

THE LAMENTATION OF JAMES WALSH

Francis Fitzgerald was a small Catholic landowner in the Kilmallock area of Co. Limerick in the early 1860s: he was the landlord of two townlands, Steales and Mount Fox. Nine months before the incidents described here, he took a wife, Mary Caroline, and she came to live with him in a modest house, known as the Cottage, Kilmallock Hill. As a landlord, Fitzgerald was reasonably well liked. He was described by the man who organised his murder as "a man of hot and hasty temper but by no means whatever a bad man".⁽¹⁾ A letter signed by two of his tenants published in the *Limerick Chronicle*, described him as "very indulgent and kind to his tenants, whose welfare he had much at heart", and went on to say that "he was never known to evict or treat harshly a tenant".⁽²⁾

One of his tenants was a well-spoken, intelligent man of 55 years named Denis Dillane. Dillane had started life as a shoemaker, but after some years away, returned to his native place and took a farm from a man named Mat Gabbet. In a short time, Dillane showed himself to be a competent, hard-working farmer – levelling ditches, opening drains, manuring the land and making the barren fertile. The little farm became a marvel of fruitfulness and abundance and Dillane became known as "the model farmer". In his own words, he "lived as a Christian and a Catholic ... industriously and frugally because I always studied my interest for a future time".⁽³⁾ As proof of this, in time, he became the owner of a public house in Kilmallock. In the eyes of the people, he was a respectable, comfortable farmer and a successful publican.

However, a disagreement took place between landlord and tenant and in March, 1862 Fitzgerald served notice on Dillane to quit. Financial compensation was agreed and all that finally separated the parties was £5, a paltry sum but enough for a murder. For Dillane harboured feelings of rancour and revenge and determined to have Fitzgerald murdered. To do this, he hired two assassins, Thomas Beckham, "a man old in years and hardened in crime" and a young tearaway named James Walsh, aged 21, from Ballycahill. According to one of the songs written about the affair, Walsh agreed to do the deed for £3.



The widow of an assassinated landlord.

BY PAT FEELEY

Walsh was a well-built young man, rather good-looking, were it not for the deep scar on the left side of his face between the bridge of his nose and his cheek, an old wound from one of the many dog-fights in his short life. Beckham, too, had the scars of battle. Described as "a hardy-looking ruffian with dark twinkling eyes and black hair", he had deep furrows on the crown of his head caused by blows from a stick received during a faction fight in his youth. As a result, he suffered from deafness and also probably from some brain-damage.⁽⁴⁾

For a man of intelligence, common sense and business acumen, Dillane behaved most rashly and detrimentally to himself. The puppet-master's place is in the shadows, not in the centre of the stage. But not only was he seen in deep discussion with Walsh and Beckham in his pub in Kilmallock in the weeks before the murder but he actually went with Beckham into Whittaker's gunship in Limerick City to purchase the pistols that were to be used. And not just that, but he engaged in so much haggling over the price, returning two or three times to the

shop in Ellen Street, that the attendant, John Bourke, had the clearest recollection of the transaction, even to the fact they were in a hurry to catch the evening car to Bruff. He may have even suspected Beckham of taking the antique pistol which he stole from the shop that day. Dillane, advised by Beckham, eventually bought the brace of pistols for £1 2s 6d and the attendant gave them a bullet-mould and four bullets free; it was probably these bullets that killed Fitzgerald.

Beckham and Walsh were observed in the days before the murder, ranging the countryside around Kilmallock Hill, undoubtedly searching for their quarry. It would seem that Dillane had threatened Fitzgerald, for he had taken to carrying a sword-stick,⁽⁵⁾ and his wife was later to testify that he feared an attack on him by two brothers. (Dillane had a brother who was arrested and gaoled in connection with the murder).

Around 3.30 p.m. on the afternoon of 16 May, 1862, Francis Fitzgerald set off walking from his house, with his wife, to visit the farm of one of his tenants, named Kelly. Mary Caroline had been asking him for some time to take her to see this farm, which was called "Bris-



William Marwood, hangman.

bane", and was in the townland of Garrynoe, about two miles from their home. They arrived there and spent about fifteen minutes looking at the farm and talking to one of the Kellys. They then set off back on the road home. But they had not gone far when they were accosted by two strangers, Beckham, in his customary dark frieze suit and wearing a Caroline hat, and Walsh, wearing a grey, Jim Crow hat. Neither man was disguised. Beckham shouted: "Stand my man, I want your money". Fitzgerald put his wife behind him. She said: "Francis dear, give them everything". He said: "I have no money". Whereupon Beckham replied: "I'll have your life", put his hand to his breast, pulled out a pistol and shot the landlord. Walsh then fired his pistol into him and Fitzgerald collapsed on the road. The two assassins then jumped a low, stone wall on the roadside and ran away.

Mrs. Fitzgerald was screaming and in a state of shock but her badly wounded husband remained cool. He told her to go for Miss Kelly. She met a boy pushing a wheelbarrow and he ran to get Miss Kelly. John Hannon, a local farmer, and his daughters arrived on the scene and sent for a doctor. They put the dying man on a board and they were taking him along the road when they met Dr. Connell. He made a brief examination and told them to take Fitzgerald home. His wife ran home to get some wine and

attended him until he died a few hours later. He remained in good spirits until the end and said a number of times: "My little woman, give me a drink".⁽⁶⁾

An inquest revealed that he had been shot twice, through the neck and trachea, piercing the windpipe, and below the left shoulder-blade, fracturing ribs and piercing a lung. There was serious damage to his lungs and considerable internal bleeding.⁽⁷⁾

The police arrested Beckham the following day, in a bed with two countrymen, in the house of a man named John Lee, eight or nine miles from the scene of the murder. Seven bullets and some caps were found in his waistcoat. In a subsequent search of the thatch of the house, three pistols were found, one of which was loaded and another that had recently been fired. A key was also found. This led the police to a trunk in another man's house, where the stolen antique pistol and some gun-powder were discovered.⁽⁸⁾ Beckham was identified at the inquest by the widow as one of the killers but showed no emotion. He and Dillane were charged with the murder, Dillane with being an accessory before the fact.

Walsh went into hiding. There was a lot of sympathy for Walsh in the area. He was young and wild and the feeling was that he had been drawn into the conspiracy. He was also the eldest of a large, fatherless family. This sympathy

translated into support and succour when he was on his keep. This was not confined to his relatives and friends but extended to the peasantry generally of the area: The hunt for Walsh was unceasing. It was reported that hardly a day passed that parties of police from Bruff, Kilmallock and Hospital were not out looking for him. In early June, a massive search was mounted, with police being brought in from Limerick City and south Tipperary. About 300 police in all were involved, fine-combing forty square miles of the countryside around Kilmallock and Knocklong in an attempt to flush him out.⁽⁹⁾ But no trace of him could be found. It was believed that people kept watch for him and warned him when the police were approaching. Their failure was an embarrassment to the authorities, and after a month of these fruitless searches, the government offered a £300 reward for his capture and £100 to anyone who would give information on any person harbouring him. But in spite of these substantial inducements, no-one came forward. Then, without a warning, at 9 p.m. on 23 June, 1862, Walsh walked into the police barracks at Elton, about five miles from Kilmallock, and surrendered himself to the acting sergeant, Deegan. Richard Joseph Grace R.M., who had been active in the pursuit, was summoned and, with a party of police, escorted him to the barracks at Bruff the following morning. From there he was taken to the County Gaol in Limerick, where a large crowd had gathered and as he was being led in, he shouted in a loud voice: "Ballycahill for ever".

There was some speculation in the newspapers that he had come in on the understanding that he would be accepted as a Crown witness and thereby save his own life. But there is no proof of this and it never happened. Some lines from the song, "The Lamentation of James Walsh", may be closer to the truth:

*When I did surrender it was no wonder,
I saw no chance to escape the laws,
I was so well surrounded in woods and mountains,
I often sat down and began to pause.*

Beckham was the first to be tried. His trial took place before the Special Commission in the second week of June, 1862, in Limerick. The evidence against him was undeniable and he was found guilty and sentenced to death. His execution took place on the gallows in front of the County Gaol in Limerick on 16 July, 1862, two months after the murder. Of the three executions, his was the most remarkable. It was held at noon and by that time a huge crowd, reckoned from four to five thousand, had assembled. A reporter noted that this included "many females of the lower class" anxious "to gratify a morbid curiosity". The Roman Catholic clergy, accompanied by two altar boys, were in attendance upon Beckham, and when they were about to depart, he called the

altar boys to him. One approached him and he handed him a threepenny bit. But the other was afraid to come close to him, so he threw him a similar coin on the flag-way, saying: "Take that in remembrance of me". He was also seen to rub his hands and laugh and say: "All is right, all is right".

When summoned to come forward for his execution by the sheriff and governor, Beckham showed a reckless indifference to his situation. However, when he reached the top of the roof where the gallows was, he seemed momentarily moved but he quickly recovered his composure and actually ran up the drop-stairs to the astonishment of the crowd. His final address was somewhat rambling and repetitive but contained the following: "I am Thomas Beckham of the County Limerick. I give my whole blessing to the beloved men and women of Limerick ... I forgive everyone from the bottom of my heart. I am no turncoat, stag, or spy. (His son, who was amongst the crowd, shouted: "Bravo, father, I knew you'd die true".) At which point the crowd cheered. Beckham went on to say that he was the first of his name from that part of the country to be hanged and he asked the assembled throng to pray to God for mercy for him. When Marwood, the hangman, was beckoned to step forward, Beckham, who was 61 and had only married the woman with whom he had been living for 25 years the previous Tuesday, took off his cravat with his own hands. The white cap was put over his head and he stood unmoved until, as the account gives it, "he was launched into eternity". Commenting on his lack of fear, or his "callousness and total want of moral sensibility", as the newspaper put it, the writer wondered if this could have been caused by those terrible injuries to his head inflicted at that bygone fair.⁽¹⁰⁾

Walsh and Dillane were brought up, for trial in late July, 1862. Dillane, who was well represented, asked to have his trial postponed as he had not had time to properly prepare his defence. Walsh's trial, on the other hand, took place. He was charged that "not having the fear of God before his eyes, but being seduced and instigated by the devil", he did with malice murder Francis Fitzgerald on 16 May, 1862. He was identified by Mrs. Fitzgerald as one of the killers and different witnesses testified to seeing him and Beckham in the vicinity of Kilmallock Hill in the days before and on the fatal day. Walsh was convicted, and before being sentenced, his only utterance was: "I have nothing to say, my lord, except I don't know how I was brought into it". He was sentenced to death.⁽¹¹⁾

Walsh was a very young man and, as can be easily imagined, found it difficult to accept his impending doom. At first, he wept so loudly and so bitterly at night that he kept the other prisoners in the gaol from their sleep. But as the fateful day approached, he was said to become more reconciled and to have acknow-

ledged his guilt and the "justice" of his sentence. On the Saturday before his execution, his brother (14) and his sister (12) came to see him. This must have been a sad and piteous scene. The little girl threw her arms around her condemned brother, crying uncontrollably, and had to be removed in a fainting state. He was hanged at 8.45 a.m. on 1 September, 1862, in the same place as Beckham. Again, large numbers turned up to see the execution, the crowd was estimated at 3,000, but mostly city people, the only country people present, it was said, were his relatives. The strain on his mother proved too much; she went insane and was taken to the hospital in Kilmallock.

The last of the three, the man who in the words of the charge "did maliciously aid, abet, procure and hire" the other two was put on trial in March, 1863. Dillane was different from the two perpetrators in that he was a man of substance and standing in the community, a respected figure with influential friends. He had the money to pay an able defence counsel, and the case against him was not as strong as against the other two. They had never named him as the instigator and paymaster, and he had made no incriminating statements to the police. But while in prison awaiting trial, he had received a visitor - one John Sandes-Cussen, who owed Dillane around £100 which he had borrowed from him. This man testified against him. He said that when he visited Dillane in Limerick gaol, Dillane had discussed his situation saying that he could not understand what tempted him to do what he did and that men who knew him and thought him a sensible man would not credit him with such behaviour. Sandes-Cussen also said that they talked about the possibility of Walsh becoming an approver, to which Dillane responded: "God help me if that be the case".⁽¹²⁾ Another damaging witness was the shop-assistant from Whittaker's gunshop who identified the accused as the purchaser of the case of pistols. The defence produced a number of character witnesses for Dillane. Dr. Connell testified that Dillane was an industrious and well-conducted man and the Rev. Richard Gabbett, the Protestant rector of Kilmallock, said that he had "always entertained a favourable opinion of him and never suspected I would see him in his present position".⁽¹³⁾ But the jury returned a verdict of guilty. Unlike the other two, Dillane made a fairly long speech before being sentenced in which he outlined the type of life that he had led, disputed the evidence of Sandes-Cussen and asked as his only request that his dead body be given to his family to be "waked at home" and "my remains to be buried in my native place". The judge, the Right Honourable, J.D. Fitzgerald, refused this last request. He went on to describe the condemned man as someone "of great intelligence" and "of industry, sober habits and moral feelings"

but also a man who had planned a murder over a period and hired two paid killers.⁽¹⁴⁾

Dillane was executed in the same place as the other two. His last hours were in keeping with the strict, Christian practices of most of his life. On the night before his execution, he slept little, so he arose at 5 a.m. and washed and dressed as if it were a Sunday. At 6 a.m., he heard mass in his cell and took holy communion. When later he was offered breakfast, he refused it saying that he "had partaken of the breakfast of the Lord". In that spirit he kept his appointment with the executioner.⁽¹⁵⁾

The whole affair was a great tragedy in the Kilmallock area. Four men had died violently and the people were very moved. This found expression in three songs, a lament for Denis Dillane and two songs in memory of James Walsh. All the songs have come down to us more or less intact. Of the two songs relating to Walsh, one is titled "A new Song on the execution of James Walsh"; as its title says this was composed after the other one. The 'new song' is a ballad in eight four-line verses. It is to be found in James N. Healy's *The Mercier Book of Old Irish Street Ballads* (Cork 1967). It is a reasonably factual account of what happened but it is a rather rough and uneven composition. The other song, "The Lamentation of James Walsh", is more interesting. It is a more substantial work in seven eight-line verses and better written. It puts what happened on that murderous afternoon in Garrynoe, near Kilmallock, in the broader context of the land system of the time and of the legal system that supported it.

*The cause of murders in the Irish nation
I will declare it going before the Lord,
In hopes when I am buried that your
legislation
May cause some alteration in their
inhumane laws.
When a poor tenant he is badly treated
By an unfeeling agent without much
cause,
And that he is driven then to desperation,
He sees the danger if he breaks the laws.*

SOURCES

1. *The Limerick Chronicle* 11 March, 1863.
2. *Ibid.* 24 May, 1862.
3. *Ibid.* 11 March, 1863.
4. *Ibid.* 20 May, 1862.
5. Interview with John O'Leary, Steales, Co. Limerick, 1989.
6. *The Tipperary Free Press and Clonmel General Advertiser*. 20 May, 1862.
7. *The Limerick Chronicle*, 20 May, 1862.
8. *Ibid.* 24 May, 1862.
9. *Ibid.* 12 June, 1862.
10. *Ibid.* 17 July, 1862.
11. *Ibid.* 31 July, 1862.
12. *The Limerick Reporter and Tipperary Vindicator* 10 March, 1863.
13. *Ibid.* 13 March, 1863.
14. *The Limerick Chronicle* 11 March, 1863.
15. *Ibid.* 14 April, 1863.