

Perjury and Subterfuge

The story of three West Limerick Convicts

by Tom Donovan

On Wednesday 2 April 1800 a short notice in the *Limerick Chronicle* revealed that on 'Monday evening a detachment of the Knight of Glin's well appointed Corps of Yeomen Infantry brought and lodged in the County Gaol, viz Mulvihil, Delane¹ and Colbert convicted under the Insurrection Act, of sedition and ordered for transportation'.

On the face of it there was nothing unusual about the notice, as reports of such sentences were commonplace in the early nineteenth century. Following their detention in Limerick County Gaol the three men were transferred to a prison at New Geneva Barracks,² in County Waterford. The prison was used as a holding centre for convicts, awaiting either transportation to New South Wales or transference to the military and naval service. While at the prison inmates had a foretaste of what they would encounter when they arrived in New South Wales. According to a contemporary report:



James Gandon, who designed New Geneva, depicted with his family.

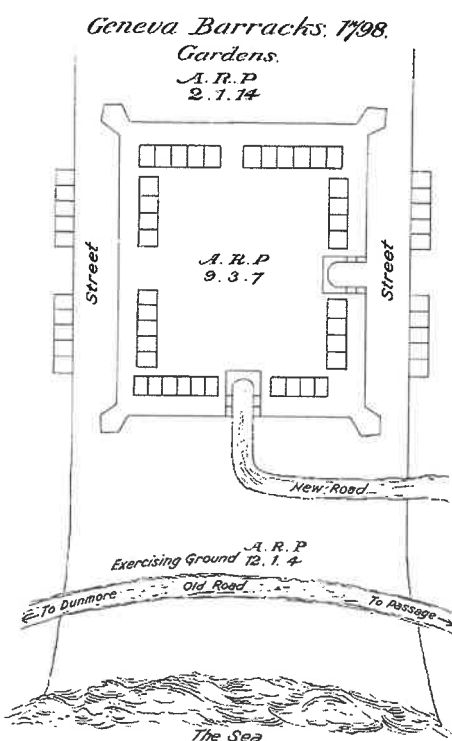
Eighteen men occupied each room, and each morning they, along with 1,200 other prisoners, were turned out into the yard until dark fell. Their bedding consisted of straw thrown on the floor, which would have been changed infrequently and would have housed a variety of vermin. The eighteen men sharing a slop pail in the corner of the cell, which was probably only emptied once in the early morning, would have created an intolerable smell. As water and cleaning items would have been scarce, they would have lived in a state of personal filth, which would have added to the stench.³

None of the three Limerick men accepted their sentence and they made written submissions pleading their innocence on 20 May 1800. Their version of events revealed a tangled web of fabricated evidence and deception leading to the wrongful conviction of three innocent men.

John Dillon [Dillane] made a statement under oath,⁴ in the presence of Reverend John Roberts, a Waterford magistrate and members of the military, at New Geneva Barracks. He made a plea for clemency,

alleging he was duped and threatened into giving false evidence against his neighbours. He recalled that on the night of the 25 March [1800] he 'went to bed in a state of intoxication', but had not been many hours in his bed when Lieutenant Griffin of the Glynn [Glin] Cavalry, with a party of said corps, called to his house and desired he may show them the way to Atea [Athea]⁵, but had not proceeded far on the way when Lieutenant Griffin told him that he had come on purpose that he might prosecute Garrett Colbert and Martin Mulvihill as rebels, they both being neighbours.

Dillane expressed surprise at the demand and utterly refused to comply 'as he never knew anything of either of them that was not fair and honest'. He thought the two men to be 'free as he thought from any censure tending to United business' and he himself was 'an utter stranger to it and not knowing what he meant'. Lieutenant Griffin and his corps persisted and, when he refused to comply, threatened his life and gave orders that he should be handcuffed and tied neck and heels. Dillane then, 'through terror and dread of his life', promised to do whatever Lieutenant Griffin requested as the men were in the act of complying with his order. Dillane



Plan for Geneva Barracks.

was then placed on horseback behind one of the corps and they immediately proceeded to Glin, where he was lodged in the bridewell. He was not long there 'when John FitzGerald, Knight of Glynn and captain of said corps came to him and with threats and menaces told him if he did not immediately swear against Garrett Colbert and Martin Mulvihill he would have him flogged to death and gave orders to do so immediately.' Dillane then did as he was directed by the Knight of Glin and Lieutenant Griffin and in their presence declared upon oath that Garrett Colbert and Martin Mulvihill did tender an unlawful oath. He was in 'such terror, dread and confusion he would swear anything for them'. He had no confidence in the Knight of Glin if he refused what he wanted, as he was 'the terror and dread of the countryside and whose very name made the poor of that country tremble'.

Dillane comforted himself in the belief that he would get the opportunity to retract his evidence and tell the truth when his neighbours were brought to trial, but the occasion did not arise. He wrote that 'it was only the dread of his life could induce him to commit such an act and would sooner to be shot than perjure himself or wrong any man'. He wished to make it clear that 'neither Garrett Colbert nor Martin Mulvihill ever tendered an oath to him, nor did he ever hear they did to any other person, but always knew them to be honest, industrious people'.

This content of the sworn statement by Dillane was disclosed to the men he perjured, as they both prepared a petition on the same day in which they referred to it, and the level of false and damning evidence was supported and described further. The petition, which was made by Garrett Colbert and Martin Mulvihill, on board the guard-ship near New Geneva, revealed a malevolent plot to avenge a perceived affront to the authority of Lieutenant Griffin.⁶ It was addressed to Marquis Cornwallis, Lord Lieutenant and Governor of Ireland.⁷

The background to the arrest of the two men began in late 1799 or early 1800. It was alleged that two cows were stolen from Colbert by either a friend or foster son of Lieutenant Griffin of the Glynn Yeomanry Cavalry. Colbert and Mulvihill both apprehended the thief, but threats were held out against them

and Colbert, on the advice of friends, accepted four guineas in lieu of the cows. Colbert knew of no other reason for his subsequent treatment. On the night of 25 or 26 March [1800] Lieutenant Griffin, and a party of the yeomen in his charge, surrounded the houses of Colbert and Mulvihill, alleging that he had received information from John Dillane against them. They were then brought to John FitzGerald, commonly called the Knight of Glin and Captain of the corps that arrested them. The two men were then tried before the Knight and William Sandes, who were both magistrates, and sentenced to be transported based solely on the evidence of John Dillane and without any opportunity to defend themselves against the false charges.⁸

The men requested another trial on the basis that Dillane had now retracted his evidence and no other information was provided against them. They were both farmers and each had a large and helpless family to provide for and they would be destitute of every means of support unless the Lord Lieutenant would intervene on their behalf. However, their pleas fell on deaf ears, as both men were transported on the convict ship *Anne* just over a month later. There is no record of John Dillane travelling on the *Anne* or on any other contemporary lists of transported convicts. It may be presumed that he was either left in New Geneva prison to be pressed into military service or else released to return home and face the wrath of his neighbours, as his perjured testimony had served its purpose.



Portrait of John Bateman FitzGerald, 23rd Knight of Glin, in the uniform of the Royal Glin Artillery, by Joseph Wilson, 1782.



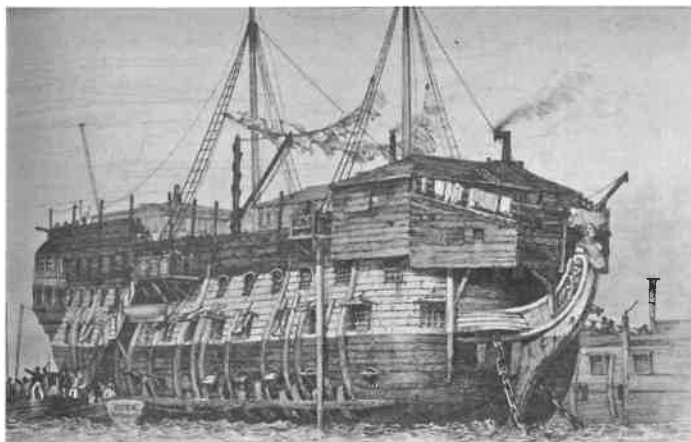
Marquis Cornwallis, Lord Lieutenant and Governor of Ireland.

The part played by John Griffin in the intrigue cannot be understated. He was previously involved in arresting suspected rebels in 1798, in his capacity as Captain of the Glyn Hussars.⁹ On 9 March 1800, shortly before he visited the houses of the three men he duped and framed, Griffin presented a ceremonial sword to the Knight of Glin to commemorate his part in suppressing the United Irish rebels two years earlier.¹⁰ Having further ingratiated himself with his local magistrate, Griffin must have felt empowered to connive and seek revenge on his perceived enemies.

Prior to the 1798 Rebellion, Nicholas Sandes of Moyvane, County Kerry and Gerald FitzGerald, brother of the Knight of Glin, who were together responsible for organising the United Irishmen in West Limerick and North Kerry, appointed



Presentation sword (by Read of Dublin) presented to the Knight of Glin in 1800.



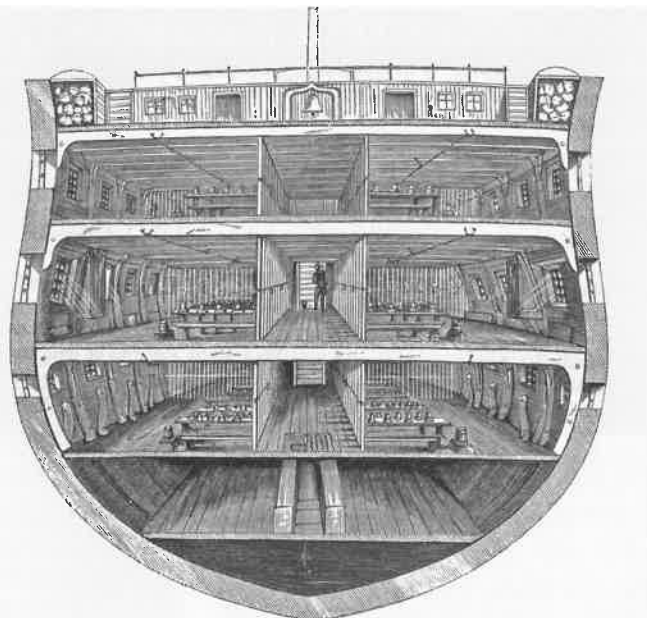
Early 19th century engraving of a prison hulk.

Phil Cunningham of Gleann Liath, Moyvane, Bill Leonard of Aghanagran, Ballylongford, Marcus Sheehy of Duagh and Pat Galvin as leaders in their respective areas in County Kerry. Thomas Langan, alias Captain Steel, had charge of Glin parish and surrounding districts.¹¹ Langan was renowned as one of the leading men in Munster during the 1798 Rebellion, and fought at Vinegar Hill, in Wexford. The involvement of the Knight of Glin in the case of Thomas Langan is contrary to his reputed role of taking an 'odious part in hunting down croppies'.¹² Langan was sentenced to death and the Knight used his influence to have the sentence commuted to seven years' transportation. He was also instrumental in organising Langan's return to Ireland in 1817.¹³ The fact that he could have checked on rebel activities and the United Irish organisation through his brother Gerald, makes the iniquitous treatment of Colbert and Mulvihill difficult to reconcile with his compassion for Langan.

Langan was accompanied on board the same convict ship *Anne* by two other Kerry rebels; Phillip Cunningham from Moyvane,¹⁴ and Marcus¹⁵ Sheehy from Duagh.¹⁶ Pat Galvin was transported on board the *Friendship* in 1798 and Bill Leonard was also due to be transported on board the *Anne*, but his name does not appear on the passenger list.¹⁷

Colbert and Mulvihill must have been aware that their neighbours, who were guilty of the very crime of which they were accused, were also on board the *Anne*. In early April 1800, shortly after they were condemned to transportation, the convict ship *Anne* was anchored in Waterford harbour awaiting the embarkation of prisoners from New Geneva. Following an inspection of the ship 'it was found

Sectional view of the interior of a prison hulk.



necessary to remove all provisions and stores to have the ship smoked to destroy the rats'. The ship then travelled to Cork to have the stores replaced before returning to Waterford to take all the designated prisoners on board.¹⁸ The shackled and manacled men and women were taken in smaller boats to the deep waters of Waterford harbour to board the *Anne*, which then sailed back to Cork.¹⁹

The *Anne*, under the command of James Stewart, finally departed from Cork harbour on 26 June 1800, with 147 male and 24 female convicts. A little over a month later, on 29 July, Stewart and his crew suppressed a mutiny by the convicts. In the affray one convict was killed and some others were wounded. After consulting with his officers, Stewart had the Duagh man, Marcus Sheehy shot as the deemed ringleader of the uprising and another man subjected to 250 lashes.

A letter written by Captain Stewart, published in the *Freeman's Journal* on 31 January 1801, gives an account of the revolt on board.

Extract of a letter from Captain Stewart of the transport ship *Anne*, which sailed last year with convicts for New South Wales, dated Rio (de) Janeiro August 26th 1800:

We continued our voyage from Cork without anything happening very particular, until the 29th when the surgeon, being taken ill a short time after sailing, I took upon myself to administer everything to the convicts to preserve their health. During this part of the passage the prison was whitewashed twice, fumigated twice a week with gunpowder and vinegar

mixed, and washed with vinegar twice a week; and I had them upon deck for the benefit of air twice a week. On the 26th as above, I went to see the prison fumigated, attended by the mate and gunner. The instant the smoke began I was seized by the throat by a convict, vociferating death or liberty. The gunner and mate were seized at the same time by others; and the party of them upon deck, about thirty, wrenched a cutlass from one of the centinels,²⁰ and some iron bars from the cab house; the alarm became general, and the officers and men were quickly armed at the prison door. The convicts' mutiny on deck being quickly quelled, I extricated myself from the man who first seized me, and was rescued from the crowd by two convicts and got upon deck. The mate and gunner being still in their custody, and the mutiny still continuing, recourse was had to firearms, when one man attempting to take a pistol from a seaman was shot dead, and two more were wounded. This had the effect of rescuing the mate and gunner, but not until the first had received some violent contusions on the head. At this crisis a speedy and exemplary punishment was necessary, and from the information of the mate, as well as my own recollection, Marcus Sheehy was the ringleader. He confessed his guilt and was, by the sentence of all the officers immediately shot, in the presence of the convicts. Christopher Grogan, the ringleader upon deck, was sentenced to 250 lashes; and thus ended this disagreeable affair.

NEW GENEVA BARRACKS

1798

THOUSANDS OF UNITED IRISHMEN WERE HELD HERE UNDER
INHUMANE CONDITIONS, MANY AWAITING TRANSPORTATION.

DESCRIBED BY

COL. THOMAS CLONEY, A PRISONER HERE HIMSELF,
" AS THE FILTHIEST, MOST DAMP AND LOATHSOME PRISON,
DEVOID OF ANY COMFORT."

REMEMBER ALL WHO SUFFERED AND DIED HERE.

LIBERTY, EQUALITY, FRATERNITY.

ar dheis Dé go raibh a n-anamacha

KINDLY SPONSORED BY ROBERT FLYNN (PIKEMAN) CARRIGBYRNE PIKEGROUP CO. WEXFORD 2002

Plaque at site of New
Geneva Barracks.

The Master and the Chief Mate of the *Anne* were later tried by a Vice Admiralty Court, and honourably acquitted. The ship arrived at Rio de Janeiro on 22 August, escorted by several ships of the East India Company and travelled from there for the Cape of Good Hope.²¹

The *Anne* finally arrived at Port Jackson,²² New South Wales on 21 February 1801, with 127 male and 24 female convicts. In all, 20 male convicts had died on the 240 day voyage. The new arrivals were not accepted very graciously as can be determined from Governor King's description of them in March 1801:

We have been very quiet until the arrival of the *Ann* (sic), transport, from Cork, with 137 (sic) of the most desperate and diabolical characters that could be selected throughout that Kingdom, together with a Catholic priest of most notorious, seditious, and rebellious principles — which makes the numbers of those who, avowing a determination never to lose sight of the oath by which they are bound as United Irishmen, amount to 600, are ready, and only waiting an opportunity to put their diabolical plans in execution.²³

Governor King's attitude towards the newly arrived convicts mirrored the prejudices of his class and his country, but the problems originated from the improper way they had been tried, imprisoned and transported from Ireland. The *Anne* also brought the news of the Union of Britain and Ireland, which was received with contempt by the Irish political prisoners. Tensions increased as more rebellion plots were planned, then thwarted due to informers. The Irish were

consequently treated more harshly than the other convicts and constantly bore the brunt of official intimidation. One of the two known to be innocent men on board was spared this fate, as it is recorded that he died shortly after his arrival. Garrett Colbert died on 27 February 1801 and is buried at St Phillip's Sydney.²⁴ Nothing further can be ascertained about Martin Mulvihill after his arrival in New South Wales.

Endnotes:

- John Dillane is named Delane in this report and Dillon in his statement. However, both Colbert and Mulvihill refer to him as Dillane in their petition. The fact that Dillane signed his statement with an X, indicating he was illiterate, may have led to the spelling difficulties. Mulvihill, while spelled Mulvihill here, was spelled Mulverhill on the *Anne* passenger list.
- In 1782, Ireland had a new Parliament in Dublin and in an effort to promote trade with Europe and to dilute the rebellious nature of the native Irish it invited over a 1,000 Swiss Protestant refugees from Geneva following an unsuccessful rebellion against their French Catholic rulers. The Irish Parliament voted £56,000 to buy land and build houses to accommodate the immigrants. The land near Passage East was bought from the Alcock family for £12,400 and the tenants were compensated. James Gandon, who designed the new custom house in Dublin, was tasked with planning the new settlement. An advance party of the settlers arrived in Waterford and they demanded representation in the Irish parliament, while operating under their own Swiss laws and as a result the whole arrangement fell through. The Genevans returned home and the buildings were left derelict. When the authorities learned of the planned rebellion in 1798, they took over the buildings of New Geneva, raised the boundary walls and developed accommodation for 1,500 soldiers in a new barracks. In 1824 it was closed as a military fortress and the cut stone was later used on buildings in Dungarvan. All that remains of the barracks are a dilapidated farmhouse and ruined watch towers erected in 1798. Local people always regarded the site as a symbol of tyranny and oppression. For more information on New Geneva see: <http://hooklessvillage.com/the-new-geneva>
- <http://butlerfamilyhistoryaustralia.blogspot.ie/2012/08/laurence-butler-ch-5-butlers-imprisonment.html>
- National Archives of Ireland (NAI), Irish State Papers-Prisoners' Petitions (1800), Carton 2/322.
- Athea is spelled Atea and Glin is spelled Glynn throughout both statements
- NAI, Irish State Papers-Prisoners' Petitions (1800), Carton 2/322.
- For more on the life of Lord Cornwallis see: https://en.wikipedia.org/wiki/Cornwallis_in_Ireland
- Colonel John Bateman FitzGerald, 23rd Knight of Glin, built Glin Castle in the 1780s and died in debt in 1803.
- Limerick Chronicle*, 29 December, 1798.
- Thomas J. Byrne, From Gaelicised chieftains to Protestant gentry, the FitzGerald family of Glin in the Eighteenth century, in Tom Donovan, (editor) *The Knights of Glin: Seven Centuries of Change*, (Glin, 2009) p.p.167-168. The sword is still on display in Glin Castle.
- Home Thoughts from Abroad, the Australian Letters of Thomas F. Culhane*, published by the Glin Historical Society, (Glin, 1998), p.p.174-175.
- Thomas J. Byrne, op. cit. p.168.
- Thomas Langan (alias Captain Steel) was sentenced to seven years' transportation, but served longer due to missing convict passenger indent papers, which did not arrive in Australia until years later. Correspondence from Major General Bunbury to Governor Macquarie, dated 12 September 1814, indicated that permission was then granted for Langan to return to Ireland. The Langan family members were loyal servants of the Roman Catholic FitzGerald family until the 1740s when the latter perverted to maintain their land and title. It is thought that this connection was the reason for John Bateman taking a special interest in the case of Thomas Langan.
- Moyvane borders the parishes of Athea and Glin, County Limerick.
- Marcus Sheehy is also referred to as Manus.
- For the story of these men and other convicts; see: Some transported rebels of 1798 by Tom Donovan, *The Old Limerick Journal, Volume 34, Summer 1998*, p.p.43-45.
- Anne-Maree Whitaker, *Unfinished Revolution: United Irishmen in New South Wales, 1800-1810*, (Sydney, 1994), p.p.92-93 and 149-150.
- Con Costello, *Botany Bay: The Story of the Convicts Transported from Ireland to Australia, 1791-1853*, (Cork, 1987), p.45.
- Luz St Anna* was an eighteenth century Spanish sailing ship captured by the British in 1799 and renamed *Anne*. It was then provided with twelve ship's guns and a crew of 42 and engaged to transport convicts for one voyage only.
- Centinels is an obsolete spelling of sentinels.
- Eight further seamen and soldiers were taken on board at the Cape of Good Hope.
- Port Jackson is the natural harbour area of Sydney. The *Anne* left on 9 July 1801, bound for China on a voyage commissioned by the British East India Company.
- Anne-Maree Whitaker, op. cit. p.64.
- www.linleyfh.com/p229.htm [NSW BDM v4/1022. v2/1631].

Tom Donovan is a native of Glin, and now lives in Clarina, County Limerick. He is editor of this journal, the *Ballybrown Journal* and the *Glencorbry Chronicle*. He also edited *The Knights of Glin, seven centuries of change*. (Glin, 2009).