

**A
GERRINGONG
FENIAN**

**The Story of John O'Neil Goulding
and the 1867 Kerry Uprising**

by

John Graham

ACKNOWLEDGMENTS

Special thanks to Mrs Mollie Robinson of Berry, for taking the time to make the Goulding family records so freely available, and to Mr Brian Looby, of the Kerry Library, Tralee.

Published 1999

A GERRINGONG FENIAN

On the eastern side of the cemetery at Gerringong, on a point of land overlooking the Tasman Sea, stands a tall sandstone headstone topped with a Celtic cross. It is one of three such headstones in the Roman Catholic portion of the cemetery. Of the three, it is the only one which remembers a young Irishman who, as a result of standing up for his beliefs, was tried, convicted, and shipped half a world away from his homeland.

The headstone commemorates John O'Neil Goulding (known as Golden in his native County Kerry), who died at Gerringong on September 2nd, 1883, at the young age of 38.



John Goulding after his arrest in July 1867.

John Goulding (the spelling was changed in official documents after his arrest) was a native of the Caherciveen area of Co. Kerry. He was one of eight children of Patrick Golden and his wife Mary (nee O'Neill, from Valentia Island), and was born in 1845 in a two-story brick farmhouse. Ruins of this house still stand, obscured by foliage, just

A GERRINGONG FENIAN

behind the Post Office, garage and store (overlooking the Kells valley) which is now run by family descendants.

His early life was typical of the Irish in the 1840s and 1850s, when anyone not from a well-off family had to struggle to eke out a subsistence level of survival. The famine years were years of terrible hardship for most Irish families, and the Goulding family, as tenant farmers on a small holding, would have been one of many struggling families.

This particular period helped to set the tone for the remainder of John's life, with one incident in particular standing out. While out walking with his dog one day near Kell's Cove, John had come across his father's landlord driving by in a coach. When John's dog barked at the coach and horses, the landlord ordered his driver to shoot the dog, in full view of its young owner. According to John's wife Ellen, this incident set John firmly against the landowning class, and so helped to establish his Fenian sympathies.

In order to better understand the reasons for the 1867 uprising, it is necessary to briefly consider the conditions in Ireland in the preceding twenty years. In 1848, a year of revolution in a number of European countries, unrest also spread to Ireland, but was quickly suppressed by the British, forcing many of the leaders to flee to the United States. At the same time, the aftermath of the famine of 1845-7 saw many thousands of working-class Irish leave the country. Some came to Australia, but the vast majority went to the United States.

It is interesting that one common attitude present in the Irish emigrants to North America was a deep hatred of the English practice of landlordism, with its resulting evictions and poverty, but this attitude was considerably less in evidence among the Irish who came to Australia. Here, in areas such as Kiama and Gerringong, the Irish and the English settlers lived in comparative harmony, with intermarriage being not uncommon.

In America in the 1850s, the Irish immigrants increased in number until there were over 1,500,000 Irish-born living in the eastern United States. It was not surprising that they developed a strong feeling of support for their relatives still suffering in Ireland, and this support still exists a century and a half later. Financial support from the United States was a major influence in the formation of the Irish Republican Brotherhood, formed in a timberyard in Dublin on St. Patrick's Day 1858, and for the next ten years to be the leading organisation behind the push for Irish nationalism.

James Stephens, one of the driving forces behind the IRB, had fought in the 1848 uprising at Ballinacorney. He subsequently fled to Paris, where he became familiar with the revolutionary tactics being pursued there. He came back to Ireland with the hope that financial assistance from America would enable him to form a secret military organisation to eject the British rulers from Ireland.

He travelled widely throughout Ireland organising revolutionary cells (which he called "circles"), and which were to form the basic military structure of the IRB. Members of the cells would swear an oath to be loyal to both the IRB and to Ireland. However,

A GERRINGONG FENIAN

considerable opposition existed to these tactics, led by the Catholic Church, and this opposition was to be one of the crucial factors in the failure of the 1867 uprising.

In the time between its formation in 1858 and the planned uprising in 1867, it is estimated that the IRB attracted about 80,000 sworn members. John Goulding was one of them.

John was living in the village of Kells in 1867, and most likely worked as an unskilled labourer, like most of those with his background at that time. As a 21-year-old with a healthy distrust for authority, it is easy to see him being influenced by the oratory of such Fenian leaders as James Stephens and John Boyle O'Reilly. He became a member of the Fenian group in the nearby village of Foilmore, and subsequently rose to lead the group.

When John J O'Connor returned from the United States (having served in the Civil War, where he gained the rank of Lieutenant-Colonel in the Union Army) to train Fenian sympathisers in County Kerry with a view to a subsequent Fenian uprising, John was one of the first to join. O'Connor did his work well in Caherciveen and though his forces were small in number they were a well-trained, disciplined and determined bunch - most of them born in the Famine years, and intent on extracting revenge for that, and for the many other wrongs (real or imagined) perpetrated on their race by the British forces of occupation.

On the night of Monday February 11th, 1867 an attempted attack on Chester Castle (England) had been thwarted, and many of the Fenians involved had fled to Ireland via the regular ferry services across the Irish Sea. The Irish authorities were waiting for them, and arrested many young men arriving in small groups, in many cases merely on suspicion. The failure of the raid on Chester Castle was an indirect cause of the failure of the Caherciveen uprising.

The uprising in the Caherciveen area was a mistake caused by a breakdown in communication. The headquarters of the Fenian Movement in Dublin had decided on February 12th, 1867 (Shrove Tuesday) as the day on which the general uprising would start, in the expectation of a successful seizure of arms from Chester Castle the night before. However, when a postponement to March 15th was later decided on, no advice of this was sent to the waiting rebels in the Caherciveen area.

Accordingly, when Tom Griffin, the Dance Master at the Shrove Tuesday dance, announced at 7.30pm that the dance was over, the young people of Caherciveen left the local Reading Rooms. The young women were no doubt surprised at both the early end to the dance, and to find that most of the young men of the village were gathering in the street with whatever arms they could muster.

Any pretence at secrecy had by this time been thrown to the winds, although it has subsequently been proven that the plot was known in advance to the British through the presence of a police informer in the IRB inner council. Proof of this can be found in the evidence given in the Tralee Assizes on Friday August 9th, 1867 by Detective-Constable Talbot who, in the trial of Captain Moriarty, stated "*that he was cognizant of the intended*

A GERRINGONG FENIAN

rising in Kerry before it took place, and that he was present at meetings where it was arranged."¹ He also gave similar evidence at John's trial - see Appendix A.

A group numbering about thirty had formed up in Caherciveen, led by J J O'Connor, and about 10pm the group moved out of town towards Kells. The telegraph wires were torn down just outside the town, and shortly after another forty marchers, "the Boys from Foilmore", linked up with the group.

However, progress was slow, due in part to a foot injury O'Connor had suffered in the Civil War which slowed his progress. As a result, the group split in two, with the eager young men heading towards Kells Coastguard Station.

The Station was a group of buildings, situated on rising ground above the beach, and at the edge of a deep dale covered in trees. As well as the Watch House, there were separate houses for Coastguards Tom Pierce, Boyd and O'Brien, and Chief Boatman Dingwall. On this particular night, Dingwall and his family were at home, but Boyd and O'Brien were away inspecting a wreck, and Mrs O'Brien had gone for the night to keep Mrs Boyd company. Tom Pierce stood armed and on guard on the road above the station.

The peaceful night was disturbed at 1am on Wednesday morning when a group of about 30 men approached Pierce. He challenged them. One of them replied "Surrender or your life is taken", and fired a shot at Pierce when he didn't respond quickly enough. The shot missed, and Pierce ran towards the station, then beyond it to the beach.

The Fenians moved down to Dingwall's house. Their knocking on the door woke Dingwall and his daughters. Dingwall, looking out of his second storey window, saw in the moonlight men pressed close against the wall on either side of the door below. He challenged them, asking what they wanted.

The reply of "We'll tell you when we get in" did not elicit any response, so the men moved off down the lane to the Watch House, which they broke into and removed five rifles, four pistols, a powder box, rifle ammunition and belts. Next stop was Boyd's house, where Mrs Boyd and Mrs O'Brien were sleeping. On hearing the simultaneous knocking at both front and back doors, Mrs Boyd was too frightened to do anything, but Mrs O'Brien opened the front door for the Fenians.

The group entered the house and, wishing to search the house for arms, asked for a light. Mrs O'Brien located a candle, and in its light the faces of some of the local lads were clearly visible. Those identified were Jim O'Reilly, an assistant at Donoghue's drapery shop in Caherciveen; Jim Fitzgerald, a relative of the powerful Fitzgerald family of the Hotel in Caherciveen; Tom Griffin, the Dancing Master at the local dances; Joseph Noonan, a building contractor well known throughout the County; William O'Connell, the son of Head Constable O'Connell of the Caherciveen R.I.C, and John Golden, young and slight, with hair to match his name, whose father Paddy Golden slept unaware in his farmhouse less than a mile away.

¹ "Irish Times", Tuesday August 13th, 1867.

A GERRINGONG FENIAN

John, the youngest and most active of the group, was the only one among this group to be armed. From a belt around his waist hung a sword, and slung over his shoulder was a coastguard's rifle. He took the candle from Mrs O'Brien and climbed to the second story, but after searching could find no arms in the house.

The group insisted that Mrs O'Brien accompany them to her house. On the way, seeing the door of Pierce's house open, they went in and searched it. Again, no arms were found, and on finally reaching the O'Brien house, a similar result ensued.

And so the Coastguard Station at Kells was taken by the Fenians. Before they left, William O'Connell took the candle and escorted Mrs O'Brien back to the Boyd house, in a final act of chivalry.

While all this activity was going on, Tom Pierce was sitting on a rock at the beach. He eventually decided that he should go to Caherciveen and raise the alarm, so he set off through the fields to the road running across the hill above the Coast Guard Station. With impeccable timing, he reached the road just in time to come face to face with O'Connell's rearguard.

For the second time that night he was challenged, but this time there was no escape. The Fenians took his pistol, and searched him for ammunition. After some discussion as to what should be done with him, he was allowed to continue on his way to Caherciveen. It is suspected that he covered the distance in record time.

In the trees behind the Coast Guard Station was the house of Dr Barry, and here some of O'Connors men demanded that Denis Sullivan, one of Dr Barry's farmhands, take them to the stables. Here they selected a horse to carry O'Connor, and by now having been joined by the group who had taken the Coast Guard Station, could once again press on towards Killarney.

The Fenians then set out for Ballycarbery, where they were joined by a further group of supporters. Eventually they numbered about 50 in total, and as they marched along by Dring Hill they scanned the Dingle peninsula opposite for the fires which were to be lit to signal the rising in Dingle - but no lights were to be seen.

At this point a mounted man approached from the direction of Killorglin. He ducked his head and tried to gallop his horse through O'Connor's men, but "a ball from young Conway soon laid him low" and when he was searched it was discovered he was a policeman on his way with R.I.C. despatches for Caherciveen which contained full particulars about all the local Fenians and their activities. The horseman was badly wounded, but the Fenians saw that he was provided with spiritual and medical assistance before proceeding on their march.

They beakfasted at O'Shea's Hotel, Glenbeigh. Outside Glenbeigh they met Father Meginn, who gave them his blessing. Further on they met the mail car from Killarney and

A GERRINGONG FENIAN

there they first learned that the rising had not taken place and that they were now to depend on their own resources.

News of their approach reached Killarney, with rumours that they were marching on the town in their thousands, killing and robbing all before them.

The roads into Killarney were crammed with the coaches of the local gentry, who barricaded themselves into the Great Southern Railway Hotel awaiting special trains to take them away from the clutches of "the terrible Fenians".

The latter disbanded on the outskirts of the town and made their way back to South Kerry through the mountains of Glencar and Foilmore. They remained in hiding in the mountains, fed and protected by the people. Although vast numbers of police and military were rushed into the area, one by one the Fenians slipped through the cordon and made their way to the sea coves of South Kerry and West Cork, where sailing ships waited to take them to the safety of the United States.

It is interesting to read the accounts of the uprising in the Irish newspapers. The "*Irish Times*", published in Dublin, was effectively a national newspaper, but it was not until Friday February 15th that news of the uprising was first reported. Even then, drama overtook accuracy, as the editorial raged "*that the coastguards were compelled to retire before overwhelming numbers and that, slated by their victory over half-a-dozen men, the rebels shot down a mounted orderly carrying despatches, and moved on to sack Killarney.*"²

Later, in the same newspaper, a report dated Wednesday evening stated, under the headline of MURDER OF A POLICEMAN, "*that a mounted policeman named Duggin was shot this morning on a lonely part of the road between Killorglen and Cahirciveen, while conveying the despatches. He was hit on the side and left dead, his horse and accoutrements being carried away. The rumour is that a party of Fenians attacked the police barrack at Cahirciveen last night, but the truth cannot be known, as the telegraph wires were cut.*"³

Given the general level of anti-Fenianism displayed throughout the country, it is tempting to see the dramatic and exaggerated reporting as an attempt to influence the majority of the populace against the Fenians. As a guide to the general feeling, we need look no further than the Catholic Bishop of the Diocese of Kerry, who, in his sermon on Sunday February 18th, said: "*Since we met here on last Sunday, some people in Kerry have been betrayed into an act of madness which we may safely say is without a parallel in the annals of lunacy. I should have thought that, considering the spacious accommodation afforded by our lunatic asylum, that there were very few dangerous lunatics yet at large in this country. But I am sorry to say I was mistaken.*"⁴

² "Irish Times", Friday February 15th, 1867.

³ "Irish Times", Friday February 15th, 1867.

⁴ "Irish Times", Monday February 18th, 1867.

A GERRINGONG FENIAN

One of the most wanted of the Fenians was John Goulding, because of his role as leader of the attack on the Coastguard Station at Kells. His name was published in the "Hue and Cry", (the equivalent of the Police Gazette) and his home at Kells was kept under constant supervision in the hope that he would return there. Within a week, a proclamation was posted offering "*a reward of £250 for the arrest of the men who forcibly entered the coastguard station at Kells, in the county Kerry, on the 13th inst, and fired at Thomas pierce, the coastguard.*"⁵

After leaving Killarney, John hid in Glencar, Kimego and Killoe until he eventually escaped to England. After reaching Liverpool, John wrote to friends in Caherciveen, and advised them of his intention to take passage to America aboard the steamer "*Propontis*". This proved his undoing, as the news leaked out, and the police got wind of his plans⁶. At this time, all shipping from England to America called at an Irish port to refuel, restock and embark passengers. When the "*Propontis*" called at Queenstown, Co. Cork on July 19th, 1867, it was boarded by the Police after a spy had tipped them off, and John and his companions, Thomas Griffin and Cornelius O'Brien, were arrested. The three were brought under police escort to Tralee on Monday July 22nd, for trial at the forthcoming Assizes.

On Friday 26th, John Goulding stood trial before Mr Justice Keogh, charged with treason felony⁷. Mr Waters, on behalf of the prisoner, applied for a postponement of the trial on the grounds that the prisoner was not ready for his trial. The Solicitor-General opposed the application, but Justice Keogh ruled that a one-day delay was acceptable, but that any further delay must be requested by affidavit.

On Saturday July 27th, Goulding's case again came before Mr Justice Keogh. Mr Waters, on behalf of the prisoner, applied for the trial to be postponed until the next assizes. The application was based on affidavits by Goulding, and his attorney, Mr W J Collins. The affidavits stated that Goulding was arrested at Queenstown on Friday 19th, was committed for trial on July 22nd, and sent to Tralee that evening. As his relatives lived at Cahirciveen, about 42 miles from Tralee, he was unable to procure funds for his defence until Wednesday 24th. He also wished to call witnesses whose attendance could not be procured at the present assize.⁸ The Solicitor-General was this time in favour of an adjournment, as he had other cases not yet ready for trial, and so Mr Justice Keogh ruled that the Assizes would be adjourned until Thursday August 8th.

Finally, on August 8th, John Goulding stood trial. Full details of the trial, as reported by the "*Kerry Evening Echo*", are in Appendix A. He was convicted and sentenced to seven years transportation to Van Dieman's Land⁹. This sentence was subsequently reduced to

⁵ "Irish Times" Monday February 18th, 1867.

⁶ "The Kerryman" Saturday October 14th, 1950

⁷ "Irish Times" Tuesday July 30th, 1867.

⁸ "Irish Times" Tuesday July 30th, 1867.

⁹ Although reported as being Van Dieman's Land, transportation to that destination had ceased in 1853. Western Australia was the only Australian colony still accepting prisoners in 1867, and the "*Hougemont*" was the last convict transport to arrive in that colony.

A GERRINGONG FENIAN

five years, probably due to his age, and to the fact that Canon Healey of Caherciveen had sat with him in the dock during the trial.

He was first held in Mountjoy Gaol, before being transferred to an English prison to await transportation. On October 10th, 1867 he left England aboard the "*Hougemont*", in company with fellow Fenian prisoners John Boyle O'Reilly, John Flood and Patrick Dunne. Of the 280 convicts aboard, 63 were Fenians.

Right from the start of the voyage, O'Reilly and a few colleagues planned to mutiny, capture the ship, and sail it to America. However, many of the Fenians were serving short sentences, and realised that a mutiny would mean they could never return to Ireland and their families, so support was not forthcoming and the idea lapsed.

On the morning of January 10th, 1868 the Fenian prisoners were landed from the "*Hougemont*" and taken to Fremantle Gaol. After being given two days' rest, they were put to work stone-breaking and making roads on the outskirts of Fremantle.

Goulding did not waste his time in Fremantle. He worked closely with Joseph Noonan, a fellow prisoner, who had been a builder before his arrest. It was here that Goulding picked up his knowledge of carpentry.

In May 1869, the Governor of Western Australia received a despatch from Earl Granville (Secretary of State for the Colonies) granting "a remission to Thomas Cullinane or Bowler and the other prisoners named in the accompanying Warrant under the Royal Sign Manual¹⁰." John Goulding was one of the 34 Fenian prisoners named in the warrant. In explanation, Earl Granville said that the pardoned prisoners did not belong to the "Criminal Class", had no opportunity in Western Australia to repeat the political offences of which they had been found guilty, and would be less of a peril to public order "than any ordinary offender who receives a pardon"¹¹.

In truth, the formation in 1868 of an Amnesty Association by a Dublin dry-goods merchant, John Nolan, was probably a major factor in the pardoning of the Fenians. Public meetings in both Dublin and London attracted large attendances, and the widespread publicity must have had an influence on Earl Granville.

On their release, the 34 prisoners were turned loose in Fremantle. Two of the party, Noonan and Hugh Brophy, had been builders in Ireland, and so applied for, and won, a contract to build a bridge over the Swan River. As the pardoned men wanted to leave the colony as a group, this venture provided work for them, and a means of staying together. One of their number, John Kenealy, was sent to Melbourne to raise money, and returned with the sum of 950 pounds.

¹⁰ "The Great Shame", p513.

¹¹ Ibid

A GERRINGONG FENIAN

In September 1869, 25 of the group decided to travel to Sydney and thence to either Ireland or the United States. Goulding was not among this number, nor was Flood, both of whom remained in Western Australia for another year and a half.

Goulding and Flood, accompanied by fellow Fenians Thomas McCarthy Fennell, Thomas Baines and John Edward Kelly, sailed for Port Lyttleton, on the South Island of New Zealand, in May 1871, with the intention of travelling to the recently-opened Otago goldfields. However, New Zealand had recently introduced the Introduction of Convicts Prevention Act, and so all five were arrested immediately on arrival at Port Lyttleton. Here Goulding was at an advantage - his 5-year sentence had expired, and so he was set free immediately, but the others (still serving out their sentences under conditional pardons) were given fourteen days to leave New Zealand. The local Irish community in Christchurch raised 100 pounds to enable the five to purchase passages to Sydney, and the group sailed within the required time.

On arrival in Sydney, Goulding was offered assistance by a Fenian sympathiser, John Feehan, who owned land at Crooked River. Feehan was one of the more affluent landholders in Gerringong at the time, and as the land in the area had attracted a large number of Irish farmers because of its geographical resemblance to their homeland, it is hard to imagine that Goulding needed to think too hard before accepting Feehan's offer.

So, late in 1871, John Goulding arrived in Gerringong. At this time, all of the land south of the town boundary was owned by Alexander Berry, and this included the farm at Crooked River leased by John Feehan.

John Feehan was born in Cashel, Co. Tipperary, on December 10th, 1815, and had arrived in NSW in 1841 aboard the ship "Runnymede". On the same ship, among a total of eight young single people from Cashel, was Bridget Dollard. Bridget's shipping entry in the NSWAO is annotated "Engaged by Mr. Bran & going to live at the Sydney College. Wages fourteen pounds.". Later that year, in St. Marys Roman Catholic church in Sydney, John and Bridget were married. The couple remained in Sydney for the next 10 or so years, before moving to Gerringong, where John Feehan leased 168 acres on the northern side of Crooked River from Alexander Berry.

John was a staunch Catholic, and a dedicated Fenian supporter, as evidenced by handwritten comments in the flyleaf of one of his books now owned by the family of Matt Robinson, John's Goulding's grandson. John Feehan's residence at Crooked River was a regular stop for Catholic clergy travelling in the area, and as a warden of St. Mary's Cathedral, he was always involved in Catholic fund-raising events in Sydney - particularly those on behalf of visiting Fenians here to raise funds to continue the fight back home.

John and Bridget Feehan had three children, and the second of these, Ellen, born in 1849 in Sydney, was attracted to the young carpenter who came to work for her father. The couple were married in John Feehan's residence at Crooked River on January 12th, 1875.

A GERRINGONG FENIAN

Witnesses were Ellen's brother (Matthew John Feehan) and her sister Catherine, together with local residents Thomas Bourke and his sister Margaret.

Towards the end of 1877 or early 1878, John and Ellen, with their first-born John, left Gerringong and moved to Jamberoo. Here John worked as a carpenter, and was involved in the construction of the Jamberoo Catholic Church, which opened in 1879. He and his family lived in a house next door to the church. Sometime late in 1880 or early 1881, he left Jamberoo and moved to Broughton Creek (Berry), where he lived in Prince Alfred St, next to Blow's sawmill.

John and Ellen had six children in the 8 years following their marriage, before John's sudden death at Broughton Creek on September 2nd, 1883. He was aged 38, and left Ellen pregnant with their seventh child, who was named Thomas O'Neil Goulding on his birth in 1884.

Bridget Feehan had died only three months earlier, and John was buried in the Roman Catholic section of the Gerringong cemetery, in the grave beside Bridget.

Ellen remarried, in 1890, to Charles Robinson, a butcher and a native of Co. Down. They lived at 33 Prince Alfred St, Berry and when she died at Berry on April 12th, 1938 she was buried in the Berry Cemetery.

APPENDIX A

**The Trial of John O'Neil Goulding, as reported by the "*Kerry Evening Echo*"
of Saturday, August 10th, 1867**

THE ADJOURNED KERRY ASSIZES - Thursday

The adjourned assizes for this county were opened this morning at 10 o'clock, when r Justice Keogh and Mr Justice Fitzgerald took their seats on the bench in the Crown Court. Mr R C Mason immediately proceeded to call over the long panel. 76 gentlemen answered to their names. The panel was then called over on fines of £10, when 101 answered.

John Goolding [*sic*] was then put on his trial for treason felony.

The counsel on behalf of the crown were the Solicitor-General, Mr. Exham QC; Mr Henn QC, and Mr Barry. The prisoner was defended by Mr Waters, instructed by Mr M J Collius, of Cork.

The following gentlemen were sworn on the jury:- Richard Cussen, foreman; Townsend Gun, John Magee, Gerard O'Callaghan, Thomas Hill, Daniel Leonard, John Rice, William Wren, James Barrie, Arthur Crosbie, Patrick H Leahy and John Lumsden.

There were challenged by the prisoner:- James Buchanan, Goodman Gentleman, William Hewson, William Ledmon, Maurice Palmer, William Todd, David Watson, Henry M Sandes, John Collis, Pierce Chute, Chas. Chute, Richard Day, John H Eagar, E M'G Eagar, Julian Fitzmaurice, William Fitzgerald, Daniel Hilliard, Wm. Hilliard JP, and Wm. Hilliard, Denny-street.

Challenged by the Crown - Garrett Scollard, Joseph Hamilton, Richard Selles, Richard Bolster, Michael Butler, Maurice Connell, Timothy Devane, Wm. R Dodd, Henry W Dodd, William Dobson, Michael Fitzgerald, Thomas Galvin, Eugene Harrington, Thomas Hodgins and John Kennelly.

The Solicitor General then proceeded to state the case to the jury. He said after a very short period of repose they were again called on to discharge a most important duty - to try the guilt of the prisoner at the bar, and he was sure that they would discharge that duty with patience, intelligence and conscientiousness.

The present case was one of a very clear character. No tainted evidence would be offered, and no witness would be examined whose evidence would be open to any imputation. If the evidence which would be presented to them were not controverted, they were bound to convict the prisoner.

As they were aware, a conspiracy existed to subvert her Majesty's Government in this country and to establish an Irish Republic; among the frantic designs of this conspiracy

A GERRINGONG FENIAN

was the rising of February last. It was necessary to procure arms, and these were to be provided in various ways. Some were to be got by purchase, and some were to be obtained by plundering the police barracks and coastguard stations. There was a coastguard at Kells, at which were four men and Dingwall, the chief boatman; and according to their usual plan an attack was made on this station on the night of the 12th, or, he should more properly say, during the dark hours of 13th February last.

The armed party first made an attack on Thomas Pierce, one of the coastguards who was on duty, but he made off. They then attacked the house of Dingwall, the chief boatman, and plundered the watch-house of five rifles, bayonets and ammunition. Dingwall saw them from his own house where he was shut up, but could not identify any of them. Three of the coastguards were away, and Mrs Brien and Mrs Boyd, wives of the absent men, arranged to sleep together in Mr Boyd's house that night.

About 2 o'clock a party of armed men attacked the house and five men went in - he meant five men were identified - and searched the house for arms. They then compelled Mrs Brien to go with them to search her house, after which they went away. An armed party afterwards met Pierce on the road and demanded him to surrender in the name of the Irish Republic, and from the evidence of Pierce, it would be seen that it was the same party which had previously attacked him and the coastguard station.

There could not be the slightest doubt of the existence of the Fenian conspiracy, and of the attack on the coastguard; and the question they had to try was whether the prisoner at the bar was present at that attack. Mrs Brien knew the prisoner very well for a long time. The candle was lighting for some time when searching for the arms in Mr Boyd's house, and Mrs Brien had plenty of opportunities of seeing the prisoner, whom she says was the man that went up the ladder with a candle to search for arms, and who was armed with a coastguard's rifle and bayonet.

The party left the coastguard station, and it was not necessary to follow them. The prisoner disappeared after that time, but a fortnight ago he was found by Constable Carson attempting to leave the country under the false name of John Neill, and with certificates of character which were given to a John Neill who no doubt deserved them. He had two certificates - one signed by Rev. Mr Moriarty, and the other by Rev. Mr Healy, certifying as to O'Neill's character. Those certificates were evidently genuine documents, but they certified as to the character of a man named O'Neill, who evidently gave them to the prisoner. One of the certificates was signed by Mr John F Fitzgerald, a magistrate, who would prove that he signed no such certificate for the prisoner.

He had thus shortly stated the facts of the case, and if they believed that the prisoner was one of the party that attacked the coastguard station, the crime will have been proved in point of law, and their duty was to return a verdict of guilty.

Head-constable Talbot, who appeared in the constabulary uniform, and wore two medals, was then examined by Mr Henn QC as to the objects and formation of the Fenian conspiracy. He said part of the purposes of the conspiracy was to attack the police

A GERRINGONG FENIAN

barracks and coastguard stations and plunder them of the arms; the feint rising in Kerry was agreed to in Dublin on the night of the 10th or 11th of February last, to take place the following day; the Fenians intended to make him commissary-general.

Head-constable Talbot was cross-examined by Mr Waters. He objected to answer the question whether he attended Fenian meetings still, and he was not pressed. He was also asked where the rising in Kerry was agreed on, but he objected to answer this for particular reasons; meetings in connection with the conspiracy were held there still. On being pressed, the witness said the meetings were held in Francis-street and Ward's Hill, Dublin.

Andrew Dingwall, chief boatman in charge of Kells, examined by Mr Barry, deposed he remembered the night of the 12th February: about midnight, or after, he was called by his daughter; he opened a window and looked out and saw a body of armed men; he asked the leader who were they, or what did they want; the leader said they wanted to get in; witness asked them what they wanted, and they told him they would tell him when they got in; witness refused to let them in, and asked the leader who he was; the leader said he was himself, and threatened to come back at 9 o'clock; he then sent his men down the lane to the watch-house, and he (witness) distinctly heard them breaking into the watch-house; he saw the watch-house the previous evening; it was all safe then, with five rifles, bayonets, cartouche boxes, and four pistols; when he went there the next morning they were all gone; all this occurred about 1:20 in the night; he next day went to Caherciveen and reported the matter.

The witness was cross-examined very briefly by Mr Waters, but nothing material was elicited.

Mrs Elizabeth Brien, examined by Mr Exham QC, said her husband was a coastguard at Kells; all the coastguards had separate houses; on the night of 12th February last she slept with Mrs Boyd, whose husband was absent; about half-past two they heard a noise, and on raising the blinds saw armed men both back and front; the men broke in the front door and asked for a light; witness brought a candle, and they then asked for arms and ammunition; they said they had no arms, as their husbands were away; the men then searched the house; she knew one in particular, who went up the ladder with a candle in his hand; he was armed with a coastguard's arms; she knew him well; he attended the same chapel as she did; she did not know his christian name at the time, but she knew he was son of Paddy Goulding, a farmer who lived nearby; he had a coastguard's belt and rifle with a bayonet fixed on it; they then went to her house, but she gave them the key, so as not to break in; she knew several others of the men; she had identified some of the men already; they insisted on her going with them to search her house; on the way Pierce's house was open, and they searched it; they then went to her house and searched it; she held the candle for them; after searching her house one of the party named Connell brought her back to Mrs Boyd's house; she saw no more of them that night; there were a large number of men there - about 30.

A GERRINGONG FENIAN

Cross-examined by Mr Waters, the witness said she was frightened at first, until William Connell told her not to be frightened, that he would not let them hurt her; she knew Connell as well as if he were her own brother; her father was chief boatman at Kells before Dingwall; she lived there over nine years; Mrs Boyd was there about 12 months, but scarcely ever left the station; the armed party were searching the houses for about a quarter of an hour.

Thomas Pierce, coastguard, examined by the Solicitor-General, said a party of armed men came to Kells station on the night of 12th February; he challenged them to stand, when one of them fired a pistol at him; he then went down to report the matter to Mr Dingwall but could not do so on account of some of the party; he then jumped over a wall to go to the beach, when two more shots were fired at him; he remained on the beach for about three-quarters of an hour, and then proceeded by the high road to Caherciveen; he met an armed party, who asked who he was and challenged him to surrender; he said he was a coastguard, and asked to whom he was to surrender; they said to the Irish Republic; he said they were doing a bad job for themselves, and they said they could not help it - it was the same all through Ireland that night; one of the party asked him if it was he (witness) who was fired at; witness said it was, and the man then said witness was a lucky man not to be shot; he knew two of the party.

Cross-examined by Mr waters - witness said he failed to identify one of the second party on a previous trial.

To the Solicitor General - Witness said he was suffering from severe cold at the time of the trial with pains in his eyes; the man on the night of 12th February had a large beard.

Constable James Walsh, examined by Mr Henn, said he searched for the prisoner on 14th February at his father's house, but did not find him; he searched for him again in March, but again failed to find him.

Sub-constable William Wallace deposed that he also searched for the prisoner in June, but did not find him.

James Carson, in the constabulary at Cork, examined by Mr Exham, said he saw the prisoner on board the steamship "*Propontis*" at Cork; witness asked him who he was, and he gave his name as John Neill, and produced two documents [handed in documents] and also the passage ticket.

Cross-examined, the witness said the "*Propontis*" was outward bound, and sailed in about an hour after.

Constable John Sealy deposed that he got the passage ticket produced from the prisoner; he arrested the prisoner in the presence of Constable Carson.

Rev. John Healy, P.P. was sworn.

A GERRINGONG FENIAN

Mr Waters objected to the examination of the witness. It was entirely a collateral issue. If it was a proof of guilt, of course he could not stand up to object.

Judge Keogh asked if Mr Waters remembered the evidence of Carson, that the prisoner said his name was Neill and handed him the documents. He directed the witness to be examined.

Mr Healy then deposed that the signature on one of the documents was in his writing; he did not give it to the prisoner; he gave it to John Neill, who had since went away.

The Solicitor General then read the passage ticket found on the prisoner, which was in the name of John Neill, and had all the documents marked.

This closed the case for the Crown.

Mr Waters then addressed the jury for the defence. He said they heard nothing of the long indictment for treason-felony. There were 16 overt acts specified in the indictment, but the Crown only attempted to sustain one - the attack on Kells coastguard station. Two questions arose for them to try - first, was an attack made on Kells coastguard station to subvert the Queen's authority in Ireland, and then, was the prisoner present at that attack. They were bound by their oaths to try the prisoner on evidence, and if that fell short they should acquit the prisoner. He had heard a great deal about the clemency of modern governments, but all he could say was, that the new act was anything but lenient for John Goulding. If he were on trial for his life, he would have more chance of escape. Under the old act, as his Lordship could tell them, two witnesses were necessary, and in the present case his client should be acquitted; but under the new and more merciful law, juries require less evidence. They were asked to convict the prisoner on the evidence of Mrs Brien alone. And could there be no more evidence against him? There were three others who were as capable of seeing and identifying persons as Mrs Brien. Mrs Boyd, who had the same opportunities of seeing the prisoner as Mrs Brien, is not brought forward. Dingwall was conversing with the party, but is unable to identify any of them; and Pierce, who was not called out of his sleep like Mrs Brien, but was on guard, did not know any of them, but when he met them again identified two, neither of whom was the prisoner. The learned gentleman then entered very minutely into the evidence of Mrs Brien, who he said exhibited too much flippancy, and was too ready to make up every little point. She repeated her evidence after that she persuaded herself that everything she imagined was true. He asked the jury not to believe that her evidence was such as to warrant them in convicting the prisoner. Constable Carson and others were called to give the most lamentable part of the evidence. In one hour he would have sailed for America, where he would have occupied a respectable position, and be enabled to help the declining years of his aged father, instead of perhaps spending his time in the convict prisons of Portland. Were there not enough victims already of this miserable conspiracy. As to the prisoner travelling under a false name, it was but presumptive evidence, and he asked them not to convict him on that. What proof was it that he was at Kells on the night of the 12th February. He gave his name as John Neill, and there was the head and tail of it. Mr Waters concluded an able address by calling on the jury; if Mrs Brien's evidence was

A GERRINGONG FENIAN

such as to cause any doubt, to give his client the benefit of it. No amount of suspicion, or any doubt of his innocence, should warrant them in convicting the prisoner.

There was no evidence offered for the defence.

Mr Henn QC replied on behalf of the Crown. After paying a tribute of admiration to the cleverness and courage of Head-constable Talbot, he said the jury could themselves judge by the demeanour of Mrs Brien whether she was fabricating evidence. She proved in a most remarkable manner the prisoner's presence at the attack on Kells. The prisoner was the only man she recognised at being armed, and that, with a coastguard's rifle and dirk, and a coastguard's belt. She recognised him as the man who had the candle in his hand and went up the ladder to search for arms. Mr Henn called on the jury to do their duty to their country fearlessly, and to leave the consequences to the Crown.

Judge Keogh, in summing up the case for the jury, said the prisoner at the bar was charged with attempting to deprive her Majesty of the crown and government of Ireland. The attempt could only be proved by the commission of some overt act or deed, of which there were several mentioned in the indictment. The Crown only attempted to prove one overt act, but one was as good, if proved, as a hundred. While these conspirators thought they were plotting in secrecy, their persons and lives were at the mercy of one of the most trusted officers of the Queen, Constable Talbot. From its unfortunate notoriety, the existence of the Fenian conspiracy could not be disputed. Some of the plans were to attack the coastguard stations and police barracks, and part of the main conspiracy was to rise Kerry on the night of 12th February, and draw the troops there, and then tear up the rails and it is not disputed that a rising did take place here on the night mentioned. Dingwall proved the attack on the watch-house, and Pierce's evidence was important, to prove that the party that demanded his surrender in the name of the Irish Republic was the same that attacked the coastguard station. There was no attempt on the part of the prisoner's counsel to deny that this attack was made to subvert the government in this country. The whole important question was whether the prisoner was present at that attack. The only direct evidence against the prisoner was that of Mrs Brien. It was suspicious to attempt to fly to another country under a false name, but there might be innocent reasons for doing so. On the 14th February Mrs Brien made an information in which the prisoner was mentioned as being present at the attack on the coastguard station and on that and the following day and again in the March and June following, search was made for him but he was not found. He was arrested on 19th July, on board a steamer, under the name of John O'Neill [*sic*], and produced certificates to show that was his name. The object of the crown was to connect his arrest with the search for him. His Lordship then commented on the evidence of Mrs Brien and her means of observation. She was cool and collected after Wm. Connell spoke to her and said no injury should be done to her and it was highly creditable to the unfortunate men that no insult was offered to her. In her information she stated that she knew the prisoner to be the son of Paddy Goulding of Mount Foley. He was bound to say that information was made immediately after the occurrence took place and before the prisoner could be found. She had good reasons for knowing the prisoner; she lived nine years at Kells; she was a Roman Catholic and attended the same chapel as the prisoner. Mrs Boyd was not produced

A GERRINGONG FENIAN

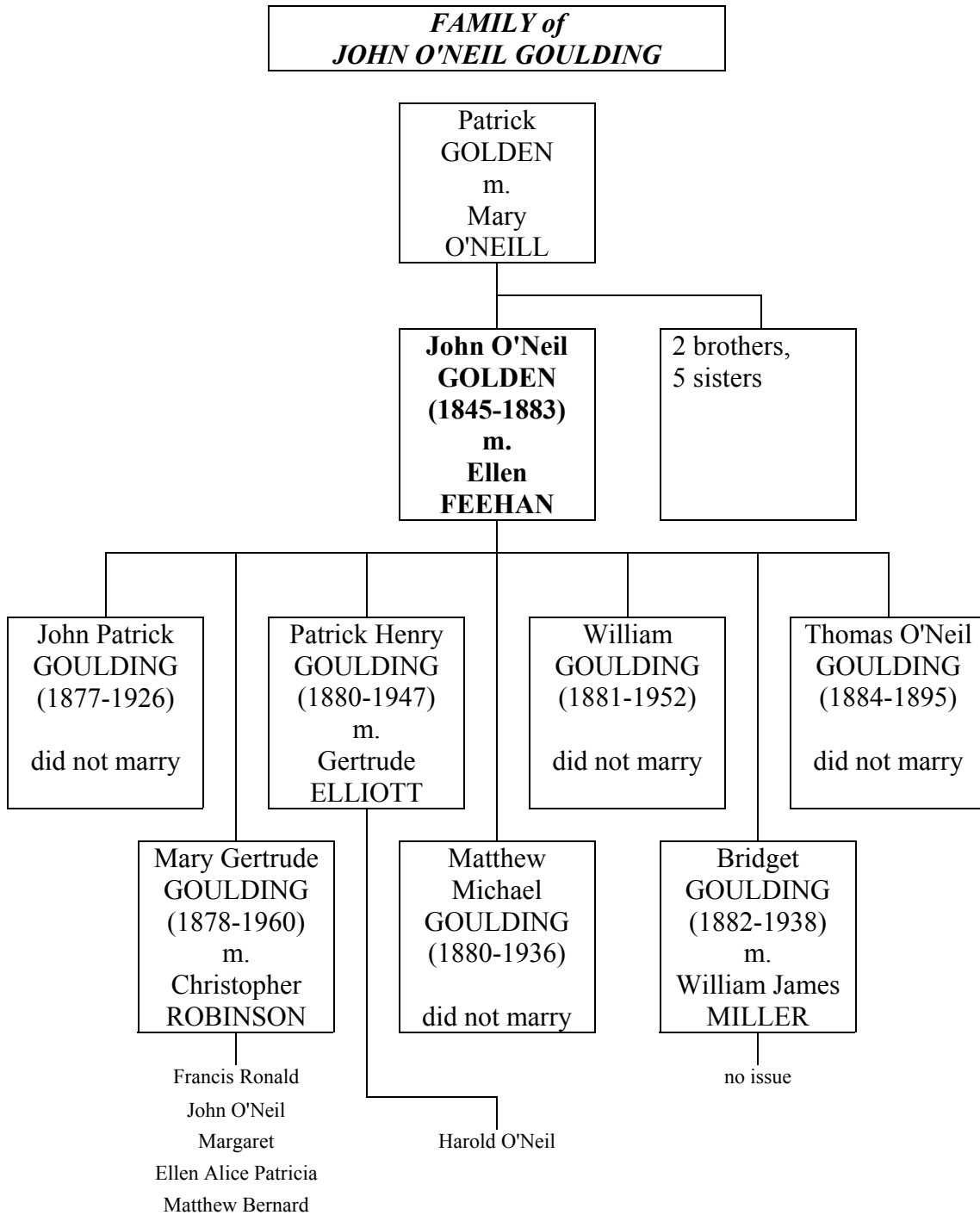
because, as they were told - she only lived in the locality for 12 months and was a very nervous person. If she could identify the prisoner, he had no doubt but she would be produced. The Crown did not suggest that she could identify the prisoner, and if she could say anything in his favour, he (Judge Keogh) was sure that the Solicitor General, from what he knew of him, would be the first to produce her. They had the whole facts of the case before them, and if they found them consistent with the innocence of the prisoner, they should acquit him, but if on the contrary, they had no reasonable doubt as to his guilt, they should convict him and not allow anything in any way to interfere with their duty to their country.

The jury then retired at 2.5 pm [*sic*]. After 40 minutes absence they returned into court with a verdict of guilty. Sentence was deferred and the prisoner, who is a very young man, left the dock smiling at some persons in the gallery.

---ooOoo---

A GERRINGONG FENIAN

APPENDIX B



BIBLIOGRAPHY

- Irish Times* newspaper (Dublin), various issues February 15th - 22nd, and July 27th to August 13th, 1867
- Keneally, Tom *The Great Shame* (1998)
- Kerry Evening Post* newspaper (Tralee), issue of Saturday August 10th, 1867.
- O'Shea, Tim *Centenary Souvenir Record* (1967)