butt the other defence counsel, Mr. Dowse, addressed the jury at greater length<sup>48</sup>. Then it was the turn of the Solicitor General to present the case for the Crown to the jury<sup>49</sup>.

The court resumed at 10 a.m. on Wednesday 1 May 1867. The Chief Justice summed up the case for the jury. He gave it as his opinion that Massey (Condon) was a reliable witness, and that his evidence was vital to the case. After this the jury retired, but soon returned with a verdict that the two prisoners, Burke and Patrick Doran — the latter had been involved in the rising at Tallaght, Co. Dublin — were guilty on all counts in the indictment, that is, of high treason.

The clerk asked the prisoners if they had any final plea to offer. Burke rose to speak, giving the address which has gained him an honoured place in the annals of Irish dock speeches. It gave him the glory which his attempts at military leadership could not, and wiped the fiasco of Ballyhurst from his record. Pigott noted that "in its delivery . . . lay its chief charm. It was spoken with great deliberation, pleasing intonation, and an entire absence of affectation . . ."<sup>50</sup>.

*The Irishman* described the scene.

. . . he speaks slowly and distinctly . . . His words are well chosen, and his manner is as well chosen as



his words. In . . . that crowded court they . . . reach its farthest corner, and they thrill upon every ear . . . I look around and I see some men affected to tears . . . I look away again . . . the fountains of my own eyes are almost open . . . He declares his inalienable sympathies with Ireland . . .<sup>51</sup>.

The *Freeman's Journal* wrote that he spoke in a calm, unimpassioned manner without the slightest display of affection.

He gloried in the part he had acted. He wished to serve the country of his birth, and was prepared to pay the penalty . . . It was a most painful and impressive scene, and whatever the faults of Thomas Burke he met his fate like a man<sup>52</sup>.

The Chief Justice then pronounced sentence.

. . . As for you Thomas Burke, you appear . . . to have been one of the ringleaders of this treasonable design . . . You brought your knowledge and your skill as a soldier to the furtherance of this conspiracy, in which . . . you seem to glory. You have exhibited no hesitation and no remorse. You have been the Fenian head-centre for the district of Manhattan; your name is on the list of officers who were to carry out this conspiracy, and the district of Tipperary was assigned to your command . . . The sentence of the Court is [the Chief Justice at this point donned the black cap] that you, Thomas Burke . . . shall be taken from the place where you now stand, to the place from whence you came; and that on Wednesday, the 29th day of this month of May, you be taken on a hurdle, from that place to the place of execution, and that there you . . . be hanged by the neck until you are dead, and that afterwards the head . . . shall be severed from its body, and the body . . . divided into four quarters . . .<sup>52a</sup>.

**(Part II will appear in the *Tipperary Historical Journal* 1991).**

#### FOOTNOTES

(I owe a special debt to the late Hugh Ryan of Carrick-on-Suir and to Annie Slattery, Mike Foley, and John Carroll in Washington D.C. Hugh was ever ready to lend books; Annie, Mike and John pursued obscure references with an energy that amazed me).

1. John Devoy: *Recollections of an Irish Rebel* (New York, 1929), 353; hereafter *Recollections*.
2. Fethard Parish Register.
3. *The Irishman*: 16 June 1867; hereafter *Irishman*. John Savage: *Fenian Heroes and Martyrs*, (Boston, 1868), 123/24; hereafter *Savage*. (It would seem that Savage based his account of Burke on the article published in *Irishman* with some imaginative interpolations).
4. Genealogy of the Creans of Gurtkskaugh (alias Bushypark) Knockelly, Fethard, compiled by Rev. W. G. Skehan, Skehan MSS. Thurles. J. P. B. Condon; *The Creans and Fennellys*, (privately printed, 1976). Margaret Rossiter: 'The Creans of Clonmel', *Nationalist*, 25 April 1981.
5. Register of Leases of Barton family, 1758-1822. NLI, MS 5622.
6. *Irishman*.
7. For an excellent account of emigration to America see Terry Coleman; *Passage to America*, (Penguin, 1974).
8. Lawrence J. McCaffrey: *The Irish Diaspora in America*, (Bloomington, 1976), 62, 68; hereafter *McCaffrey*.
9. Thomas Reilly, Albany, New York to John M. Kelly, Dublin, 24 April 1848 (see *Irish Voice*, New York, 18 March 1989).
10. *Irishman*.
11. *Ibid*.
12. *Ibid*; *Savage*, 125/27.
13. *Recollections*, 353.
14. *Irishman*.
15. *Recollections*, 353/54. Confederate Records, National Archives, Washington, D. C.; Earl R. Niehaus; *The Irish in New Orleans*, (Baton Rouge, 1965).
16. A good introduction to the Civil War is in Winston S. Churchill's *A History of the English Speaking Peoples: The Great Democracies*, (1958). For the Shenandoah Valley campaign see Champ Clark; *Decoying the Yanks*, (Time-Life Books, 1984); Stephen W. Sears; *Landscape turned Red, The Battle of Antietam*, (New York, 1984); *Harper's Pictorial History of the Civil War*, (1866); Bruce Catton, *Gettysburg, The Final Fury*, (New York, 1974) *Savage*, 160.
17. Andrew B. Booth: *Records of Louisiana Confederate Soldiers and Louisiana Confederate Commands*, (Spartanburg, S.C., 1984), i, 188; Sherman Lee Pompey, *Burial Lists of Confederates, etc.* (Oregon, 1975); Harold Bell Hancock, *Delaware during the Civil War*, (Wilmington, Delaware, n.d.), 51, 110, 137, 144/45; John A. Munroe, *History of Delaware*, (Newark, n.d.), 138, 146.



18. Seamus Pender, 'Fenian Papers in the Catholic University of America — a preliminary survey', *Cork H & A Soc. J.*, lxxv (1970), 36, where the address is misread as 309E 37th St.
19. *Irishman*; *Devoy's Post Bag, 1871-1928*, eds. William O'Brien and Desmond Ryan, (Dublin, 1948), i, 27, hereafter *Post Bag*.
20. *Recollections*, 354; *Irishman*.
21. *McCaffrey*, 121/22; *Recollections*, 355; Leon O Broin, *Fenian Fever: An Anglo-American Dilemma*, (New York, 1971), 5; hereafter *O Broin*.
22. *Savage*, 130; Evidence of J. J. Corydon, *Dublin Special Commission, 1867, Informations and Indictments*, 643, hereafter *Special Commission*.
23. *Savage*, 130/31; *McCaffrey*, 122/23; *O Broin*, 25/26; *Irishman*.
24. Gustave Paul Cluseret began his military career as an officer in the French army, but was forced to resign his commission because of radical tendencies. He saw service under Garibaldi in the Italian campaign of 1859-60, and at the outbreak of the American Civil War joined the Union army. In New York at the end of the war, Cluseret was asked by Stephens to lead the Fenian armies in Ireland. Cluseret accompanied Stephens on many of his lecture tours in the U.S. in 1866. When the decision to have a Fenian rising in Ireland in the spring of 1867 was confirmed, Cluseret appointed two other Europeans who had participated in the Civil War, Octave Fariola and Vistor Viquain, as his adjutants. Later Cluseret wrote a scathing denunciation of Fenianism in "My Connection with Fenianism". His connection with Fenianism lasted from the summer of 1866 until March 1867. See Desmond Ryan: *The Fenian Chief* (Dublin, 1967), pp. 238/39.
25. *O Broin*, 119, 120/21, 243, 245/45; William D'Arcy, *The Fenian Movement in the United States, 1858-1886*, (Washington, D.C., 1947), 221; hereafter *D'Arcy*.
26. *O Broin*, 91.
27. *Irishman*.
28. *Recollections*, 356; *Savage*, 132/37.
29. *D'Arcy*, 225.
30. Massey, alias Patrick Condon, who was to be one of the leading witnesses in the trial against Burke, was reputed to have been a lieutenant-colonel in the Confederate army. Appointed Fenian organiser in the states of Texas and Louisiana in November 1865, Massey continued to organise and lecture for the Fenian cause with great zeal. The Fenians in New Orleans wrote to Stephens in October 1866 warning him against Massey who, they wrote, was a fraud. They contended that he did not hold rank in the Confederate army — a fact referred to by Burke in his dock speech — and that he was even then suspected of being a British spy. See *D'Arcy*, 152/53.
31. *O Broin*, 123.
32. Joseph Denieffe, *A Personal Narrative of the Irish Revolutionary Brotherhood*, (New York, 1906), 138/40 (hereafter *Denieffe*); *D'Arcy*, 225; *Special Commission*, 641, 643, 683; William G. Chamney, *The Fenian Conspiracy*, (Dublin, 1869), 147, 393 (hereafter *Chamney*); Peter Nolan, 'Fariola, Massey and the Fenian Rising', *Cork H & A Soc. J.*, lxxv (1970), 5; Walter McGrath, 'The Fenian Rising in Cork', *The Irish Sword*, viii (1968), 245.
33. Chamney, 393, 401; *Freeman's Journal*, 28 May 1867; *Special Commission*, 721, 723; *Irishman*, 27 May 1871, 6 May 1871, 10 June 1871.
34. *Savage*, 137/38.
35. For a full account of the rising see D. G. Marnane, *Land and Violence: A history of West Tipperary from 1660*, (Tipperary, 1985), 78/85 (hereafter *Marnane*); Seamus Keating, 'Oration at Ballyhurst', *Nationalist*, 11 August 1984.
36. *Denieffe*, 278.
37. *Special Commission*, 717.
38. *History of the East Surrey Regiment*, i, 234.
39. *Marnane*, 81/82.
40. C.S.O. Reg. Papers, SPO, Dublin Castle, 1867/6130.
41. *Irishman*; *Freeman's Journal*, 13 June 1867.
42. *Chamney*, 24/25. This account of Burke's trial is based on *Chamney*.
43. Richard Pigott, *Personal Recollections of an Irish National Journalist*, (Dublin, 1883), 250; hereafter *Pigott*.
44. *Freeman's Journal*, 25 April 1867.
45. *Chamney*, 200.
46. *Ibid.*, 264/331.
47. *Ibid.*, 273/90.
48. *Ibid.*, 382/410.
49. *Ibid.*, 418/29.
50. *Pigott*, 251.
51. *Irishman*, 4 May 1867.
52. *Freeman's Journal*, 2 May 1867.
- 52a. *Chamney*, 466-68.

