

Chapter 6

FENIAN CONVICT SERVITUDE 1868-69

The new element of Fenianism was a troublesome and dangerous one to introduce even among the rascality of West Australia!

Editor, Perth Inquirer, 22 January 1868

Knowing that we were not criminals, but banished from homesteads for a good and noble cause, we abide our time like men.

Fenian convict Patrick Walle, 24 January 1868¹

Whether or not Fenian beliefs and conduct were as high-minded as many Irish believed, or as low-minded and brutish as most ultra-loyalists portrayed, can be further assessed from records of their convict servitude in Western Australia. For about a year the Fenian convicts conformed to penal routine, but not always with the same good behaviour they had displayed on the voyage out. Within a few months several were in conflict with the authorities, and in February 1869 an entire Fenian work party caused official consternation when they downed tools and for two months repeatedly refused to work. In the midst of this defiance, news reached the colony that more than half the Fenian convicts, including nearly all the rebellious group, had been granted Queen's pardons to be put into effect without delay. Colonial officials bowed to the instruction, and a potentially troublesome situation was resolved. This chapter focusses attention on the nature of a three-way relationship between the Fenian transportees, colonial officialdom and public opinion between January 1868 and April 1869.

At 3.30 a.m. on Friday, 10 January 1868, all convicts on the Hougoumont were roused from their bunks and conveyed in barges to Fremantle wharf². In the early morning light they marched single file up the main street of the quiet port to its most imposing building, a vast four-storey

- (1) Walle to his parents, quoted The Irishman (Dublin), 11 April 1868.
 (2) Denis Cashman to his wife, Kate, n.d., quoted ibid., 18 April 1868; J.B. O'Reilly, Moondyne: A Story from the Underworld, Boston, 1879, p. 254.

limestone prison known to all as 'The Establishment'. At first the Fenians were struck by the glaring sand, bare coastal growth and searing midsummer heat. Patrick Walle, a labourer from Drogheda, County Louth, described the scene in a letter to his parents as follows:

As far as we can see it is rocky and sandy. We miss the beautiful green fields of the old land...
The little town of Fremantle presents to the immigrant eye a rather strange appearance - the houses are constructed in an old-fashioned style, of all white sand-stone, nothing is seen but white...the streets are covered with white sand, which floats about with the wind most abundantly; ³prison all white, yards white, people dressed in white... .

The convicts entered an outer gate of the prison then crossed 'an immense yard or walled sand-plain', O'Reilly recounts, each prisoner in turn saluting the governor, Dr. Stephen Hampton, and the prison comptroller general, Henry Wakeford, who were positioned in the centre of the yard⁴. They then filed on to the cells, passing under a massive stone inner-entrance on which two bold letters, 'V.R.', displayed the omnipotence of Her Majesty's pleasure.

Routine processing took up the rest of the day. The prisoners were bathed, shaved, had their hair cropped, and underwent physical examination to record height, visage, colour, build, and small distinguishing marks for means of identification⁵. Thomas Fennell, for example, was recorded as having a bullet wound through his hip and testicle⁶ - 'Fennell..led the boys in Clare and carries a bullet in his body as a memento', John Devoy reminisced in 1904⁷. Clothing was issued, backgrounds recorded and occupations noted for future assignment of work tasks. Finally the prisoners filed off to the cells; dressed, as Patrick Walle records, 'in a suit of Drogheda linen, ornamented with a red stripe and black bands, typical of the rank we hold in the colony, to wit-convicts'⁸.

More precisely the Fenians were probationary convicts, the second of several stages in the convict system designed to facilitate progressive

(3) 24 January 1868, quoted The Irishman 11 April 1868.

(4) O'Reilly, op. cit., p. 254.

(5) 'Personal and other description of 280 convicts received for ship Hougoumont on 10 January 1868', Convict Dept. Records, No. 40, WAA 128.

(6) *ibid.*, CN 9731.

(7) Gaelic American, (New York), 6 February 1904.

(8) Walle, loc. cit., 24 January 1868.

rehabilitation. The first, six months solitary confinement, had already been served by most of the Fenian transportees in British gaols. Probation was normally expected to last half of a convict's sentence, give or take alterations for good or bad behaviour, at the end of which ticket-of-leave would be granted. The ticket-of-leave convict could seek outside employment with free settlers, and marry if he wished, but was expected to carry his parchment 'ticket' with him at all times, report twice yearly to the local residential magistrate, observe a 10 o'clock curfew at nights, and not change his employment or residential district without permission. Misconduct, if reported, brought him before the magistrate, who administered punishment, including at times withdrawal of the ticket and resumption of probation. Otherwise, the convict progressed in time to a conditional pardon, under which he was not permitted to return to Britain before expiry of sentence, or to a certificate of freedom, involving remission of sentence and the restoration of most civilian rights⁹. In March 1868 there were 3220 probationary and ticket-of-leave convicts in the colony's total population of about 20,000¹⁰. Fremantle prison could house about 1000 convicts and lesser prisons throughout the colony another 1000, but in practice they were not filled to capacity since many prisoners were stationed at road camps remotely situated in the bush¹¹.

The Hougoumont convicts were allowed two days' rest, then on Monday morning the Fenians commenced road-work on the outskirts of Fremantle. Stone-breaking in midsummer temperatures up to 120°F in the sun¹² contrasted harshly with conditions during the voyage out, but a consolation for most Fenians was that Hampton continued the policy of separating civilian Fenians from other convicts. Two work parties of them, a score in each, were

- (9) Fenian progression through these stages is recorded in Convict Register R16, Convict Dept. Records, WAA 1156 (hereafter R16). See also John Casey's letter, 28 December 1868 (quoted, Melbourne Advocate, 12, 19 June 1869), which describes an instance of breaking curfew. Even after expiry of sentence, former convicts were not permitted to serve on a jury, be elected chairman of a municipality, or nominate for election to the Legislative Council ('Bond class memorial praying for withdrawal of restrictions under which this class suffer', Governor's Corres. 1876-78, No. 278, June 1877, WAA 392).
- (10) Comptroller General Wakeford, 'Report on the Convict Dept. for 1867', 5 March 1868, CO 18-158, PRO 1657, AJCP.
- (11) Hampton to Buckingham, 1 January 1868, 'Return of prisoners and accommodation for half-year ended 31 December 1867', CO 18-158, PRO 1657, AJCP.
- (12) Cashman, loc. cit.

allotted to the supervision of Assistant Warders William Howard and Charles McGarry, who had become acquainted with the Fenians on board the Hougoumont. A further half-dozen who had specific skills were retained in Fremantle prison, mainly on clerical duties. All the soldier Fenians except O'Reilly were scattered among work parties of ordinary convicts. Howard's Fenian party left the prison on Saturday 18 January, headed for a bush camp on Clarence Road, about four miles south of Fremantle¹³. Two days later, McGarry's party trekked north-east of Fremantle to a road camp at West Guildford, about four miles from Perth¹⁴. At the end of the month, Hampton reported the arrangements in a home despatch to Buckingham:

...I considered it desirable to order the civilians to be separated from the ordinary criminal class by placing nearly all of them in working parties by themselves under the charge of Warders who accompanied them from England and in little frequented parts of the colony, but in the vicinity of large prisons to admit of their being often visited by supervisor officers of the Dept. including R.C. Chaplains .

The peculiarly aggravated nature of the treason of the Military Fenians, and the risk of such men combining together for evil purposes, induced me to disperse them as widely as possible throughout the colony, not sending more than one or two of them to the same station.

I have great pleasure in being able to add that hitherto the whole of the treason-felony convicts per ship 'Hougoumont' have behaved in a very quiet and orderly manner¹⁵.

At the road camps the work was hard and living conditions very basic. From the Clarence Road site, Patrick Walle wrote to his parents:

...On last Saturday evening we were marched five miles with bed and bedding on our backs, to our rude habitation, which consists of four miserable twig huts and a tent. I sleep with twelve others in the tent. We are sure of nocturnal visits from mosquitoes, and a species of very small lively insect which takes the greatest delight in playing with you until morning, waiting for the next night's entertainment to renew the sport. We work pretty hard all day under a burning sun; the only comfort the place affords us is that we are near the sea shore, where we bathe after our day's labour¹⁶...

- (13) Superintendent's Order Book SO 10, p. 241, Convict Dept. Records, WAA 1156, (hereafter SO 10, or SO 11 etc.).
- (14) *ibid.*
- (15) Hampton to Buckingham, 29 January 1868, CO 18-158, PRO 1657, AJCP.
- (16) 24 January 1868, quoted The Irishman, 11 April 1868.

From West Guildford, George Connolly described similar conditions in a letter to his wife and children, written on 1 February:

...the colony...is one mass of unbroken forest, except here and there, as far as the eye can reach, a patch of ground in tillage may be perceived. You may easily guess our life here is a camp one, when I tell you that our hut is composed of a few withered sticks nailed together and covered with rushes. To lie upon we have each got a hammock, but neither sheets, beds or pillows, and at night our only visitors are fleas and mosquitoes... Our work here is quarrying and blasting stones under almost a tropical sun, and¹⁷ in the open air we have to cook and eat our victuals¹⁷.

Despite hard conditions, the Fenians indicated that they preferred colonial servitude to their experiences in British gaols. Eugene Lombard, for example, wrote that as a prisoner he was 'quite contented', warmed by the camaraderie of sharing in camp-fire songs and tales of Ireland, and in awe of the grandeur and diversity of nature around them:

...there are plenty of parrots and cockatoos, always chattering to each other; huge mahoganies towering to the sky; gum trees, as thick as grass at home; enough of possams (sic) and wallabar (counted as game here) and loads of mosquitoes...¹⁸.

The six Fenians retained at Fremantle Prison missed natural beauty in their surroundings but enjoyed comparative comfort in workrooms protected from the summer heat by thick limestone walls and high ceilings. John Flood was appointed clerk in the superintendent's office; Denis Cashman, assistant clerk to the clerk of works; Patrick Reardon, Patrick Doran and David Joyce were assigned to the prison store; and John O'Reilly became orderly and librarian to the Roman Catholic chaplain, Reverend Thomas Lynch¹⁹. O'Reilly's restless energy would have been kept fully occupied. He tended the chaplain's horses; kept the chapel clean; organized choir practice four times weekly; supervised library loans; and was school monitor twice

(17) Quoted The Irishman, 25 April 1868.

(18) c. April 1868, quoted *ibid.*, 1 August 1868.

(19) Cashman, *loc. cit.*

weekly, during which he helped prisoners write letters home - one only every two months, though any number could be received²⁰. 'Prison discipline is by no means as strict as it is in England', Cashman wrote home; adding that they were allowed to associate, received adequate food, and were issued with pipes and tobacco weekly²¹. The latter privilege dismayed visiting British writer, Anthony Trollope: 'Why a man who had come from England with a life sentence against him should receive tobacco...I could not understand', he complained, after inspecting the prison in 1872²². Compared with stone-breaking in searing heat on bush roads, the daily routine Cashman describes, including two hours for lunch, was reasonably comfortable:

...The bell to rise is heard at 4.30 a.m. each morning, when we get up, wash, clean our cells, and have breakfast served at 5.30. We go to chapel at six, where prayers are said by Father Lynch, an Irishman, and a good priest. At 6.30 we form on a parade in the prison yard for inspection, after which I, with others, go into a yard where I can read or otherwise amuse myself till nine o'clock, at which hour I go to business till 11.50, when we again parade and retire to dinner to our cells. I then dine, smoke, read, or talk with my friends until two o'clock p.m., when I again go to business till five, parade again at six p.m., after which tea is served; and after another half hour I attend school as a monitor till nine o'clock; and returning to my cell, where four of us are located, I soon become oblivious in the arms of morpheus²³.

Hampton's dispersal of the sixteen soldier Fenians, in recognition of their particular disloyalty and the potential danger of their former training in combat, put these men at a greater mental and physical risk than the civilian Fenians who could draw together for mutual support. A precise examination of their circumstances in the early months of servitude is restricted by the fact that no home letter from a soldier Fenian reached the Dublin Irishman, but an impression can be gained from official reports of their conduct. Martin Hogan, for example, was the first Fenian reported for misconduct in the colony. The incident occurred on 21 April at a quarry by the Swan River, from whence it was reported that Hogan had abused and

- (20) Martin C. Carroll, 'Behind the Lighthouse: A Study of the Australia sojourn of John Boyle O'Reilly 1844-1890', Ph.D thesis, Univ. of Iowa, 1954, pp. 284-287.
- (21) Cashman, loc. cit.
- (22) Anthony Trollope, Australia and New Zealand, (London, 1873) 2 vols., London, 1968, Vol. 2, p. 113.
- (23) Cashman, loc. cit.

threatened Assistant Warder Munday, had exclaimed that he would no longer work there, and had walked off to the Swan convict station to complain about his situation²⁴. An indication as to what prompted Hogan's behaviour is given by James Wilson, a fellow soldier Fenian, who afterwards wrote to John Devoy that Hogan was 'going to kill a warder that spoke slightingly of Ireland'²⁵. Another likely influence was that the incident occurred the same week that news reached the colony about O'Farrell's attempt to assassinate Prince Alfred. Loyalist feeling had run high at several indignation meetings, the largest of which was chaired by Governor Hampton on 24 April²⁶. Hampton was loudly cheered when he assured the gathering that Fenianism in any form would be 'stamped out quickly' the moment it appeared in the colony²⁷. He went on to describe the present situation in regard to Fenian convicts, including an indirect reference to Hogan:

...We have amongst us a few men who have been transported to this colony as treason felony convicts; they have endeavoured to call themselves political prisoners. I hope such a distinction will never be conferred upon them (cheers). With the exception²⁸ of the Military Fenians, the rest have behaved themselves²⁸.

Hampton himself had partly treated the civilian Fenians as political prisoners, by continuing the policy of separating them from other convicts, but he was in no position to admit this to a fervently loyalist audience.

It appears that Hogan may have been goaded by a loyalist warder who had recently heard of the O'Farrell incident. But if he believed his case would be fairly heard at Swan station, he was mistaken. As the Fenians were later to find out, residential magistrates were bound to accept a warder's evidence in favour of any convict's word. Hogan was sentenced to six months hard labour in separate confinement²⁹: a severe punishment, in some ways more damaging than a flogging. Solitary confinement (after day labour, if so sentenced), was served in a dark cell, the prisoner chained and denied

(24) R16, CN 9767; SO 11, 27 April 1868, p. 322.

(25) 4 September 1873, W. O'Brien and D. Ryan (eds.), Devoy's Post Bag, 2 vols., Dublin 1948 and 1953, Vol. 2, p. 565.

(26) Fremantle Herald, 25 April 1868.

(27) *ibid.*

(28) *ibid.*

(29) R16, CN 9767, 21, 23 April 1868.

bedding - or if bedding provided, then no clothes - strict silence maintained, and a bread and water diet; it was interrupted only upon medical advice that confinees were 'unable to bear such treatment longer without danger to their lives'³⁰. In regard to the mental stress induced, the medical superintendent of Fremantle prison, Surgeon George Attifield, felt obliged to observe in an annual report: 'solitary confinement...does I am well assured from first to last exert a gradually increasing wear and tear upon the mind'³¹. When Hogan had served three months, Attfield reported that he was 'suffering somewhat in health', and recommended his removal on medical grounds³². He was duly released and transferred to a different work party at Champion Bay³³.

Though the convict system dealt severely with any prisoner who dared challenge authority, good behaviour received due recognition. Thomas Delaney and Robert Cranston, two military Fenians, got off to a good start with commendations from Surgeon Smith that their conduct on the voyage out had been especially noteworthy³⁴. William Foley, another military Fenian, received two months remission from gang labour for joining a group of convicts who fought a bush-fire on 27 February, successfully protecting a settler's home and their camp from destruction³⁵. The same reward was granted to James Wilson, another soldier Fenian, who spent St. Patrick's Day helping six convicts prevent a fire from destroying a small bridge over the Arthur River³⁶. And in April, two civilian Fenians, Joseph Noonan and Thomas Bradley, were rewarded for intervening in a vicious assault being made on the Fremantle prison schoolmaster by a violent Irish convict named Reardon. Reardon, one of two chain gang convicts sentenced in January to fifty lashes and three months solitary for attacking the assistant superintendent, assaulted the

- (30) Supt. of Fremantle prison, 17 August 1869, cited Carroll, op. cit., p. 195.
- (31) Surgeon's Medical Journal M 12, 20 January 1870, Convict Dept. Records, WAA 1156 (hereafter M 12, or M 32 etc.).
- (32) Supt. H.M. Lefroy to Compt. Gen. Wakeford, 27 July 1868, Superintendent's Letter Book C 32, 475 (hereafter C 32).
- (33) R16, SO 14, CN 9767, 28 July 1868.
- (34) R16, CNA 9710, 9702, 15 January 1868.
- (35) Perth Gaoler's Register of Corres. C 51, 10245, 10 March 1868 (hereafter C 51).
- (36) Comptroller General's Corres. C 16, 9281, 15 July 1868 (hereafter C16).

schoolmaster the day after his release from solitary confinement³⁷. For their good deed, Noonan received six weeks remission from gang labour and Bradley for ⁴ weeks³⁸. In view of the two months' remissions given to Foley and Wilson for saving property, it is evident that magisterial opinion considered the protection of property more important than saving a schoolmaster from assault. Consistently responsible behaviour could result in a probationary prisoner being recommended for promotion to convict constable. A constable wore a bright red stripe on the lower half of his sleeve to display his rank and was rewarded for his supervisory duties with remissions of sentence and extra cash gratuities³⁹. The first Fenian so promoted was John Don^{og}hue, a military Fenian who had apparently distinguished himself amongst the ordinary convicts who comprised his work party. Don^{og}hue was recommended to the position in July and appointed in August⁴⁰. Hugh Brophy was the first civilian Fenian to become a constable, perhaps in recognition of his experience as a leading building constructor in Dublin. He was appointed constable in charge of the Clarence Road party of Fenian convicts in December 1868⁴¹.

An important influence on the adjustment of Fenian convicts was the interest taken in their well-being by Irish-Catholic chaplains. As we have seen, Father Matthew Gibney recommended to Governor Hampton before the Fenians arrived that their exclusion from other convicts would produce desirable results in behaviour. Whether this advice influenced Hampton's decision to establish two wholly Fenian work parties is uncertain, but it shows that Gibney was concerned to help them as best he could. Delany showed a similar sympathy during the voyage out, both as their priest and as a friend who encouraged the 'Wild Goose' project. Delany also attempted to maintain contact with his charges in the colony, though he was not supposed to do so, not being a prison chaplain. On Good Friday in April, he was seen talking to three prisoners on Perth causeway and was promptly reported to the comptroller general⁴².

The Fenians at road-camps certainly welcomed the appearance of a

- (37) C51, 10313, 18 April 1868. Reardon's second assault earned him 100 lashes and three months solitary confinement in irons (ibid, 22 April 1868).
- (38) R16, CNs 9672, 9837, 21 April 1868.
- (39) Carroll, op. cit., pp. 295-6.
- (40) C16, 8936, 16 July 1868; R16, CN 9714, 1 August 1868.
- (41) R16, CN 9674, 1 December 1868.
- (42) C51, 10296, 16 April 1868.

Catholic chaplain on his rounds. After a visit from Father Lynch at the Clarence Road camp, Eugene Lombard wrote: 'The Chaplain is a very nice gentleman, and is an Irishman...he visited our prison yesterday on horseback'⁴³; and from West Guildford, in April, he referred to a visit from the Guildford chaplain, Reverend I. Bertram:

We were visited last week by a young priest, an Irishman. He celebrated mass for us, and what was curious brought the necessaries for the celebration in a leathern bag across his saddle bow ('tis no way curious here); he also brought us some books, which we were badly in want of; some Irish novels too. He was truly glad to see us, he really felt we were his own countrymen, and shook hands warmly with each one of us. He promised to call as often as he could, and perhaps would be able to celebrate mass for us once a month⁴⁴.

As autumn progressed into winter, conditions at the bush camps became uncomfortably cold and wet. 'It rains fearful', observed Lombard, 'every drop as large as a musket ball, and falls with the rapidity of lightning'.⁴⁵ A Cork schoolmaster, Thomas Duggan concurred: '..what a winter. Like a wet July in Ireland', he wrote home⁴⁶. John Casey, in a long letter frankly expressed - it was written after he gained a ticket-of-leave - complained that the wind easily penetrated the wicker walls and freely exited through the roof of his bush hut; he added that the floors oozed with water, and that their hammocks and threadbare blankets were inadequate protection from the cold and damp⁴⁷. Quarry work, too, became more difficult, the men often labouring up to their ankles in muddy slush⁴⁸. Nearly all suffered bouts of diarrhoea, sometimes extending for weeks, and eye infections were common⁴⁹. But since the great majority were young men in their prime, their health withstood these conditions remarkably well, few men needing medical attention. Two notable exceptions were the Fullam brothers, both hospitalised for several weeks⁵⁰. Luke Fullam, 37, and Lawrence, 45, were unmarried shoemakers from Drogheda, County Louth, both of whom had contracted tuberculosis in Ireland⁵¹.

(43) Lombard to his parents, 22 January 1868, quoted The Irishman, 4 April 1868.

(44) n.d. (c April 1868), quoted The Irishman, 1 August 1868.

(45) *ibid.*

(46) 12 August 1868, quoted Advocate, 16 January 1869.

(47) 28 December 1868, quoted *ibid.*, 12, 19 June 1869.

(48) *ibid.*

(49) Duggan, *loc. cit.*; Casey *loc. cit.*; Thomas Fogarty to his parents, 16 May 1868, quoted The Irishman, 8 August 1868.

(50) M32, Lawrence: 17 March-4 May, 3 July-10 August 1868; Luke: 2-25 April 1868

(51) R16, CNs 9739, 9740; S010, p. 333, 8 May 1868; Patrick Walle to his father, 12 July 1868, quoted The Irishman, 19 September 1868.

Although the Fenians were generally well-behaved, reports of their misconduct steadily increased as the year wore on. Michael Cody, the pugilistic former president of the Fenian 'Committee of Safety',⁵² was the first to be cautioned, on 15 January, for being inattentive on parade at Fremantle prison⁵³. Three months quiet followed before Martin Hogan was disciplined with solitary confinement as described above. Then on 4 May, the Irish-American John Edward Kelly, received two days bread and water for disrespect to the assistant superintendent⁵⁴. His comrade, John Casey, claimed that Kelly had been insulted by the officer and had refused to call him 'sir'⁵⁵. On the same day, Denis Cashman was sentenced to three days bread and water for 'mutinous conduct and insolence' to the superintendent of Fremantle prison⁵⁶. In June, Thomas Duggan and Maurice Fitzgibbon were charged with being absent from Assistant Warder McGarry's Fenian work-party at West Guildford⁵⁷. According to Duggan⁵⁸, the two of them had gone mushroom picking in a field about 400 yards from their camp, were seen and 'pounced on' by four policemen. The police kept them two days at Guildford in a small dark cell until a magistrate arrived, heard the case, and sent them back to their work-party. When the incident became known to the comptroller general, Henry Wakeford, he instructed that McGarry's good conduct allowance be suspended for laxity in 'allowing the convicts at West Guildford to ramble about the bush and do as they like'⁵⁹.

In August however, Wakeford was still pleased that the Fenian convicts had caused comparatively little bother. When requested by Governor Hampton to report on their progress, he recommended that the good behaviour of all except Hogan warranted recognition in the form of some reduction of their probationary periods before tickets-of-leave were granted⁶⁰. Hampton approved of the idea, and reported to the Home Government that his firm handling of the Fenians had achieved such desirable results that Wakeford's suggestion might well be adopted to encourage further progress:

(52) See Ch. 4, p. 105.

(53) R16, CN 9721.

(54) *ibid.*, CN 9793.

(55) Casey, *loc. cit.*

(56) R16, CN 9685.

(57) *ibid.*, CNs 9720, 9733.

(58) Duggan, *loc. cit.*

(59) C16, 9111-11, 4 June 1868.

(60) 13 August 1868, *encl.*, Hampton to Buckingham, 12 August 1868, C018-159, PRO 1658, AJCP.

From the date of the arrival of these convicts I have instructed the Com. Gen. by every means at his disposal, to impress upon them most strongly that insubordination or resistance of authority on their part would be promptly and severely dealt with while on the other hand every reasonable encouragement would be given to the well behaved.

I have much pleasure in drawing Your Grace's attention to the facts mentioned by the Com. Gen., and, although I am not aware whether it is the intention of Her Majesty's Govt. in any way to relax the ordinary rules...I think..it would be good policy to give them Tickets-of-Leave when they have completed half the regulated time for granting such indulgence to convicts generally⁶¹.

Unfortunately, the Fenians had no idea that officialdom was impressed with their behaviour; and even if they had, they may well have lacked sufficient patience to conform quietly to the system while higher authority in England decided whether or not to shorten their probations. As it happened, they began to chafe under constraints on their communication with comrades in other locations and with friends at home. When disciplined for breaking these constraints, a number launched themselves on a hazardous course of resistance to the whole convict system.

From the authorities' view point, suppression of 'improper matter' in convict mail was essential to the whole rationale behind imprisonment: the justification for punishment had to remain beyond criticism, and a convict's planned rehabilitation could be expected to suffer if 'criminal' beliefs or complaints about his circumstances were allowed to be aired. From the Fenian viewpoint on the other hand, censorship was an irksome denial of truthful communication about their convict condition and the political state of Ireland; and accordingly, they aimed to circumvent it by whatever means were available. Understandably, it was only a matter of time before the two viewpoints ran headlong into conflict. Between April and November 1868, ten letters written by Keane, Kenealy, Cody, Lahey, McSwiney, Noonan and Cashman were confiscated; and fifteen letters addressed to Fogarty, Downey, Flood, Cashman, Kenealy, Walle, Brophy and Fitzgibbon were intercepted⁶². Heading the list of subversive correspondents was John Kenealy who had one outward letter and four inward letters suppressed. A typical inward confiscation was

(61) *ibid.*

(62) C16, 10327-9; C51, 10474, 15 May - 3 November 1868.

a letter for Thomas Fogarty written by his brother, an American living at Portland, Maine. The superintendent at Guildford informed Fogarty that his letter had been suppressed by the comptroller general on grounds that it contained Fenian matter. Fogarty then requested his brother's address, but this was refused by Governor Hampton who decided that it was unwise to permit the brothers to correspond⁶³. A common, and sufficient, reason for confiscation was that a letter appeared not be written by a bonafide relative. For example, one to Hugh Brophy was suppressed on grounds that it 'purports to be from his brother but not so by signature'⁶⁴. On at least one occasion, however, Wakeford tempered the need for censorship with humane consideration: Michael Moore was 'to be informed that unwillingness to deprive him of a letter from his wife is the reason for which alone he is permitted to receive a letter containing much objectionable material'⁶⁵.

No restrictions were put on the number of letters a convict could receive, but he was permitted to write no more than one letter every two months. If that letter was suppressed, the next opportunity to write was forfeited. Four months could thus elapse between letter writing opportunities if a Fenian transgressed acceptable standards of conduct. The system also prohibited correspondence between convicts, as Michael Cody discovered when he attempted to write to James Wilson: Wakeford firmly reminded the superintendent at Guildford that such correspondence was only permissible 'under very peculiar circumstances', and he further noted that Cody's letter contained much 'improper matter'⁶⁶.

Not surprisingly, the Fenians reverted to surreptitious contact with their comrades at other locations. A month after Cody's letter from West Guildford was suppressed, Patrick Reardon was granted a transfer there on grounds that his health was suffering from indoor confinement at Fremantle prison⁶⁷. When he left, he took a kit-bag full of contraband writing materials, papers, books, stamps and letters written by Fenians at the prison to their friends at West Guildford⁶⁸. Reardon was not checked at the gates of Fremantle prison, nor at Perth prison where he stayed overnight,

- (63) C51, 10327, 29 January - 12 May 1868.
- (64) C51, 10474, 20 August 1868.
- (65) C16, 10474, 8 July 1868.
- (66) C16, 10474-23, 15 September 1868.
- (67) C51, 10474, 8, 12 October 1868.
- (68) *ibid.*, Supt. at Guildford to Compt. Gen., 29 October 1868.

but was finally exposed by the superintendent at Guildford whose vigilance had no doubt increased after Wakeford's recent reprimand⁶⁹. Wakeford ordered that Reardon be returned under escort to Fremantle where he duly served three days solitary confinement for his misconduct⁷⁰.

Simultaneously with this infraction, John Casey, one of the West Guildford men, got into more serious trouble. In anticipation of his ticket-of-leave being granted on 29 October, he had secretly forwarded two letters to Reverend Thomas Hyland of Adelaide, requesting that money be sent to Father Matthew Gibney for safekeeping until his ticket was passed out. However the mail failed to reach Hyland, and when it returned to Perth as dead letters, the postmaster general alerted Wakeford as to its source. Wakeford in turn demanded that Bishop Griver furnish him with an explanation for Gibney's involvement in clandestine correspondence, and ordered that Casey be brought before the magistrate at Guildford. An arbitrary magisterial decision resulted in Casey being sentenced to three months hard labour for an offence that normally attracted three days bread and water⁷¹.

Casey's experience at Guildford depot would have made him fully appreciative of the favourable circumstances under which the civilian Fenians served their bondage. A sensitive, religious, well-educated clerk, whose finely attuned nationalist writings had earned him a respected title, 'the Galtee Boy', in Cork⁷², Casey found himself alongside hardened criminals for the first time. He described the trauma of his first night with this company as follows:

The moment the door had been locked and the warder departed, there commenced such a scene of immorality and profligacy; of fighting, bullying and obscene language; of wretches assuming the most indecent attitudes; and of crimes impossible to mention, that I shrank horrified, thinking whether hell itself could surpass in crime the fiends huddled together in that division. I knelt as usual to say my night's prayers, but the moment I was perceived I was assailed with a shower of books, caps etc., as rendered it impossible for me to proceed; one fellow beside me commenced singing

(69) *ibid.*, Compt. Gen., 31 October, 3 November 1868.

(70) *ibid.*, Compt. Gen., 2 November 1868.

(71) C51, 10474, 27, 28 October, 9 November 1869; R16, 9684, 29 October 1868.

(72) The son of a Mitchelstown merchant, John Sarsfield Casey was about seventeen years old when he began to contribute literary pieces to the IRB paper, *The Irish People*, under this pseudonym (Walter McGrath, Cork *Evening Echo*, 3 June 1976).

a highly immoral song; a second recounted with pride infamous exploits in ravishing unfortunate girls in London, and robbing through their agency, their masters' houses; and my entreaties to put a stop to such shameful conduct only excited their laughter, and the hint to keep quiet or 'I'd find myself worse off'⁷³.

When he attempted to complain about his situation to a warder, Casey was taunted with remarks that his company was appropriate. He responded so strongly that he was brought once more before the magistrate, and severely reprimanded for 'insolence and insubordination'⁷⁴.

To Casey's good fortune, he found himself removed from the demonic bowels of Guildford depot a few days later, when Wakeford suddenly decided to revise the sentence to one month solitary confinement at Fremantle prison⁷⁵. Upon arrival at Fremantle, he asked Wakeford why the sentence had been altered and received a short reply that unless he 'kept quiet' he would find himself 'worse off'⁷⁶. In fact, Wakeford decided that Casey's sentence had been too excessive, as Casey later learned when it was reported to him that the comptroller's actual words were 'Twere much better had (he) received but three days'⁷⁷. In line with this opinion, Casey served only about a week in solitary prior to being informed on 13 November that he had been granted a ticket-of-leave⁷⁸.

Whilst Reardon and Casey were being disciplined in solitary confinement, Cornelius Keane, Joseph Noonan and Denis Cashman were brought before a magistrate on charges of having written the clandestine letters Reardon carried to Guildford. Keane received the standard punishment of three days bread and water⁷⁹, and Noonan probably the same,⁸⁰ but Cashman unwisely attempted to argue his case, which only prompted the magistrate to double his sentence to six days bread and water, and to swear on oath that 'by his God....he would give him a month's bread and water in a dark cell', if Cashman appeared before him again⁸¹. Cashman did just that a week later,

(73) Casey, loc. cit.

(74) *ibid.*; and R16, CN 9684, 31 October 1868.

(75) C51, 10474, 2 November 1868.

(76) Casey, loc. cit.

(77) *ibid.*

(78) C51, 10474, 11 November 1868 (Wakeford's recommendation); Casey, loc. cit.

(79) R16, CN 9790, 4 November 1868.

(80) *ibid.*, CN 9837 (record of punishment apparently omitted).

(81) Casey, loc. cit.

but surprisingly the magistrate did not keep to his word. He dismissed a charge that Cashman had 'obtinately and insolently' refused to salute Superintendent H.M. Lefroy when he entered Cashman's cell in Fremantle prison, on grounds that Cashman had stood to attention even if he did not salute⁸². Lefroy promptly complained to Wakeford that due respect to him had been undermined by the decision, adding that saluting by convicts was always enforced in English prisons; but Wakeford declined to intervene⁸³.

Henry Wakeford was well aware of what he described as 'an insubordinate spirit'⁸⁴ beginning to show itself among the Fenians, but was determined not to over-react with a hard disciplinary line that ran a risk of worsening the situation. Accordingly, when he received two petitions from the men at West Guildford that Reardon and Casey be released from solitary confinement and returned to the Guildford camp, Wakeford duly conveyed them to Governor Hampton with a recommendation that Casey be discharged 'as early as possible'⁸⁵. Hampton's approval resulted in Casey serving only one week of his month's sentence before an unexpected release on ticket-of-leave. On the face of it, the Fenians appeared to be very effective lobbyists; but as we see below, there was more to the official line of appeasement than simply relations between the prisoners and their keepers.

After the difficulty Hampton had experienced attempting to lay loyalist fears to rest, it was not in his best interest to allow any hint of trouble with the Fenian convicts to become public knowledge, thereby reviving alarm. The anti-Fenian loyalist lobby, so heavily represented by wealthy property owners, legislative councillors and officers of the regular and volunteer military corps, was at times quiet but never at ease with the Fenian presence in Western Australia. The sudden arrival of the warship Brisk, on 3 February 1868, caused as much alarm as it did excitement, until it became known that Hampton had requested it from Sydney to protect the colony. Its presence should have contributed a sense of security, but a late night practice of the ship's cannon sent near-naked loyalists tumbling into the streets of Fremantle, and its early departure on 1 March⁸⁶ revived

(82) Supt. H.M. Lefroy to Compt. Gen. Wakeford, 12 November 1868, C32, 529; R16, CN 9685, 11 November 1868.

(83) Lefroy to Wakeford, 12 November 1868, loc. cit.

(84) C51, 10474, 2 November 1868.

(85) *ibid.*, 1, 7, 11 November 1868.

(86) Fremantle Herald, 7 March 1868.

concern about the colony's vulnerability to marine bombardment. The arrival from Tasmania of the 14th Regiment troops, on board the Virago on 4 June⁸⁷, partially restored confidence, but within three months it was learned that these, too, were to be withdrawn.

When Hampton was requested by the Home Government, in May, to state whether he had any strong objections to withdrawal of the troops, he confidently replied:

I am glad to report that Fenianism has not shown itself openly even in the slightest degree amongst the free population, and the number of suspected persons under strict, though secret, Police observation, is small... (Moreover) the conduct of the Fenian convicts...has been quiet and orderly⁸⁸.

Conservative loyalists, however, did not share Hampton's optimism. All but one of the six legislative councillors and a half-dozen magistrates petitioned Hampton on 10 September to oppose withdrawal of the troops⁸⁹. Their memorial reminded the governor that Fenians were presently preparing to invade Canada and might well send part of that force to release their comrades in Western Australia. They added that the Home Government's decision to send Fenians to the colony in the first place, had been injudicious and opposed to Hampton's expressed opinion on the subject. The situation now confronting them, they held, was that of a colony seriously undermined by subversion:

Your memorialists are well aware that there are in this Colony many sympathisers with Fenianism and who may be in communication with Fenians in England, Ireland or America as publications favouring Fenianism not permitted to be circulated in⁹⁰ the Sister Colonies constantly arrive here by the English Mail.

The petition concluded that since the Home Government had placed the colony in peril, it was bound to provide protection, or else remove the Fenians to some other place of detention. The signatories further informed Hampton that they intended to forward the same petition directly to the British secretary of state by the next home mail.

- (87) Commander Henry Bingham, H.M.S. Virago, to Hampton, 4 June 1868, Governor's Corres. 1865-70, WAA 136.
- (88) Hampton to Buckingham, 12 August 1868, C018 ~159, PRO 1658, AJCP.
- (89) Memorial submitted by members of council and magistrates of the colony (11 signatures), 10 September 1868, Governor's Corres. 1865-70, WAA 136.
- (90) *ibid.*

Hampton promptly despatched the petition to Whitehall, attaching to it a flat denial that he had ever opposed transportation of Fenians to the colony, adding that such an idea 'exists only in the imagination of the memorialists'. He stated that it probably came from a similar remark in William Burges' letter sent out from London after Burges had complained about the Fenian transportees to the Colonial Office. As to colonial disaffection, he assured Buckingham that if the petitioners had any firm evidence of it, they had never conveyed it to him, and he saw, therefore, no reason to retain the 14th Regiment Companies, which were in any case inadequate to prevent a marine bombardment⁹¹.

As Hampton was already packed and anxious to return to England at the end of a full seven year term as governor, he left the matter of seditious publications allegedly circulating in the colony to his successor, Lieutenant-Colonel John Bruce, who was sworn in as acting governor on 2 November to permit Hampton's prompt departure⁹². Bruce duly inquired of the petitioners what seditious publications they had observed being exclusively circulated in Western Australia, but when William Burges in reply could only cite the Dublin Nation, which he claimed was prohibited in at least one sister colony, Bruce informed Buckingham that the colonial attorney-general could find no act specifically excluding Nation or any other newspaper from Great Britain or her colonies⁹³.

In regard to his handling of the Fenian convicts, and loyalist fears aroused by them over a ten month period, Hampton could justly claim considerable credit for an even-handed policy that had kept both parties under control. He was therefore able to depart the colony with the Home Government's unstinted praise on the matter, as expressed by Buckingham in a despatch which reached the colony in July:

The measures adopted by you appear to have been very judicious, and I have to express my commendation⁹⁴ of the firmness of the whole of your conduct on the subject⁹⁴.

- (91) Hampton to Buckingham, 13 October 1868, CO 18-159, PRO 1658, AJCP.
- (92) Governor's Corres., 1865-70, WAA 136.
- (93) Bruce to Buckingham, 2 February 1869, Confidential despatch, CO 18-161, PRO 1660, AJCP.
- (94) Buckingham to Hampton, 5 April 1868, COD 72, WAA 41.

Unknown to Hampton, the only aspect of his Fenian policy that failed to impress Whitehall, was his recommendation that their probationary periods might be cut to half that normally served by convicts. On the despatch that suggested this idea, Buckingham appended a marginal note: 'I doubt the expediency of any special remission to these convicts with regard to tickets of leave'⁹⁵. But this minor point in no way detracted from Hampton's adroit handling of Fenian bondage throughout 1868. Acting Governor Bruce, however, was far less fortunate. Within a few weeks of Hampton's departure he suddenly found himself confronted with a Fenian 'mutiny' involving the whole of Assistant Warder Howard's work party. As we see below, this disturbance lasted over two months, and was finally resolved as much through fortuitous circumstance as it was through the authorities' management of the Fenians involved.

After 3 months' work on the Clarence Road, south of Fremantle, Howard's party of Fenian convicts moved to West Guildford on 1 May, setting up camp within 5 miles of McGarry's Fenian party⁹⁶. Whereas McGarry tended to be a lenient supervisor, Howard attempted to enforce regulations to the letter. His officiousness, combined with Fenian attempts to communicate with some of their comrades recently released on ticket-of-leave, did much to spark the 'mutiny'. On 15 November, two days after Casey was granted his 'ticket', he arrived at Howard's camp and attempted to converse with some of his comrades⁹⁷. As such contact was forbidden, Howard promptly reported Casey, who was arrested and brought before a magistrate. Bail was refused, and Casey remanded in the Guildford depot for three days. When the case was heard, Howard could not prove that Casey had actually spoken with his friends, beyond giving evidence that his small spotted terrier had been seen roaming about the camp⁹⁸. The magistrate found this proof to be inconclusive and dismissed the case. While Casey was held in remand, however, Howard informed his superior, a superintendent at Perth, that he had a problem with his wife. She had sided with the Fenian convicts, Brophy and Reilly, in criticising his enforcement of regulations, to the point of being openly abusive⁹⁹. Subsequent inquiries by Wakeford revealed the reason behind Mrs. Howard's heated

(95) 23 October 1868, on Hampton to Buckingham, 12 August 1868, CO 18-159, PRO 1658, AJCP.

(96) C16, 10343, 1 May 1868.

(97) Casey loc. cit.

(98) *ibid.*

(99) Supt. at Perth to Compt. Gen, 17 November 1868, C51, 11043.

disloyalty to her husband: he ascertained Brophy and Reilly had informed her that Howard had been 'visited at the camp by some woman for an immoral purpose'¹⁰⁰. Whether Howard actually had his pleasure with a prostitute is not certain, but his wife's fuss indicates the Fenians were probably telling the truth to embarrass Howard in return for his rigorous devotion to duty. Howard's request that the Perth superintendent have his wife removed from Guildford to Perth was submitted to Wakeford and received his approval¹⁰¹. Understandably, ill feeling remained between Howard and his Fenian charges. Three days after the complaint about his wife's conduct, Howard had the police search his camp in an attempt to uncover contraband articles smuggled to the Fenians. The police found only one item: a new suit of ticket-of-leave clothing given to one of the Fenians by Jeremiah O'Donovan, a comrade granted his 'ticket' a week earlier¹⁰².

Nigging conflict between the authorities and the civilian Fenians continued for another two months. Casey, for example, was in bother again on Christmas Day. Having received his 'ticket', he had gone to York in late November to take up a position as Catholic schoolmaster there¹⁰³. The trouble occurred when he and another ticket-of-leave Fenian were entertained at a colonist's home beyond the 10 o'clock curfew which applied to all 'ticket' holders. Casey relates the incident as follows:

On Christmas Day, Mr. Patrick Doran, who had just received his ticket-of-leave, and myself accepted the very kind invitation of a gentleman in York to spend an evening at his house, situated within pistol-shot of my lodgings. Amidst the excitement of the evening, time passed on rapidly, and at 10.15 the house was surrounded by police, who only 'suspected' that we were present. We escaped unseen to our lodgings, and in half-an-hour the 'coppers' finding the birds were fled, marched towards our lodgings, and, without warrant or any other order, arrested us in the Queen's name, and marched us to the 'lock-up'. Next day we were brought before the magistrate for the enormous crime of enjoying ourselves at a respectable man's house at 10 o'clock on Christmas night, but owing to it being the first offence, but more so to the fact that the policemen could not swear positively to have seen us out after 10 o'clock, the case was dismissed¹⁰⁴.

- (100) Report, 8 February 1869, encl., Bruce to Buckingham, 11 February 1869, CO 18-161, PRO 1660, AJCP.
- (101) C51, 11043, 18 November 1868.
- (102) C51, 10474, 20 November 1868.
- (103) R16, CN 9684, 21 November 1868.
- (104) Casey, loc. cit.

Another minor clash of a different nature occurred a week later. It seems that Wakeford chose an opportunity to subject the Fenian work parties at West Guildford to some degree of humiliation for the bother they had caused him over 'improper' mail and surreptitious letter writing. On 31 December he despatched to the superintendent at Guildford a 'parcel of "old" letter forms to be issued to such Fenians who may desire to write home by outgoing mail'¹⁰⁵. The exact nature of the parcel is not revealed, but it was offensive enough to stir Fenian indignation: '..'certain men of West Guildford party refuse to write their letters home on paper issued for the purpose', Assistant Warder McGarry reported, adding that the men requested proper letter paper¹⁰⁶. Wakeford brushed aside the complaint: 'Special paper cannot be issued, they may write or not', he curtly replied¹⁰⁷. Two weeks later, on 28 January, Wakeford made a special visit to West Guildford, mustered the Fenians before him, and asked them whether they had any specific complaints to make. 'My question was received with complete silence', he reported later to the acting governor, John Bruce¹⁰⁸. The Fenians' sullen response was a clear indication of their mood.

A few days later, the opening moves of the 'mutiny' were made. On 1 February Howard charged one of his Fenian work party, David Cummins, with 'idleness and insolence'; but when he instructed the convict constable, Hugh Brophy, to escort Cummins to Perth prison to face the charge, Brophy refused. Brophy was promptly disrated by Howard who was then subjected to further insolence from another Fenian convict, Michael Moore. Unable to extract Cummins and Moore from their comrades' protection, Howard sought support to resolve the conflict. In the meantime, Brophy and a companion, in the role of spokesmen, broke away from Howard's custody and made their way to Perth to register their party's grievances. In an attempt to control the situation, the superintendent at Perth ordered that all troublesome Fenians at Howard's camp be brought under escort to Perth prison to face charges. In addition to Brophy and his companion already at Perth, eleven more joined them under confinement on 3 February. The only remaining Fenian at Howard's camp, a cook named Thomas Bowler, refused to be separated from them and was

(105) C51, 10474.

(106) *ibid.*, Supt. at Guildford to Compt. Gen., 14 January 1869.

(107) *ibid.*, Compt. Gen., 18 January 1869.

(108) 8 February 1869, encl., Bruce to Buckingham, 11 February 1869, *loc. cit.*

marched to Perth the next day¹⁰⁹.

Coincidentally, on the very day Fenian discipline at Howard's work camp was in chaotic disarray, the Galatea dropped anchor in Fremantle Harbour at the commencement of Prince Alfred's belated royal visit¹¹⁰. Bruce boarded the vessel at 1 p.m. on Thursday 3 February, and next morning presided over the official landing, amidst a royal salute from field pieces manned by the Pensioner Guard. Alfred toured Fremantle through heavily festooned streets lined by troops of the 14th Regiment, Pensioner Guards and Volunteer Corps, then proceeded to Perth for a similar welcome. On Friday night he was guest of honour at a Government House ball, and the next morning returned to Fremantle to inspect the Convict Establishment, escorted by Bruce and Wakeford¹¹¹.

Since Wakeford was by this time well aware of the Fenian convict disturbance, the topic would almost certainly have been broached on Saturday morning, or in the afternoon while the party watched a long-awaited cricket match between colonists and the Galatea team. In fact, the Prince's abrupt and somewhat secretive departure from the colony the next morning, suggests that concern for his security was uppermost in the minds of officialdom. The Fremantle Herald later complained that the royal visit seemed to end with undue haste after only three days, during which Acting Governor Bruce appeared to be constantly 'dry-nursing' the Prince¹¹². The most likely reason, the Herald surmised, was official concern over a situation involving some Fenian convicts:

...That the Prince was in a nervous state and suffering from it during his stay was apparent to every observer...The escape of two Fenian prisoners from the Canning party close to Perth to complain of the conduct of the Warder in charge - the strike of the rest of the party added to the previous liberation of some twenty of them on ticket-of-leave caused, as his friends assert, great fears in the mind of the Acting Governor which in an evil hour led him to advise the Prince to hasten his departure¹¹³.

- (109) Wakeford's report, 8 February 1868, loc. cit.; R16, Cns 9826, 9704, 2, 3 February 1869; Supt. at Perth to Compt. Gen., 3 February 1869, C51, 11212; Fremantle Herald, 20, 27 February 1869. It was officially recorded on 12 February 1869: 'The Fenian party mutinied and were distributed' (C51, 10343).
- (110) Bruce to Buckingham, 3 February 1869, CO 18-161, PRO 1661, AJCP.
- (111) *ibid.*
- (112) 27 February 1869.
- (113) *ibid.*

Bruce supervised Alfred's departure on Sunday morning, 7 February, in a secretive manner via the back entrance of Government House to Perth Jetty, where the Galatea's steam launch awaited the party. Bruce's official explanation, despatched to Whitehall, was that, it being a Sunday, they had decided not to assemble a guard of honour¹¹⁴; but a contrary interpretation, scathingly presented by the Fremantle Herald, held that the departure had been an undignified flight, by-passing the Pensioner guard and the public, in the interests of security:

To the surprise and disgust of the whole population he left Government House on Sunday morning by the back way, avoiding the public street where the Pensioners by order were drawn up ...The Prince and suite, picked their way along the filthy beach unobserved to the jetty¹¹⁵.

Bearing in mind that Bruce was an Athlone-born Irish Protestant, his remarkable alarm over a supposed threat from Fenian convicts and ticket-of-leave men, was not surprising. There was, however, a reason behind the Fremantle Herald's obvious desire to ridicule his conduct. According to Bruce, who later complained about the paper's tone to Whitehall, its editors were two conditionally-pardoned convicts who spared no effort in striving to create 'a reservoir of filth for the week'¹¹⁶. To illustrate his point, Bruce despatched extracts in which the Herald suggested that he lacked the social and political distinction normally expected of a head of government, including a satirical sketch of himself by 'Barney O'Keefe':

There ain't no makin' anythin' of him - he's regular cross-grained - he actually once took his meat back to the butcher's in a towel to see that he'd got 16 ounces to the pound¹¹⁷.

For various reasons, then, the Fremantle Herald was inclined to be unsympathetic towards alarm over Fenians that Bruce shared with other fervently loyal free-immigrant colonists.

The Fenian 'mutineers', meanwhile, were proving difficult to handle.

(114) Bruce to Buckingham, 12 February 1869, CO 18-161, PRO 1660, AJCP.

(115) 27 February 1869.

(116) Bruce to Granville, 12 August 1869, CO 18-163, PRO 1661, AJCP.

(117) Encl., *ibid.*

When the party had arrived at Perth prison on 3 February, the original troublemakers, Cummins and Moore, were brought before a magistrate and sentenced to 7 days bread and water¹¹⁸. The rest were given a half hour to choose between returning to their station or being dispersed among other convict parties. Their only response was an absolute refusal to return to Howard's supervision¹¹⁹. The same choice was given to them after a week's confinement and the same reply received¹²⁰. Accordingly, Wakeford, with Bruce's strong approval, instructed that the group be widely dispersed, each Fenian convict being kept ignorant of his destination and not permitted to communicate with others under any circumstances¹²¹. Wakeford reported later that he had been reluctant to ^{take} such action but was compelled by an 'utter defiance of authority' displayed by the Fenians¹²². Bruce duly compiled a full report on the matter for despatch to the Home Government, adding his opinion that the Fenians had failed to appreciate the lenient treatment given them:

The mild treatment of these Convicts has been the result of the solicitude felt by the Comptroller General to prevent them from bringing upon themselves, by misconduct, an aggravation of their punishment, and I regret that they have shown so little appreciation of the forbearance exhibited towards ~~them~~, and have now finally refused to return to subordination¹²³.

Over the next two months, Wakeford's concerted attempts to force the Fenians to submission proved singularly ineffective. The first men dispersed - Moore, Kelly, Sheehan and Daly, were sent to Guildford depot for transferral to separate parties, but upon arrival they refused to work with any party other than McGarry's group of Fenians¹²⁴. All were brought before a magistrate and sentenced to one month's solitary confinement, the first nine days to be on bread and water¹²⁵. On Wakeford's instructions they were returned to Fremantle prison to serve their sentences¹²⁶. Aher, Bowler and Cummins were distributed to separate parties south of Perth, where Aher was shortly in trouble

(118) R16, CNs 9704, 9826, 2, 3 February 1869.

(119) Supt. at Perth to Compt. Gen., 3 February 1869, C51, 11212.

(120) *ibid.*, 10, 11 February 1869.

(121) *ibid.*, Compt. Gen. to Supt. at Guildford, 11 February 1869.

(122) Report, 8 February 1869, encl., Bruce to Buckingham, 11 February 1869, *loc. cit.*

(123) *ibid.*

(124) Supt. at Guildford to Compt. Gen., 15 February 1869, C51, 11212.

(125) *ibid.*, Supt. at Guildford to Compt. Gen. 16 February 1869.

(126) *ibid.*, Compt. Gen. to Supt. at Fremantle Prison, 17 February 1869.

for refusing to work. Sentenced to nine days solitary on bread and water, Aher returned to Fremantle; but at the end of his sentence, when he still refused to work, he was remanded in a dark refractory cell for an indefinite period¹²⁷. Patrick Walle, retained at Perth prison, likewise refused to work in any but a Fenian party; he was sentenced to ten days solitary confinement, the first seven on bread and water¹²⁸. The remaining six, Brophy, Reilly, Downey, Goulding, Lombard and Michael Noonan, were despatched by sailing coaster 115 miles south; the first two to Vasse and the rest to Bunbury work parties¹²⁹. Upon arrival all refused to be separated and were promptly sentenced to seven days bread and water¹³⁰. When their refusal was reaffirmed at the end of this sentence, Wakeford instructed that all be returned to Fremantle prison, to be held in solitary confinement for an indefinite period¹³¹.

Luckily for the rebels, Wakeford seems to have been an astute administrator, disinclined to over-reaction under provocation. On 24 February, in the midst of this conflict, he compiled the usual annual report, including in it a comment on Fenian conduct which reflected disappointment rather than anger:

With reference to the Convicts under sentence for Treason Felony and crimes of a like nature, the greater portion of them during the year conducted themselves well, and I had hopes they would continue to be amenable to the very moderate discipline imposed upon them - Towards the close of the year however some of them displayed a spirit of restlessness and impatience of authority and were apparently chafing under the mild restraints to which they were subject¹³².

It is likely that an officer of Wakeford's experience well understood that a

- (127) *ibid.*, Compt. Gen. to Supt. at Perth, 11 February 1869; Res. Mag. at Murray to Compt. Gen., 6 March 1869, C51, 10474; *ibid.*, Compt. Gen. to Supt. at Fremantle Prison, 9 March 1869; *ibid.*, Supt. at Fremantle Prison to Compt. Gen., 17, 20 March 1869.
- (128) Supt. at Perth to Compt. Gen., 4 March 1869, C51, 11212.
- (129) *ibid.*, Compt. Gen. to Supt. at Perth, 11 February 1869.
- (130) *ibid.*, Princ. Warder Woodrow to Compt. Gen., 19 February 1869.
- (131) *ibid.*, Compt. Gen. to Supt. at Fremantle Prison, 27 March 1869.
- (132) Encl., Bruce to Granville, 27 February 1869, CO 18-161, PRO 1660, AJCP.

stepping up of the punishment of the rebellious Fenians would only prove counter-productive, especially when applied to men who had dug in on principle. He would have realised, too, that such a move stood a good risk of widening the conflict, by attracting sympathetic support from other Fenian convicts not yet involved. In any case, a punishment such as flogging was regarded in 1869 as inappropriate for misdemeanours less serious than attempted escapes and violent assaults on officers. Hampton could boast in 1867, for example, that only two men had been flogged fifty lashes each during the previous twelve months in the colony¹³³; a record that contrasted markedly with 2824 lashes meted out during 1865¹³⁴. Turning away from more severe disciplinary options then, Wakeford pursued one of the few courses left open to him: conciliation. On 8 February he had advised Hampton '...it would in my opinion be most injurious to the discipline of the Convicts throughout the Colony to remove such an officer at the request of the men'¹³⁵; but six weeks later he did a complete about face. On 22 March, with Bruce's approval, Wakeford instructed that Howard be transferred from his post at West Guildford and replaced by another officer¹³⁶. The Fenian stand, it seemed, had humbled the Convict Establishment's comptroller general.

Although there is no record of discussions between Wakeford or his subordinates and the Fenian disputants confined in Fremantle prison, it is likely that an agreement was reached, possibly on two grounds: first, that Howard's replacement would be arranged provided the Fenians agreed to return to work in the separate parties to which they'd been assigned; and second, that any attempt to continue their stand could well jeopardise their chance of receiving free pardons, rumours of which were beginning to circulate in the colony. An early hint of the latter appeared in the Fremantle Herald on 27 February:

Many of your readers - in fact all - will learn with pleasure that there is little doubt the new Government of our Mother Country purposes liberating the Fenians. The Irish of all classes and creed (s) and shade (s) of politics are making every effort to urge the matter on a Government only too desirous of conciliating Ireland and the Irish so as an

- (133) Hampton to Buckingham, 23 December 1867, CO 18-155, PRO 1655, AJCP.
- (134) Fremantle Herald, 10 October 1868 (lists all floggings 1851-1867).
- (135) Report, encl., Bruce to Buckingham, 11 February 1869, loc. cit.
- (136) Compt. Gen., memo, 26 April 1869, C 51-10474.

augury of their success, I may mention that the benefit of 'Habeas Corpus' is again to be extended to Ireland.

The writer of this letter - he signed himself 'Briton' - was clearly aware that Gladstone had led his Liberal party to a sweeping victory over Disraeli's Tories in December 1868, principally on a platform he reaffirmed the day he became prime minister: 'My mission is to pacify Ireland'¹³⁷. It is also apparent that the writer recognized a majority of the Herald's readers as belonging to the emancipist class or their Australian off-spring, a good proportion of them undoubtedly Irish-Catholic, and generally sympathetic to the Fenian convicts. Little wonder then, that an Irish Protestant such as Lieutenant-Colonel John Bruce should regard the Herald's tone as objectionable. A paper more closely aligned to Bruce's viewpoint would have been the Perth Inquirer and Commercial News, which had as one of its weekly maxims:

The true 'Fenian Bonds' - A good pair of handcuffs¹³⁸.

On 17 April, true to 'Briton's' prediction, the Herald confirmed, with only a slight inaccuracy in numbers, that over half the Fenians would soon be informed that they were free men:

We have the pleasure to announce that 39 of the Fenian prisoners in this colony have obtained a free pardon, and that the few remaining as prisoners of the Crown will in all probability experience shortly the same merciful exercise of the Royal Prerogative.

Almost certainly this report of the pardons, in home mail that arrived in April, would have influenced relations between Wakeford and the Fenians. On 13 April, the superintendent of Perth prison reported that all rebellious Fenians had 'without demur proceeded to work in different parties'¹³⁹. A week later Wakeford ordered that the whole group be sent back to West Guildford under Warder Passmore's supervision¹⁴⁰. On 26 April he made a special visit

(137) Philip Magnus, Gladstone (1954), London, 1963, p. 193.

(138) 6 May 1868.

(139) Supt. at Perth to Compt. Gen., C51, 11212.

(140) *ibid.*, 20, 26 April 1869.

to the camp and noted that 'None of the Fenians had any complaint to make'¹⁴¹. In the second week of May, official confirmation of thirty-four free pardons finally arrived, despatched by the new secretary of state, Earl Granville, to Acting Governor Bruce:

I have the honor to inform you that Her Majesty's Govt. have decided upon granting a Remission to Thomas Cullinane or Bowler and the other prisoners named in the accompanying Warrant under the Royal Sign Manual, who were convicted of Treason or Treason Felony in Ireland and who are now under sentence of Penal Servitude in Western Australia.

When...my predecessor informed Governor Hampton that these Fenian prisoners would be included among the Convicts to be sent out in the ship 'Hougoumont', he explained that the leaders of the party and others who were likely to prove troublesome in the Colony had been carefully excluded from the number. It is therefore probable that the prisoners now to be released, not belonging to the Criminal class and not being under any inducement in Western Australia to repeat the political offences of which they have been guilty, will be less dangerous to the peace and order of the Community than any ordinary offender who receives a pardon.

You will take care that the whole of the prisoners receive the benefit of the Royal clemency without delay..¹⁴².

The men listed for free pardons were all but nine of the civilian Fenians, including all ticket-of-leave holders and twelve of the fourteen 'mutineers'¹⁴³. Surprisingly however, they were not necessarily civilian Fenians serving shorter sentences than those not granted pardons. Hugh Brophy for example, serving a ten year sentence due for ticket-of-leave in June 1871, received a pardon; whereas James Kearney and George Connolly, both serving seven year sentences and due for their tickets respectively in April 1870 and March 1871, were denied pardons, despite having excellent convict records¹⁴⁴. No reason for such inconsistencies was given in the despatch and no questions were asked by officials in the colony. One can only conclude that this unequal distribution stemmed from a Home Office bungle similar in nature to the awkwardly contrived despatch of Fenian convicts to Australia in the first place.

(141) *ibid.*, 26 April 1869.

(142) 26 March 1869, COD 74, WAA 41.

(143) Bruce to Wakeford, 11 May 1869, C51, 11212.

(144) R16, CNs 9674, 9791, 9693.

The release of the Fenian 'mutineers' seems to have been determined by pure chance. Bruce's despatch about this conflict, posted on 11 February, reached Whitehall on 23 April 1869, one mail behind Granville's forwarding of the free pardons to the colony on 26 March. Consternation in the Colonial Office was reflected in a marginal note on Bruce's despatch by an under-secretary, W. Dealtry:

This comes at a bad time as the Warrant granting a Remission to the Fenians was only sent out by the last mail.

Copy to the Home Office and some notice ¹⁴⁵ should I suppose be taken to the Governor of this Despatch.

Granville, knowing full well that any attempt to withdraw the mutineers' pardons would arrive too late, could only acknowledge receipt of Bruce's report with a hint that he had, perhaps, not managed the Fenians as well as Hampton:

...I regret that the Fenian prisoners should not have continued to deserve the character for good conduct ¹⁴⁶ given them in Governor Hampton's Despatch of 29th January.

As it happened, however, the uninterrupted distribution of free pardons suited all parties. Gladstone's government was seen to be 'pacifying' Ireland, Wakeford and Bruce rid themselves of an awkward disciplinary problem and thirty-four Fenians received the highest order of pardon, placing no restriction on their returning to Ireland if they so desired. A final happy note was added by Bruce, who informed Granville on 15 May that all instructions had been swiftly implemented, with no need for concern about any undeserving Fenians in receipt of pardons:

1. ...I have the pleasure to inform your Lordship that all of them had returned to their obedience prior to the receipt of the authority for the issue of free pardons.
2. I have further the honour to report that steps for giving these men the benefit of mercy of the Crown were taken without delay.

(145) Minute for Sir Frederic Rogers, 23 April 1869, on Bruce to Buckingham, 11 February 1869, loc. cit.

(146) Granville to Bruce, 30 April 1869, COD 74, WAA 41.

3. The C-G has recently had personal communication with nearly all of these pardoned Convicts, and informs me that from their present frame of mind and disposition he feels it not unreasonable to hope that many of them will settle down quietly in the Colony as peaceable and orderly citizens¹⁴⁷.

It would appear therefore, that Patrick Walle's expectation that he and the other Fenian convicts would abide their time 'like men' was generally an accurate prediction in regard to their first year of servitude. Conversely, the validity of an ultra-loyalist view that Fenians, captive or free, were low-minded, violent anarchists, has been shown to be of doubtful validity. As we have seen, about half the Fenian convicts were not reported for any kind of misconduct during their initial period of servitude. Those who did challenge the authorities, were motivated in part by provocative official conduct - such as the comptroller general's decision to issue them sub-standard letter paper, or by the occasional taunt from a warder - and more usually by official measures to restrict their communications with each other and with friends at home. The outstanding instance of Fenian rebelliousness in fact, arose from the outright refusal of one work-party to be supervised by a warder whose wife was distressed at his contact with a prostitute; a conflict ultimately won by the Fenians despite substantial punishments meted out to them. On the whole though, the Fenian convicts were not subjected to harsh treatment. The exclusion of over half their number from the company of ordinary criminal convicts, for example, was a marked privilege. The overall impression is that of a fairly lenient colonial British convict system attempting to facilitate Fenian moral reformation, but failing in the end to overcome a deeply felt Fenian conviction that they had never been guilty of criminal conduct. Quite clearly a substantial element of public opinion in Western Australia, voiced for example in the sympathetic stance of the Fremantle Herald, concurred with this Fenian belief.

An enlightened, conciliatory attitude on the part of the Gladstone government towards redressing past British intransigence towards Irish national aspirations, resulted in the early, if rather haphazard, release of more than half the Fenian convicts in Australia. The events that followed, as we shall see, centred on Australian reactions to the dispersal of this group, and on Australian and overseas responses to the Fenian - mainly military - convicts who remained incarcerated as a result of long-term sentences.

Chapter 7

O'REILLY'S ESCAPE

That O'Reilly has friends I can have no doubt...and I am equally certain that many would assist a Fenian who would not offer hand or foot for an ordinary prisoner of the crown.

Sub-Inspector William Timperley,
Police Report, 20 February 1869¹.

During the decade 1868-78 there were eight escape bids by Fenian convicts in Western Australia, seven of them successful. The first, John Boyle O'Reilly's break-out in February 1869, invites examination on several counts. As we shall see below, it is unlikely that O'Reilly could have succeeded had he not received remarkable assistance from a Catholic priest, a number of free colonists and several American seamen. The motives and actions of those who helped O'Reilly escape are interesting in that they shed light on the general nature of colonial sympathy for Irish independence, and, more importantly, on the way that sympathy influenced the embryonic emergence of Australian nationalism. A secondary objective in this chapter is its attempt to reconcile Martin Carroll's account of the episode, as recorded in 1954², with criticism of Carroll's findings raised by Ormonde Waters in 1971³ and Rica Erickson in 1983⁴.

On 11 February 1868, O'Reilly was suddenly transferred from his position as orderley to the Catholic chaplain at Fremantle prison to a posting about 120 miles south, at a road camp on the outskirts of the coastal township of Bunbury⁵. No official explanation was given, nor any indication that his services for Father Lynch were considered unsatisfactory. It is possible the prison authorities noticed that O'Reilly was the only military Fenian not

(1) See p. 198.

(2) Martin C. Carroll, 'Behind the lighthouse: A study of the Australian sojourn of John Boyle O'Reilly, 1844-1890', Ph.D thesis, Univ. of Iowa, 1954, pp. 289-363.

(3) Ormonde Waters, 'John Boyle O'Reilly and the Catalpa Ballad', Records of Meath Archaeological and Historical Society, Vol. 4, No. 75, 1971, pp. 3-13 and 'John Boyle O'Reilly', in John Watson (ed.), A Hundred Years Ago - Catalpa 1876, Perth, 1976, pp. 51-9.

(4) Rica Erickson (ed.), The Brand on his Coat, Nedlands, 1983, pp. 114-152.

(5) Superintendent's Order Book No. 10, p. 256, Convict Dept. Records, WAA 1156 (hereafter S010, or S0 11 etc.).

separated from his comrades, or that his leadership qualities were seen to be influencing the other Fenians retained at Fremantle prison. One of the latter, Denis Cashman, records that O'Reilly was deeply moved when he learned about the Manchester executions from a newspaper smuggled into the prison: by 6 o'clock the next morning he had composed a eulogy to the executed Fenians, titled 'The Dead who Died for Ireland'⁶. A few days later his comrades noticed a mounted policeman crossing the prison parade ground, a sure sign that some prisoner was about to be transferred⁷. O'Reilly was soon called to the prison vestibule, furnished with two days' rations in a haversack, and accompanied his guard to the outer gate. Cashman remembered their feelings as he departed:

We waved him an adieu as we were hustled through the gates. Our hearts were heavy; we could not speak. A tear - well,⁸ no matter. Flood, whom O'Reilly loved, never saw him again

O'Reilly would have been escorted to Fremantle to board a small coastal vessel customarily used to convey convicts and prison officers to and from Bunbury.

O'Reilly was assigned to a work-party camped in the bush south of Bunbury, under Warder Henry Woodman's supervision⁹. His group was engaged in constructing a new road from Bunbury to Vasse, but O'Reilly's talents soon enabled him to avoid road labour: his manner and abilities having won Woodman's respect, he was appointed a probationary convict constable¹⁰. This position involved him in the ordering and discharge of stores, occasional escorting of new, sick or troublesome convicts, and the conveyance of weekly reports and messages between the road-camp and Bunbury prison depot¹¹. He was also a means of contact between Warder Woodman and his family; the latter residing in Bunbury in accordance with regulations that disallowed officers' wives and children residing at camps¹².

- (6) Denis Cashman, 'John Boyle O'Reilly' (an obituary) Boston Herald, 24 August 1890.
- (7) *ibid.*
- (8) *ibid.*
- (9) SO 10, p. 256.
- (10) Sub-Inspector Timperley to Supt. G.E.C. Hare, 20 February 1869, Colonial Police Records, 12-962, WAA 129; James Roche, Life of John Boyle O'Reilly, New York, 1891, p. 71.
- (11) Timperley, *loc. cit.*; Roche, *op. cit.*, pp. 71, 76.
- (12) Woodman was transferred to Bunbury on 17 February 1868, with his wife, two children and household effects (Carroll, *op. cit.*, p. 293). A Guildford warder, reported to the comptroller general on 8 May 1868 for 'having his wife with him in the bush', was told he would lose his lodging allowance if he persisted (Comptroller General's Corres., C 16, 6180-2, Convict Dept, Records, WAA 1156 - hereafter C16).

As the position of convict constable carried such rewards as sentence remissions and extra cash gratuities, a probationer was expected to conduct himself in an exemplary fashion. O'Reilly's biographer, James Roche, indicates¹³ that he lapsed in this regard only once prior to his escape. For some reason he was a bit late delivering a communication to Bunbury on one occasion, and was reprimanded by a prison officer who had earlier taken a dislike to him. A few days later, the same officer told O'Reilly that because of his tardiness he would be deprived of immediate receipt of a letter that had just arrived for him from Ireland. The officer handed a black-edged envelope before O'Reilly, which caused him great concern because he was aware his mother had been seriously ill. According to Roche, O'Reilly was finally given the letter six months later, receiving in it belated news of his mother's death. The fact that no official record suggested that any letter to O'Reilly was suppressed, caused Martin Carroll to cast doubt on this episode¹⁴; however as Waters points out¹⁵, it should not be assumed that prison officers always observed regulations. Since Roche's biography is consistently faithful to the facts of O'Reilly's servitude, apart from a few omissions discussed below, there is no reason to suspect that the incident was invented either by O'Reilly or Roche. It probably did occur in the manner related.

The same conclusion may be reached in regard to another incident recounted by Roche, concerning a huge tree in the path of the Vasse Road, saved from destruction by O'Reilly's intervention. O'Reilly had noticed that the road surveyor marked for felling 'a magnificent tree, a giant among its fellows, the growth of centuries towering aloft to the sky and spreading enormous arms on every side'¹⁶. With the zeal of a modern day conservationist he pleaded for its preservation, and obtained from Warder Woodman a postponement of the felling while he pursued the cause before Principal Warder Woodrow, at Bunbury depot. Roche recounts:

He went - this absurd poet in a striped suit - to the commander of the district, and pleaded for the tree. The

(13) Roche, op. cit., p. 72.

(14) Carroll, op. cit., p. 253.

(15) Waters, 'John Boyle O'Reilly and the Catalpa Ballad', loc. cit., p. 8.

(16) Roche, op. cit., p. 73.

official was so amused at his astounding audacity that he told his wife, who, being a woman, had a soul above surveys and rights of way. She insisted on visiting the tree, and the result of her visit was a phenomenon. The imperial road was turned from its course, and a grand work of nature stands in the West Australian forests as a monument to the convict poet¹⁷.

As late as 1952, long-time Bunbury residents would point out 'O'Reilly's tree', towering majestically on a strange elbow in the old Vasse road¹⁸; it was a giant Jarrah, referred to in O'Reilly's time as a West Australian Mahogany. By this time, however, the tree was rapidly expiring, either from old age or from pollution emitted by a nearby superphosphate works¹⁹. It was felled in 1953 leaving a 5 foot diameter stump as evidence of its size and age²⁰. It would appear, therefore, that a great Jarrah was preserved for nearly a century by O'Reilly's sensitive affinity with nature. This trait possibly evoked empathy from Principal Warder Woodrow's wife; or perhaps it was O'Reilly's natural charm that won support. A fellow Fenian and life-long friend, Michael Davitt, accurately depicted the impression O'Reilly's personality commonly made upon comrades and gaolers alike:

His handsome face and dark and laughing eyes, his manly bearing and his sunny disposition, with good feeling running from every pore of his nature like refreshing water from a perennial spring, set prison rules and warder's frowns at defiance...²¹.

In terms of physical appearance, personality and education, O'Reilly was clearly a superior individual. A former journalist turned guardsman in the 10th Hussars, an elite mounted corps, he had a well-earned reputation as an athlete, raconteur and balladist²². His infectious good nature, which had influenced military comrades to join Fenianism in Ireland, was equally disarming among friends and keepers on board the Hougoumont, and was proving just as engaging in the company of warders and their families in Western Australia. In mid 1868, he was in the prime of young manhood; he turned 24 in June, and was officially described as being 5'6" in height, having brown eyes,

(17) *ibid.* p. 74.

(18) H. Drake-Brockman, 'Did O'Reilly save this tree?'. West Australian, 23 August 1952.

(19) Carroll, *op. cit.*, p. 298.

(20) *ibid.*, p. 299.

(21) Michael Davitt, Life and Progress in Australasia, London, 1898, p. 458.

(22) See Ch. 4, p. 108.

black hair, a dark complexion, healthy appearance and no physical imperfections²³. To complete the picture, it should be added that O'Reilly was from childhood a compulsive romantic. A life-long inhabitant of his home township, Drogheda, remembered in her old age that his boyhood interest used to quicken whenever her father broached Irish history. Seated around a blazing fire, someone would mention the legend of Finn and the fighting spirit of the ancient Fenians, or Cromwell's destruction of Drogheda, and O'Reilly would sit entranced while nationalist episodes were recounted with time-honoured respect:

He never be tired listenin' to talk about Robert Emmett an'
when my father'd stop talkin' the question'd often be,
'Will there ever be a risin' again Tom?'
'Maybe there would, avic, maybe there would', is what my
father'd always say to him, an' then the lad'd begin looking
into the fire the same as if there was no one at all near him,
an sorra word he'd say the whole night²⁴.

William Hovey, a long-time friend who edited a volume of O'Reilly's poetry, observed that he was 'over and above everything else, a man of feeling and sentiment. Reasoning, in the full sense of the word, was not in his make-up'²⁵. And Martin Carroll, in his excellent study of O'Reilly's Australian sojourn, comments that his subject doggedly pursued a romantic ideal that never matched, or was restricted by, the reality of circumstances around him:

He was governed in his acts and in his opinions, by impulse,
and it was because of this, and because his impulses were broad,
generous, manly and distinctly human, that his friends held him
in such warm and affectionate esteem²⁶.

All of O'Reilly's personal qualities were instrumental in the blossoming of a deeply affectionate relationship with Jessie Woodman, a daughter of Warder Henry Woodman, whom he met and became increasingly acquainted with during visits to the Woodmans' Bunbury residence on his warder's behalf.

- (23) J.B. O'Reilly, CN 9843, 'Personal and other description of 280 convicts received per ship Hougoumont on 10 January 1868', Convict Dept. Records, WAA 128.
- (24) Brian O'Higgins, 'John Boyle O'Reilly. Glimpses of his boyhood', Donohoe's Magazine, August 1905, pp. 162-8, cited by Carroll, op. cit., p. 22.
- (25) J.B. O'Reilly, Selected Poems, William Hovey and Paul Elder (eds.), San Francisco, 1904, pp. VI-VII, cited by Carroll, op. cit., p. 28.
- (26) Carroll, op. cit., p. 29.

O'Reilly must have decided in later life that his Australian love affair was best not mentioned. Perhaps he wished not to make it public knowledge, nor to remind himself in America that he had left behind a colonial lass who loved him; or perhaps in deference to his wife Mary (nee Murphy, whom he met in Boston in 1870 and married two years later), and his four daughters²⁷, he decided that the relationship should not be disclosed. For whatever reason, no reference to it appears in Roche's generally thorough biography of 1890. It fell to O'Reilly's Fenian comrade, Michael Davitt, writing eight years after his friend's death, to make what was probably the first public mention of the affair:

No man or woman could resist the magnetic charms of O'Reilly's personality....He succeeded in winning the confidence of the warder in charge of the road-making gang at Bunbury, and was placed in a post of trust. He helped the officer to write his reports, regulated the business of the convict stores, and was privileged to become the bearer of reports from one depot to another. In these journeys he attracted the ardent attention of a young girl, daughter of a warder, who conceived a strong attachment for the handsome young rebel, whose convict dress could not disfigure the fine physique and manly bearing of the prisoner. ...I was assured when in Fremantle that the girl to whom I refer had shown great devotion to O'Reilly...²⁸.

One or more descendants of Bunbury colonists who were aware of O'Reilly's relationship with Jessie, informed Martin Carroll of it in the 1950's. Although he cites only one source - Annie Stokes, 83, of West Leederville, the only surviving child of James Maguire who aided O'Reilly's escape²⁹ - he had no doubt as to the veracity of his information, stating as a 'fact' that O'Reilly and Jessie Woodman were deeply in love³⁰. Ormonde Waters, in 1971, rejected Carroll's finding, considering it unbelievable that a convict could conduct such a relationship: '...the Warder's daughter - no less! The whole idea is preposterous'³¹. Rica Erickson, too, has recently disagreed with Carroll on this point; on grounds that another Fenian convict, James Reilly, and not John Boyle O'Reilly, was rumoured to be Jessie's lover³². However in view of Davitt's evidence, it would appear that Carroll's research among old Bunbury residents was indeed accurate.

(27) Roche, op. cit., pp. 132-3.

(28) Davitt, op. cit., pp. 456, 458-9.

(29) Martin Carroll, 'The Mark of Boyle O'Reilly's Escape', West Australian, 20 December 1952.

(30) Carroll, op. cit., p. 326.

(31) Waters, loc. cit., p. 9.

(32) Erickson, op. cit., p. 138.

Reading between the lines of O'Reilly's novel Moondyne,³³ one finds shades of the love affair. O'Reilly partly portrays himself in the character Will Sheridan, a lad about twenty, the son of Captain Sheridan, 'a bluff old Irishman' retired from the navy³⁴. This character was modelled on Captain Watkinson, O'Reilly's uncle, with whom he resided while apprenticed to the Guardian in Preston, England. Will falls in love with Alice Walmsley, whom he affectionately calls Allie, a lass about sixteen, in whom much of Jessie appears to be embodied. In the Vasse district of Western Australia, a settler's daughter asks Alice, 'Why do you always pity the convicts so? One would think you ought to hate them?', whereupon a friend responds: 'Alice couldn't hate even the convicts'³⁵. As their relationship grows, Alice discloses to Will: 'I am not a Catholic'³⁶. Another central character, Mr. Wyville, a prison reformer who is appointed comptroller general of the Western Australian penal establishment, reflects shades of Warder Woodman. Wyville, in the role of Alice's guardian (her father being dead) discovers that the young couple have been secretly courting in the Vasse bushland. Little imagination is needed to read into covert meetings between Allie and Will, O'Reilly's artistic depiction of actual experiences shared with Jessie Woodman:

With the first warm flush of morning, Alice was away on her favourite lonely walk by the river...where the spreading mahogany trees reached far above the water... Without a word they met. Alice put out both her hands, and he took them, and held them, and after a while he raised them one after the other to his lips, and kissed them. They turned towards the house and walked on in silence. Their hearts were too full for words. They understood without speech. Their sympathy was so deep and unutterable that it verged on to the bounds of pain. ...It was a silent meeting and parting but it was completely eloquent and decisive. They had said all each longed for, in the exquisite language of the soul³⁷.

As already suggested, in reference to passages in Moondyne describing scenes on board the Hougoumont, O'Reilly's novel is clearly a fictional composite of real experience. The plot bears only slight resemblance to his situation in

- (33) Moondyne: A Story from the Underworld, Boston, 1879 (3rd ed.).
- (34) Cf. Moondyne, p. 49, and Roche, *op. cit.*, pp. 6-7.
- (35) O'Reilly, *op. cit.*, p. 259.
- (36) *ibid.*, p. 141.
- (37) *ibid.*, pp. 275-7.

the colony, but scattered images powerfully evoke reality. A typical example is one that depicts summer at Koagulup (now Cokelup) the actual site of O'Reilly's party on the Vasse roadworks:

It was a scorching day in midsummer - a few days before Christmas. Had there been any moisture in the bush it would have steamed in the heavy heat. During the mid-day hours not a bird stirred among the mahogany and gum trees. On the flat tops of the low Banksia the round heads of the white cockatoos could be seen in thousands, motionless as the trees themselves. Not a parrot had the vim to scream. The chirping insects were silent. Not a snake had courage to rustle his hard skin against the hot and dead bush-grass. The bright-eyed iguanas were in their holes. The mahogany sawyers had left their logs and were sleeping in the cool sand of their pits. Even the travelling ants had halted on their wonderful roads, and sought the shade of a bramble.

All free things were at rest; but the penetrating click of the axe, heard far off through the bush, and now and again a harsh word of command, revealed that it was a land of bondmen.

From daylight to dark, through the hot noon as steadily as in the cool evening, the convicts were at work on the roads - the weary work that has no wages, no promotion, no incitement, no variation for good or bad, except stripes for the laggard.

Along the verge of the Koagulup Swamp - one of the greatest and dimmest of the wooded lakes of the country, its black water deep enough to float a man-of-war, - a party of convicts were making a government road. They were cutting their patient way into a forest only traversed before by the aborigine and the absconder³⁸.

Martin Carroll states that the love shared by O'Reilly and Jessie blossomed in the spring of 1868, amidst the wild-flower beauty of the Western Australian bush; all the fierce promises and madness of first love were initially there, but as spring gave way to summer the grim reality of their hopeless future began to sink in³⁹. O'Reilly, sentenced to twenty years, could not expect to marry prior to being granted a ticket-of-leave, still eight years away. In November, his captivity beginning to weigh heavily on his mind, O'Reilly sought solace from Father Patrick McCabe, Bunbury's parish priest, whose responsibilities also embraced Catholic convicts in the district. McCabe listened while O'Reilly divulged a plan to abscond to the bush, then advised him to forget it, commenting that it was 'an excellent way to commit suicide'⁴⁰.

(38) *ibid.*, p. 5.

(39) Carroll, *op. cit.*, p. 324.

(40) Roche, *op. cit.*, p. 76.

After this exchange O'Reilly seems to have lapsed into despair. He undoubtedly realised that the combination of a harsh environment and the persistence of police trackers gave escapees only a slim chance of survival if they were not recaptured. Two days after Christmas he slashed his wrist in a desperate attempt to end his life.

The only contemporary references to this incident were recorded by Sub-Inspector William Timperley of Bunbury police station. In a diary he kept, Timperley recorded on 27 December:

Started for the Vasse at 4 p.m....- overtook Dr. Lovegrove trotting out of town - accompanied him as far as Woodman's camp where the probation constable named Riley (sic) one of the late head centres of Fenianism had attempted suicide by cutting the veins of his left arm and being accidentally discovered by a brother prisoner when in a faint from loss of blood was...saved⁴¹.

Two months later Timperley noted on a report referring to O'Reilly's escape: 'I may also state that this prisoner attempted suicide on the 27th Dec. last (by cutting the veins in his arm)⁴². Quite clearly, Timperley's earlier reference to 'Riley' instead of 'O'Reilly' was an accidental error. The only Fenian convict named Reilly was stationed not at Woodman's camp but at Warder Howard's camp at Guildford, 120 miles away⁴³.

A surprising aspect of the suicide attempt is that no report by a prison officer was made when the incident occurred, nor afterwards when it appeared in Timperley's report. Had an official investigation been made, O'Reilly's case would have been referred to the medical superintendent, Surgeon George Attfield, who kept meticulous records on the physical and mental illnesses of individual convicts⁴⁴. But as no mention appears in any convict records, it appears likely that a cover-up occurred. The officer who would have known that O'Reilly attempted suicide, but apparently decided not to report it, was Jessie's father, Henry Woodman. If so, what prompted his neglect of duty? Explanations can only be speculative: perhaps Woodman

- (41) W.T. Timperley, Private Journal, Acc. 2892 A, BL (this reference courtesy of Rica Erickson, corres. with the writer, March 1984).
- (42) Timperley to Hare, 20 February 1869, loc. cit.
- (43) Erickson accepts (letter to the writer, 25 March 1984) that she has incorrectly identified James Reilly as the would-be suicide in her work, The Brand on his Coat (op. cit., p. 138).
- (44) See, for example, Surgeon's Medical Journals, M9, M12, M32 and Perth Gaoler's Corres. Book, C52, Convict Dept. Records, WAA 1156.

became aware, either before or after the incident, that O'Reilly and his daughter had been meeting secretly; or perhaps, as was locally rumoured⁴⁵, Jessie became pregnant, and this became known to O'Reilly, Woodman, or both. In either case, it would not have been in Woodman's interest to instigate an inquiry that ran a risk of causing him acute embarrassment, both personal and professional.

Apart from rumour, no firm evidence of Jessie's alleged pregnancy can be found. No baby named O'Reilly or Woodman is listed in registers of births and deaths for 1869, and the fact that Woodman had no sons hinders a search for descendants' information. In later life Woodman became lessee of Freemason's Hotel, Albany. He died aboard a ship returning from eastern Australia in June 1877 - accidentally, after falling down a staircase, and was given a Wesleyan funeral at Albany on 7 June⁴⁶. His wife and an unmarried daughter survived him. In support of Jessie's alleged pregnancy, however, are two shreds of evidence. Martin Carroll points out that Woodman took up his Bunbury post with two children, but departed to his next post accompanied by his wife and only one child: an indication that Jessie may not have accompanied the family to her father's new position at Guildford⁴⁷. Additionally, two references in Moondyne deserve a passing mention, without over-emphasising any connection they may have had with real events. One is O'Reilly's depiction of Alice's loss of sexual innocence:

...The moment of communion was reached at last, when her girlish life plunged with delicious expectation into the deep...she rose to the surface to behold the land receding from her view - the sweet fields of her innocent and joyous girlhood fading in the distance.

She raised her eyes, and saw the heaven calm and beautiful above her, sprinkled with gem-like stars - and she cried...⁴⁸.

The other is a powerfully emotive focussing on Will's remorse when Alice, unmarried and deserted by another lover, gives birth to a still-born child:

(45) Carroll, op. cit., fn. p. 326.

(46) Albany Mail, 8 June 1887; Perth Inquirer, 8 June 1887.

(47) Carroll, op. cit., p. 326.

(48) O'Reilly, op. cit., p. 121.

And Allie's white face will haunt him, even in sleep, with
her dead child in her arms. Oh God, help poor Allie tonight!
God comfort the poor little lassie!⁴⁹.

It is perhaps not entirely fanciful to conjecture that O'Reilly - in later life a chronic insomniac, who died, aged only 46, after taking an accidental overdose of a sleeping potion⁵⁰ - was himself haunted at times by the girl he loved and left in Western Australia.

Father Patrick McCabe was a native of County Cavan who had arrived from Ireland in about 1859. He ministered first in Champion Bay then moved to Bunbury parish in 1866. According to O'Reilly, he was a scholarly, energetic priest who covered great distances on horseback to tend to the needs of his parishioners⁵¹. He was also busily involved rebuilding Bunbury Catholic Church in January 1869,⁵² but found the time to lay careful plans for O'Reilly's escape. For one who had observed numerous convict escape bids over many years, the responsibility McCabe faced would have been awesome. As he had earlier pointed out to O'Reilly, any support he could arrange for a bolt to the bush was little better than encouraging suicide. The Indian Ocean to the east and the vast pathless bush to the west, provided natural barriers. Convicts had been known to eke out a precarious existence in the bush, often dependent on aboriginal sympathy, but almost inevitably they either died or were in time recaptured. McCabe would have realised that O'Reilly's best chance was to quit the colony; however to arrange it was a challenge fraught with a high risk of failure.

The recovery of escapees fell to the Pensioners, prison officers, mounted police, and native trackers, all of whom maintained a high success rate. Between 1850 and 1862, escape bids averaged about 500 per year, but throughout this period not a single probationary convict made good his escape⁵³. Forty-two convicts did manage to quit the colony clandestinely during these years⁵⁴ but all were ticket-of-leave holders who were less closely supervised

(49) *ibid.*, p. 82.

(50) Roche, *op. cit.*, pp. 354-6.

(51) *quoted ibid.*, p. 76.

(52) Father John Senan Moynihan, 'Fenian Prisoners in Western Australia', *Eire-Ireland*, Summer 1968, Irish-American Cultural Institute, St. Paul, Minnesota, U.S.A. See also, by the same writer, 'Irish priest aids prisoner in escape from Australia;', *Sunday Independent* (Dublin), 22 February 1970.

(53) Fremantle Convict Establishment, annual reports 1850-62, cited Carroll, *op. cit.*, p. 302.

(54) *ibid.*

and had money to pay abettors. An important factor in this record was the payment of rewards charged to the prisoners recaptured. In 1868, for example, a total of £300 was paid to the men who recaptured 127 absconders⁵⁵. A typical reward, for the recapture of two convicts in February 1868, was £11 paid to two police officers (Sergeant Kelly and Constable Lee, £4 each) and two native trackers (Billy and Fred, £1-10-0 each), charged to the escapees in proportions £6 and £5, according to resistance they gave⁵⁶. In the same month, a £5 reward was paid to one convict who recaptured another⁵⁷. Since £5 was close to a month's wage for a police constable or prison warder, or two month's pay for a native tracker⁵⁸, the zeal of those involved in hunts for escapees was understandable.

To make matters more difficult for McCabe, recovery methods were becoming increasingly sophisticated and effective. In April 1868, it was decided that the old practice of raising a red flag and firing a cannon at Fremantle prison to alert all around that an escapee was at large, should be discontinued since it served only to cause needless alarm among local inhabitants⁵⁹. The Fremantle Herald, active in a campaign that achieved this reform, satirically sketched over-zealous pursuits led by Captain Charles Manning, commander of the Fremantle Volunteers, which it argued belonged to the past:

(It is hoped) the public are relieved from...the firing of cannon, hoisting of signals, and blowing of trumpets, followed by the exciting and ludicrous spectacle of phrenzied policemen, black and white, hurrying on foot and horseback - of Pensioners half-accountred rushing to and fro seeking the Captain, and last not least of the ridiculous exhibition of the Captain himself - mounting the first steed to be got, galloping with a revolver pointed in the direction of the supposed mutiny, inspiring the timid with terror and the lovers of fun with a fit subject of ridicule - all to prevent the escape of a manacled monomaniac loaded with 28 lbs of irons, rivetted and fastened so as to prevent him making any physical movement much less an escape...⁶⁰.

Behind the Herald's satire, inspired mainly by absconders from hard labour,

- (55) *ibid.*, p. 304.
- (56) Entry 3854, 21 February 1868 'Governor's approval of police expenditure, 1867-75', Colonial Police Records, WAA 129.
- (57) *ibid.*, entry 3859.
- (58) *ibid.*, 10-228; also 'Return of salaries of officers of the Convict Dept.', 9 April 1868, CO 18-158, p. 272, PRO 1657, AJCP.
- (59) Gov. Hampton to Major Crampton (Officer in Command of Troops), 22 April 1868, C16, 9681-109.
- (60) 23 November 1867.

was the knowledge that most escapees were caught just as effectively without undue drama. Very rarely, for example, did an escapee use a fire-arm to resist recapture. During 160 escape bids made in 1867, one convict only attempted to fire at police in pursuit, being killed in the exchange of shots that followed⁶¹. Generally it took three or fewer officers to apprehend an escapee, usually after dogged tracking by native police, diligent inquiries and the occasional purchase of information⁶². Official concern for the further improvement of tracking methods is evident in moves made during 1867 to ensure that only probationary convicts wore boots with nails on the sole arranged in a broad-arrow pattern. Sergeant Kelly of Newcastle, complained to his superiors in August that tracking had been confused by ticket-of-leave and conditionally pardoned men wearing the standard convict boot; in particular, he referred to a recent case where his trackers had followed broad-arrow nail prints 20 miles in the wrong direction in pursuit of an innocent man⁶³. When Kelly's complaint was conveyed to the ever diligent comptroller general, Henry Wakeford, he instructed that ticket-of-leave and conditionally pardoned men were in future to receive boots marked with a straight-row nail pattern; and the accountant of stores obliged accordingly⁶⁴.

Such an application to duty, pecuniary interest, or both, on the part of those who pursued escapees, failed to dissuade McCabe. Nor was he put off by the fact that every convict in the Bunbury district who had attempted escape since O'Reilly's arrival there, about two dozen in all, had been duly recaptured⁶⁵. He would have been aware, too, that recapture resulted in severe punishment; as regularised in September 1868: up to three years hard labour in chains for a convict serving less than a life sentence, and up to five years for a lifer⁶⁶. In addition, about six months solitary confinement

- (61) Comptroller General's Annual Report, 5 March 1868, C018-158, PRO 1657, AJCP.
- (62) Recaptures 1867-75 described, 'Governor's approval of police expenditure 1867-75', Colonial Police Records, WAA 129; *ibid.*, 12-962, Sub-Inspector Timperley's reports, 20, 24 February, 3 March 1869.
- (63) *ibid.*, 11-74, report dated 28 August 1867.
- (64) *ibid.*, Commissioner Hare to Compt. Gen. Wakeford, 28 August 1867; Wakeford, memos to the accountant of stores, 30 August, 28 October 1867; accountant's replies, 31 August, 29 October 1867.
- (65) Carroll, *op. cit.*, p. 305.
- (66) Circular Memo, 16 September 1868, C 16, 10734-6.

was customary, and less commonly, several dozen lashes. For example, two recaptured Bunbury escapees, who absconded in a small sailing boat two days before O'Reilly's bid, each received sentences of three years hard labour, including six months in irons and an additional three months solitary confinement⁶⁷. Lashes were usually reserved for incorrigibles, such as three escapees from Perth causeway, who were most likely already serving hard labour when they absconded in February 1868; a bid that earned each man three dozen lashes and seven days bread and water⁶⁸. Lest a similar fate befall O'Reilly, McCabe delayed several weeks, carefully collecting advice for a plan that had a good chance of success. For O'Reilly, still in a depressed state of mind, the delay would have seemed an eternity: 'Boyle, poor Boyle, cried and cried in desperation for help', recounted James Maguire, an Irish colonist from whom McCabe sought aid⁶⁹.

McCabe's principal assistance came from a small group of Irish farmers settled on land on the outskirts of Bunbury. His main contact, James Maguire, owned a farm at Dardanup, several miles south-west of the township. A free immigrant from Ireland, Maguire was 10 when he arrived with an elder brother John and his wife, Catherine, aboard S.S. Trusty in 1844⁷⁰. The Maguires were attracted to the Western Australian Company's ill-fated Australind settlement established three years earlier, but were so disappointed with the land that they attempted to secure return passage on the ship that brought them out. When the captain declined their request, on grounds that it would cost him more than his position if he took settlers away from the company's new settlement, the Maguires settled temporarily. John Maguire found work at 'Belvidere', a property across the Leschenault estuary from Australind, managed by Thomas Little, an Irish overseer of Charles Robert Princep (a British colonist living in Calcutta). On Princep's behalf, Little had purchased several tracts of land in the Bunbury region, and later acquired his own land at Dardanup, which he leased to Irish immigrant farmers. By 1869 the Maguires were well-established, both having taken up their own land on the Ferguson River at Dardanup. In addition, James was a JP and chairman

- (67) Perth Gaoler's Corres. Book, C50, sundry reports 19 February - 25 April 1868, Convict Dept. Records, WAA 1156 (hereafter C50).
 (68) Sundry reports: C16, 10032-43, 9 March 1868; S010, 10, 17 March 1868.
 (69) Mrs. Annie Stokes (Maguire's daughter) quoted, Carroll, 'The Mark of Boyle O'Reilly's Escape', West Australian, 20 December 1952.
 (70) Dictionary of Western Australians, 3 vols., Nedlands, 1979, Vol. 3 (compiled Rica Erickson), p. 553.

of Dardanup road board, and John - 'Lord John' to his friends - was Dardanup's postmaster, residing in a fine double-storeyed house⁷¹.

Early in 1869, McCabe arranged contact between O'Reilly and James Maguire. At the time Maguire was fulfilling a contract to clear the site of Bunbury racecourse, beside the road that linked the township with O'Reilly's work-camp at Koagulup. As O'Reilly passed by, Maguire shouldered his axe, beckoned him with a traditional bush 'coo-ee', and identified himself as 'a friend of Father Mac's'. He then passed O'Reilly a note from McCabe verifying his trustworthiness, and explained that they planned to smuggle him aboard an American whaler expected to depart the colony in about a month's time. A parting remark from the well-built Irishman - known to his friends as 'big Jim'⁷², concluded their conversation: 'You'll be a free man in February, as sure as my name is Maguire'⁷³.

McCabe's plan was a well-tryed option that had a good chance of success. Of the 42 ticket-of-leave men who made good their escape between 1850 and 1862, 21 had clandestinely boarded American whalers⁷⁴. Ever since the colony's early days, vessels from New Bedford, Nantucket, and other American ports, had hunted whales in the Indian Ocean off Western Australia, dropping anchor once each year at their preferred ports of Albany and Bunbury - Fremantle was considered too exposed - to replenish supplies of fresh food and water. The usual February excitement aroused by Yankee whalers at Bunbury, was recorded by the Perth Gazette in 1868:

This is a busy time with our tradespeople, who generally manage to drive a good trade with the whalers in tobacco, soap, candles, etc. which are sold in barter for potatoes, onions and pumpkins.

...It is really amazing to witness the doing of the people. No sooner does a Yankee whaler drop anchor than the news is immediately telegraphed throughout the district. Then all are in bustle and confusion; dowager dames are anxious to go on board to see what can be got, while the younger ladies are equally eager to form fresh acquaintances. Visitors are always

(71) Ormonde Waters, 'John Boyle O'Reilly and the Catalpa Ballad', loc. cit., pp. 6-7; reminscences of Mary Catherine Garvey, of Dardanup, granddaughter of John Maguire, *ibid.*; and this writer's taped interview with Mary Garvey, 29 August 1980.

(72) Interview with Mary Garvey, 29 August 1980.

(73) Quoted Roche, *op. cit.*, p. 77.

(74) Carroll, *op. cit.*, p. 302.

made welcome on board these vessels, and pleasant parties are sometimes formed...The good people here return the compliment by making the officers and men welcome to their houses - the acme of their enjoyment consisting in a dance⁷⁵ in a room about 10 feet square, with the glass at 84° deg.

The enjoyment Yankee seamen and Bunbury locals derived from lively dances in humble surroundings, was clearly viewed with a degree of scorn by the Gazette, a voice of more respectable, wealthier colonists. From the same loyalist quarter there was, as we have seen in other chapters, an understandable suspicion of Yankee 'ruffianism', since it was well known that anti-British feeling ran strong in the northern states during and after the civil war. For this reason particularly, American whaling captains tended to pity convicts transported to Australia,⁷⁶ especially Irish prisoners, who in Yankee eyes appeared to be kindred opponents of British attempts to suppress national independence and republicanism.

On the basis of such sympathy, ticket-of-leave convicts with money at their disposal did not find it too difficult to persuade whaling captains to accept payment for assisting escapes. The going price was fairly high - £30 in the early 1870's⁷⁷; but considering that captains risked restriction or loss of anchorages, and usually took on board an inexperienced sailor to provide for, it was not outrageous. Accordingly, Father McCabe, or someone acting on his behalf, secured an agreement with Captain Anthony Baker, commander of the New Bedford barque, Vigilant, anchored since early February at Bunbury, to take O'Reilly aboard in return for a sum raised by the priest. What McCabe paid is not recorded, but it probably exceeded the £10 he subsequently paid a second-choice captain - as we see below, the first plan aborted - to carry O'Reilly only as far as Java⁷⁸.

On Wednesday 17 February, O'Reilly attempted to contact seven of his comrades expelled to Bunbury for their refusal to work under Assistant Warder

(75) Perth Gazette, 7, 21 February 1868, cited Carroll, op. cit., p. 311.

(76) Father Kevin Shanley, 'John Boyle O'Reilly: a sower of infinite seed', Bulletin, The Eire Society of Boston, Vol. 29, No. 1, 7 March 1971, p. 4.

(77) James Wilson to John Devoy, 4 September 1873, W. O'Brien and D. Ryan (eds.) Devoy's Post Bag, 2 vols, Dublin 1948 and 1953, Vol. 2, p. 563.

(78) Young quoted, Roche, op. cit., p. 82.

Howard, but was abruptly ordered away from Bunbury depot where they were being held⁷⁹. At Koagulup that evening, he recounts, he penned a hurried letter informing his father that he hoped to reach the United States, and as dusk fell he changed clothes and quietly left the camp, bound for a pre-arranged rendezvous with James Maguire that night. Almost immediately he saw that he was being followed by a mahogany sawyer named Kelly, a ticket-of-leave convict who had noticed him conversing with Maguire and had suspected that a plan was afoot. But when Kelly approached he only whispered hoarsely: 'Are you off?...God speed you. I'll put them on the wrong scent tomorrow'. At the rendezvous point, a huge tree close to the junction of the Vasse and Dardanup roads, O'Reilly settled down to await Maguire who had arranged to herald his approach by whistling 'Patrick's Day'⁸⁰.

Maguire duly arrived on horseback, with a spare mount for O'Reilly, accompanied by another rider. Alexander Young's account of the escape (*Philadelphia Times*, 25 June 1881), a detailed description quoted verbatim by James Roche in his 1890 biography of O'Reilly, refers to the third man only as 'M_____'; an indication, most likely, that O'Reilly wished to protect him, possibly at his own request, from retributive action. James Maguire, with whom O'Reilly maintained regular correspondence in later years⁸¹, was obviously less concerned, since his identity figures prominently in Young's account. An independent landowner, Maguire probably conveyed to O'Reilly that it mattered little if his name was mentioned; and if that was the case he was proved correct, since no record exists of official action subsequently being taken against him. Father McCabe, also named by Young, presumably shared Maguire's view; he was, in any case, beyond harm in 1881, since he left the colony for Adelaide in 1875, and later made his way to America⁸². James Maguire's daughter, Annie Stokes, revealed the identity of 'M_____ ' to Martin Carroll as being Thomas Milligan, a friend of her father's⁸³.

(79) Timperley to Hare, 20 February 1869, loc. cit.

(80) Young's account, quoted Roche, op. cit., pp. 77-8. Young records 18 February as the departure date, but W.A. police records indicate that it was 17 February. See, for example, Timperley, 20 February 1869, loc. cit.

(81) Letters from O'Reilly and other papers belonging to Maguire were inadvertently thrown away by relatives (Carroll, op. cit., pp. 308-9; Mary Garvey, interview, 20 August 1980).

(82) Father John Senan Moynihan, 'Fenian Prisoners in Western Australia' loc. cit., p. 9. And see below, pp. 204-5.

(83) Carroll, op. cit., p. 332.

Ormonde Waters, on the other hand, learned from Mary Garvey that 'M_____' was her grandfather, Maguire's elder brother John⁸⁴. The former identification appears more likely. John Maguire may well have given McCabe valuable assistance, but it is doubtful whether his role went beyond that. As we shall see below, when police investigations were made at Dardanup the next day, James Maguire carefully covered his absence with a prepared alibi; but had John Maguire been absent from his position as Dardanup postmaster on a Thursday, suspicion would readily have been aroused. By contrast, Thomas Milligan was ideally placed to take part in the rescue, since he leased farmland on 'Belvidere' station, on the Leschenault peninsula fronting the sea⁸⁵.

According to Young, James Maguire, O'Reilly and a companion we assume was Milligan, rode at length through the bush late on the Wednesday night that O'Reilly escaped. After some hours' riding, Maguire dismounted and made contact with three more friends not far from Bunbury. One departed with the horses while the others proceeded on foot along a road bordering a swamp. At some point O'Reilly waited with Milligan while the others went ahead to secure a row-boat; and when all was ready, a lantern beckoned them forward to a bridge where the boat was moored in a brackish tidal-affected river. All boarded except Milligan who balked at joining them, explaining in a trembling voice that he had promised his wife he would not go in the boat. Neither Maguire's entreaties nor another's scornful jeer could induce Milligan to change his mind. Three men and O'Reilly then set silently to the oars, propelling their vessel down-river towards the mouth of Leschenault estuary⁸⁶.

Further details are provided by two reminiscences that appeared in the Western Mail in 1939⁸⁷. Two of the men who met Maguire on foot were most likely John McKree, a Bunbury shoemaker known as 'Mickie Mackie' to his friends,

- (84) Waters, 'John Boyle O'Reilly and the Catalpa Ballad', loc. cit., p. 10; Waters, 'John Boyle O'Reilly', loc. cit., p. 55.
- (85) Carroll, op. cit., p. 332.
- (86) Quoted Roche, op. cit., pp. 78-9.
- (87) 'John Boyle O'Reilly's Escape', letter to the Western Mail, 19 January 1939, from 'Fair Fat and Firty', a sister-in-law of Matthew Jackson - a boy befriended by O'Reilly during his escape; 'O'Reilly's escape from Bunbury', letter to the Western Mail, c. January 1939, from 'Old Bunbury' (E.H. Withers), who met O'Reilly on several occasions whilst tending sheep near Bunbury race course, at 10 years of age (this source kindly provided by Ormonde Waters).

and Mark Lyons, both Irishmen. The third was probably an Englishman named Joseph Buswell, a fisherman who lived on the shore of the estuary, whose boat was very likely commissioned by the rescuers. Buswell, a former convict transported for burglary in 1855⁸⁸, was suspected of complicity in the escape following investigations by the officer in charge of police at Bunbury, Sub-Inspector William Timperley. Timperley could not prove Buswell's involvement, but noted that he had taken part 'in the same sort of business before'⁸⁹. As Carroll points out⁹⁰, the bridge mentioned was almost certainly that over the Collie River, a short distance from the estuary and within walking distance of Bunbury (see map). It is likely Buswell's experience was needed to guide the boat via Leschenault estuary to the open sea, and that four oarsmen were required in the ocean swell. When Milligan unexpectedly balked at the last moment, O'Reilly would have been needed on the fourth oar. The men cleared the mouth of the estuary and steered north, past twelve miles of deserted coastline that provided the eastern boundary of 'Belvidere' station. Towards the property's northern end, at a place called Mowenup, high sandhills gave a clear view down the coast to Bunbury. At this vantage point the men proposed to wait until the Vigilant set sail on an expected northern tack from Bunbury port the next day⁹¹.

It was near noon when the rowers beached their craft at Mowenup, carefully avoiding Little's Reef which ran parallel to the shore. They crossed the sandhills and proceeded through dense bush to the edge of the estuary, knowing that food and water could be obtained nearby from Thomas Jackson, Mark Lyons' brother-in-law, who kept a herd of water-buffalo - imported originally

(88) Dictionary of Western Australians, Vol. 2 (compiled Rica Erickson) p. 76.

(89) Timperley to Hare, 3 March 1869, loc. cit.

(90) Carroll, op. cit., p. 337.

(91) Western Mail, 19 January 1939; Roche, op. cit., p. 79. One obviously incorrect detail in Young's account quoted by Roche, is that the men rowed forty miles southward across Geographe Bay towards Cape Naturaliste. The same account later states (p. 80) that the men sighted the Vigilant sailing a northern course towards them after it left Bunbury. As Carroll points out (op. cit., fn. p. 338), the southerly row seems to have been a red herring provided by O'Reilly. A picnic ground on Cape Naturaliste was named 'Paddy's Blunder' to commemorate his apparent geographical miscalculation.

Little's Reef.

Likely escape route followed by John Boyle O'Reilly, February 1869
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Mowenup. x

'Buffalo'

Jacksons' Homestead.

'Belvidere'

Leschenault Estuary

Indian Ocean

Australind.

Collie R.

Collie R. Bridge

Rendezvous Tree.

BUNBURY

Preston R.

PICTON

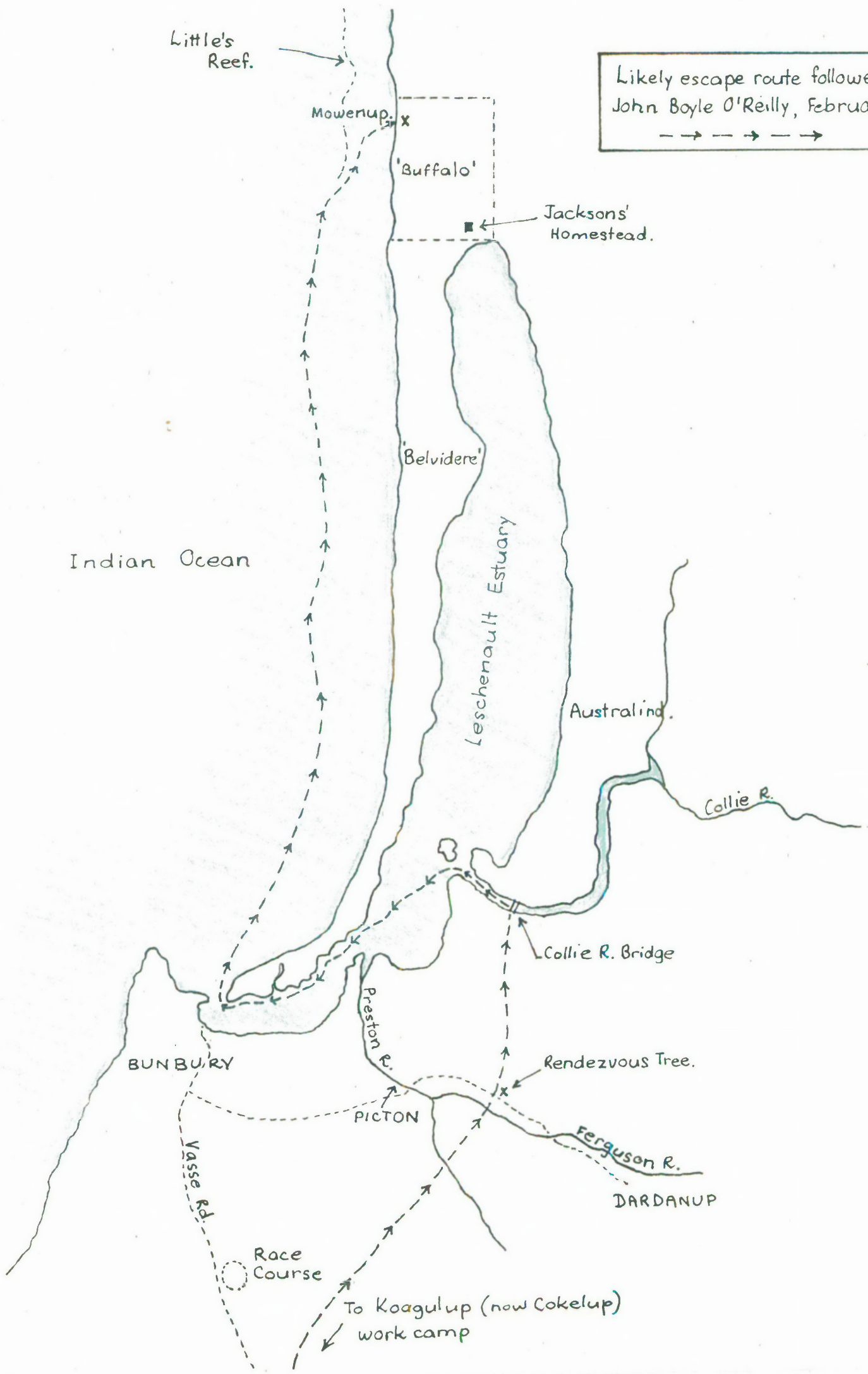
Ferguson R.

DARDANUP

Vasse Rd.

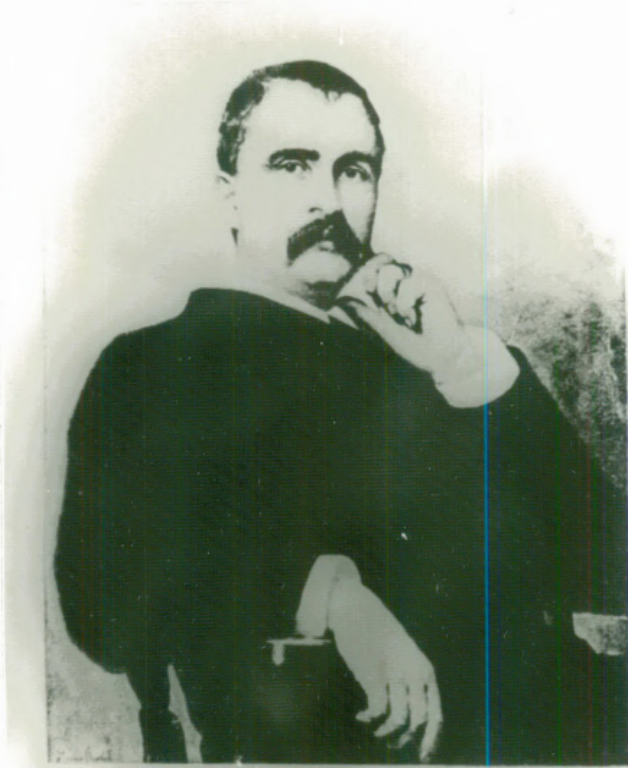
Race Course

To Koagulup (now Cokelup) work camp





JACKSON'S HOMESTEAD, 'BUFFALO' PROPERTY



John Boyle O'Reilly.

O'REILLY IN LATER LIFE

by Princip's overseer, Thomas Little - on 'Buffalo' property, a Princep holding adjacent to 'Belvidere'. Jackson (in Young's account 'Johnson'⁹²), was an Englishman, a former convict⁹³, who lived with his wife and son, Matthew, in a humble slab homestead, close to the northern shore of Leschenault estuary. O'Reilly was secreted in a dense grove of paper-barks while the others made their way to Jackson's dwelling. Maguire returned that night with food and water, and the next morning all four returned to the beach. At 1 p.m. on 19 February, a lookout positioned on the tallest sandhill sighted the Vigilant steering north with all sails set. The men put to sea, and hard rowing brought them within hailing distance of the Vigilant. However, every effort by Maguire and the others failed to attract the attention of those aboard the vessel, and after several tacks it headed for the open sea. They then returned to shore and made arrangements for O'Reilly to be concealed in a dense grove of peppermints close to the Jackson homestead. Maguire promised that his passage would be secured on another whaler and that in the meantime he would visit him as often as possible. He then departed with the others to return Buswell's craft to its mooring in the estuary⁹⁴.

At Bunbury, meanwhile, an intensive hunt was in progress for O'Reilly and another convict who escaped the same night. The first alert had been given by Miss Woodrow, daughter of the principal warder of Bunbury depot, who informed her father that she had seen a convict walking through the town at 10 p.m. Principal Warder Woodrow and the police, being told that a prisoner named Thompson had absconded, searched the township without success until 3 a.m. At daylight their pursuit continued; the police being led by Sub-Inspector Timperley who boarded the Vigilant at 8 a.m., suspecting that Thompson might be aboard. As the ship was loaded to the hatches with casks, firewood and provisions, the police had an uneasy task; Timperley reporting that one of his constables frequently had difficulty getting back from places into which he had forced himself to use their wire skewer - a long sharp prong thrust behind bales etc., to cause an escapee to cry out. When Timperley returned ashore, Woodrow informed him that O'Reilly was also reported missing and that he had reason to believe he was aboard the Vigilant, then under

(92) Roche, op. cit., p. 79.

(93) A Protestant convicted in Liverpool for horse stealing, Thomas Jackson arrived in W.A. in 1862 and was granted a conditional pardon in 1867. Dictionary of Western Australians, Vol. 2, p. 283; The Herald, Western Australia Almanack and Commercial Directory, 1873-85 (BL).

(94) 'John Boyle O'Reilly's Escape', an account by Matthew Jackson's sister-in-law (un-named), Western Mail, 19 January 1939; Roche, op. cit., pp. 79-81.

canvas departing the harbour⁹⁵.

Woodrow's surmise was based on his daughter's conviction that the prisoner she had seen at 10 p.m. the night before was O'Reilly, whose distinctive gait she now claimed to have recognized. But at Koagulup camp, Woodman assured Timperley that he had definitely spoken to O'Reilly between 10 and 11 p.m. (this discrepancy with O'Reilly's stated departure is explained below), when he told him that as night constable he would need to keep watch on a fire not far from the huts. Puzzled by his contradictory evidence, Timperley had the sandhills and environs of Bunbury searched, kept a nightly watch in the bush and town, and offered £5 to each of several likely sources of information; all to no avail. After three days, he reported to Police Superintendent Gustavus E.C. Hare, that O'Reilly must have received discreetly organized outside help:

That O'Reilly has friends I can have no doubt, having had constant and frequent opportunity of communicating with different persons while travelling about as Constable and I am equally certain that many would assist a Fenian who would not offer hand or foot for an ordinary prisoner of the Crown...⁹⁶.

Timperley added that he thought this escape was steeped in 'more mystery than any other' that had come under his notice⁹⁷. He concluded at first that it didn't seem possible O'Reilly could have boarded the Vigilant in Bunbury harbour, but altered his opinion a few days later, reporting that it was rumoured the captain had stowed O'Reilly away, and that this seemed the most likely explanation for his disappearance⁹⁸.

Superintendent Hare, an Irish Protestant from Kilcullen, Galway⁹⁹, was unimpressed with Timperley's confusion, and insisted that he redouble his efforts:

..It is of no use folding your arms and saying you are satisfied he got on board and was stowed away - Is any horse missing in the neighbourhood, for O'Reilly was a cavalry soldier? Could he swim? I expect the utmost vigilance and if you want help you must have somebody sent down who will undertake the necessary inquiries¹⁰⁰.

(95) Timperley to Hare, 20, 24 February, 3 March 1869, loc. cit.

(96) *ibid.*, Timperley to Hare, 20 February 1869.

(97) *ibid.*

(98) *ibid.*, 20, 24 February 1869.

(99) Sec. of State Corres., CO 18-164, PRO reel 1663, p. 477, AJCP.

(100) Hare to Timperley 27 February 1869, Colonial Police Records, 12-962, WAA12

A week later, Timperley submitted a final report in which he could only confirm earlier conclusions. He had ascertained that O'Reilly could swim and might have swum out to the Vigilant the night he escaped, but the police had found no footprints or clothes on the shore; nor was any horse found to be missing from the district. Summing up the strange facts of the case, Timperley broached a matter of 'delicacy' he felt bound to mention lest it be suggested that his investigations had been less than diligent. He suggested that Warder Woodman had for some reason attempted to mislead the police by saying that he had spoken to O'Reilly at about 10.30 p.m. the night he escaped. On Miss Woodrow's evidence, he believed O'Reilly would have left the camp at about 8 p.m., if he was seen in Bunbury at 10 p.m. If that was the case, he concluded, then the prisoner probably boarded the Vigilant that night, perhaps by way of Buswell's fishing boat, and was by now beyond their reach¹⁰¹.

Did Warder Woodman attempt to confuse the police on O'Reilly's behalf? The fact that O'Reilly himself states that he left the camp at 8 p.m.¹⁰² indicates that Woodman's evidence was indeed suspect, but whether his intention was to help O'Reilly is uncertain. One possibility is that he may have been concerned to show that he had not neglected to consult his night constable on the good order of the camp. In a subsequent inquiry, Principal Warder Woodrow noted that Woodman's occurrence sheet did not record his having visited the camp at 10.30 p.m., but Woodman only reaffirmed that he had made his rounds at that time, and Comptroller General Wakeford accepted his word¹⁰³. The other possibility is that Woodman knew, as his daughter did, that O'Reilly planned to abscond just after dusk; and sympathetically delayed the chase until the following morning, covering himself with a 10.30 check on O'Reilly and the camp, that did not in fact occur.

In either case it is likely that O'Reilly did leave the camp at about 8 p.m., but almost certain that he was not in Bunbury that night as indicated by Miss Woodrow. Timperley was inclined to believe her when he was sure that the convict she claimed to have sighted was not the other absconder, Thompson. Some native police tracked down Thompson in the bush, and when

(101) Timperley to Hare, 3 March 1869, *ibid.*

(102) Young, quoted Roche, *op. cit.*, p. 77.

(103) Wakeford to Woodrow, 9 March 1869; Woodrow to Wakeford, 14 March 1869, Perth Gaoler's Corres. Book C 51, 11015, Convict Dept. Records WAA 1156 (hereafter C 51).

recaptured he had insisted that he had never been near Bunbury¹⁰⁴. However Timperley overlooked the fact that a third escapee, a ticket-of-leave convict named George Corton attached to the Bunbury town party, was on the loose the same night¹⁰⁵. It would seem that Miss Woodrow sighted Corton, not O'Reilly. Had O'Reilly not received the support he did, it is unlikely that he would have been at large any longer than Thompson and Corton. Two weeks after they escaped, these men were sentenced by the Bunbury magistrate to three months solitary confinement in irons, with a recommendation subsequently approved by Acting Governor Bruce that, as an 'effectual remedy', they should each be given three dozen lashes¹⁰⁶.

No police suspicion was attracted to James Maguire, who had taken careful precautions to conceal the movements of himself and his friends. To keep native trackers off their trail, Maguire arranged that a mob of his cattle be driven at first light from Dardanup to pastures by the estuary, the morning after O'Reilly's escape¹⁰⁷. And when the police carried out a house to house search at Dardanup, they were told Maguire was at Pinjarra, many miles away, attending a meeting in connection with his chairmanship of Dardanup road board¹⁰⁸. Twice during O'Reilly's week of hiding near the Jackson homestead, Maguire made long night rides to visit him, taking food parcels wrapped in cloth¹⁰⁹. Another discreet visitor was Maguire's assistant in the escape, John McKree, who rode to 'Buffalo' one day and asked Thomas Jackson, in language disguised for the benefit of his son, Matthew, whether he had seen 'a black poley cow and if it had a bell on yet'¹¹⁰. Unknown to McKree, Matthew Jackson had already been entrusted with their secret. Rounding up stock one day, his horse had nearly trampled O'Reilly who had fallen asleep reading a book. When Matthew related his unusual encounter to his father, he was told the truth about O'Reilly, and given the daily task of taking food to the escapee, with whom he soon became close friends¹¹¹.

(104) Timperley to Hare 3 March 1869, loc. cit.

(105) Woodrow to Wakeford 17 February 1869, C51, 11015.

(106) *ibid.*, 3, 6 March 1869.

(107) Annie Stokes' reminiscences, cited Carroll, *op. cit.*, p. 334.

(108) *ibid.*, p. 352.

(109) *ibid.*, p. 359. Maguire's trips are described in some detail by Mary Garvey (interview, 29 August 1980).

(110) *Western Mail*, 19 January 1939.

(111) *ibid.*; Young, quoted Roche, *op. cit.*, p. 81.

After three days hiding, O'Reilly impatiently attempted to make his own rendezvous with the Vigilant; expecting that the vessel would return to the coast once or twice according to arrangements McCabe had made with the captain. From Matthew Jackson he learned that an old dory lay half-buried in sand further up the coast. The next day he resurrected the craft and put out to sea the following morning, taking a store of possum meat fastened astern to prevent it spoiling in the sun. At noon he sighted a vessel he thought was the Vigilant, but failed to attract its attention. That afternoon, when he found his meat was beginning to putrify, he headed for the shore, rowing throughout the night before he finally beached the craft and returned wearily to his hiding place¹¹².

Five days later, Maguire brought a letter from McCabe explaining briefly that arrangements had been made to put him aboard another American whaler about to leave Bunbury. Captain David Gifford, commander of the Gazelle, had accepted a £10 payment to pick up O'Reilly outside Australian waters - a three mile limit in 1869 - and provide him passage as far as Java¹¹³. There was, however, a complication concerning a ticket-of-leave convict named Henderson who suspected Maguire's involvement and had demanded that he be included in their plans as his price for silence. Thomas Henderson, alias Martin Bowman or Beaumont, an English convict transported for murderous intent in 1856¹¹⁴, had a long criminal record including, more recently, an attempt to incite mutiny at a road-camp out of Bunbury. Following this incident he became so hated by warders and convicts alike, that he had written to the comptroller general requesting transfer to another location¹¹⁵. Declining his request, Wakeford observed that Henderson was an 'incorrigible scoundrel' who would cause trouble wherever he was¹¹⁶. But whatever reputation Henderson had, McCabe could not afford to refuse his demand; and accordingly, he arrived in Buswell's boat with Maguire and Milligan - who had apparently elected to redeem his earlier timidity, in readiness for the second attempt to place O'Reilly on a whaler. At dawn the next day, farewells were exchanged with Thomas Jackson and his son on the beach, and the men put

(112) Young, quoted Roche, *op. cit.*, pp. 81-2.

(113) *ibid.*, p. 82.

(114) Dictionary of Western Australians, Vol. 2, p. 252; Carroll *op. cit.*, pp. 494-5.

(115) C 50, 8408.

(116) *ibid.*

to sea. On this occasion all went smoothly. Towards evening the Gazelle was hailed and Captain Gifford welcomed O'Reilly aboard, providing his charge with a temporary bunk in his own cabin. Henderson was quartered with the crew, much to his jealous dissatisfaction¹¹⁷.

During O'Reilly's voyage via England to America, his remarkable ability to win respect and loyalty from new-found friends saved his life on one occasion and helped keep him beyond the reach of authorities at times when he might easily have been recaptured. His brush with death occurred in May 1869, when he accompanied the Gazelle's third mate, Henry Hathaway, aboard a long-boat in pursuit of whales. Knocked unconscious when a harpooned whale smashed their boat, he would have drowned had Hathaway not dragged him onto some wreckage and cared for him until rescuers found them hours later. O'Reilly and Hathaway had earlier become close friends; sharing a small cabin, love of poetry, and a mutual interest in Irish independence. O'Reilly became further indebted to Hathaway in July, when he narrowly escaped recapture at Rodriguez Island, a British possession in the Indian Ocean. Captain Gifford put into port there, unaware that Henry Wakeford had earlier requested the governors of Mauritius and Rodriguez to search the Gazelle, should it arrive, for O'Reilly, Henderson and two other convict escapees, Connor and McGuinness¹¹⁸. Connor, who had stowed away, was apprehended first, then Henderson, discreetly informed upon by a crewman whom he had alienated; but Hathaway managed to forestall O'Reilly's imminent arrest by informing the police that his cabin-mate, 'Brown', who answered their description, had died at sea two months earlier. Expecting that Henderson would inform on O'Reilly out of malice and self-interest, Hathaway arranged a more convincing ruse before the police returned. Late at night he engaged the ship's nightwatch in conversation while O'Reilly threw his hat and a heavy grindstone overboard. A subsequent search recovered the hat, convincing all on board that O'Reilly had drowned. As anticipated, the police returned the next morning accompanied by Henderson; but when informed about the night's event, they accepted that O'Reilly had died. Henderson, Connor and McGuinness (detected on another whaler) were detained until a police officer despatched from Bunbury subsequently identified them and arranged their extradition to Western Australia¹¹⁹. When the Gazelle was safely at sea Hathaway beckoned O'Reilly out of hiding, to the astonishment

(117) Young, quoted Roche, op. cit., p. 82.

(118) Despatch, 3 March 1869, C51, 11332.

(119) *ibid.*, sundry despatches. On return to Bunbury the fugitives were sentenced to three years imprisonment including three months strict solitary confinement and six months in irons.

of Captain Gifford and the crew. In July, near the Cape of Good Hope, an American barque named Sapphire was approached, hailed and found to be bound for Liverpool. Gifford confided O'Reilly's situation to the captain, E.J. Seiders, who agreed to provide him passage under the identity of a seaman who had deserted the Gazelle. Gifford also generously advanced O'Reilly 20 guineas to help him reach America. Captain Seiders, his first mate, and an English friend aboard the Sapphire, arranged O'Reilly's concealment at Liverpool until he signed on as third mate on an American ship, Bombay, from which he landed at Philadelphia on 23 November 1869. He took immediate steps to become an American citizen¹²⁰.

After a brief stay at New York to address a Fenian rally, O'Reilly reached Boston in January 1870. He found employment with the Inman Steamship Company but was dismissed when its British owners were informed of his background. His next position, as a reporter for the Boston Pilot, was lasting and successful. Encouraged by the owner, Patrick Donohoe, a wealthy Cavan-born immigrant who had established the weekly as an influential voice for Irish-American Catholic interests, O'Reilly's forthright belief in universal rights and justice, including self-determination for all nationalities, won him widespread repute as a journalist, poet and orator. He became editor of the Pilot and part-owner in 1876, remaining active meanwhile (though never a formal member) in Clan na Gael, an Irish-American republican society associated with the continued activity of secretive Fenian organization in the United States. As we shall see in another chapter¹²¹, he was instrumental in the organization of a Clan na Gael mission to rescue six of his Fenian comrades from Fremantle Prison in 1876. He married Mary Murphy, of Charlestown, in August 1872, raised four daughters, worked assiduously on his literary pursuits and lecture tours, and ultimately became revered by Irish nationalists throughout the world as a champion of Irish independence¹²².

(120) Unless otherwise footnoted, this account is drawn from Roche, op. cit., pp. 84-100. See also O'Reilly's letter to The Irishman, 27 August 1869 (quoted Melbourne Advocate, 1 January 1870), in which he describes his escape and his debt to Captain Gifford, without mentioning names. Gifford's loan is gratefully acknowledged by O'Reilly in the dedication to Gifford of his volume of poetry, Songs from the Southern Seas (Boston, 1873).

(121) Chapter 9, pp. 253-4.

(122) Drawn from Roche, op. cit., pp. 101-374. See also Australian Dictionary of Biography, Vol. 5, pp. 371-2, and Nollaig O'Gadhra, an Oration marking the 89th anniversary of O'Reilly's death, delivered at Drogheda, Ireland, 12 August 1979 (copy kindly provided by Alan Queale).

Drawing directly on his antipodean experiences, O'Reilly's volume of poems, Songs of the Southern Seas (1873), was the first recognized work by a Western Australian poet, and his novel, Moondyne Joe (1878), established him as the first American to write anything of consequence about Australia. Correctly, he was never regarded as a major poet or writer, due to shortcomings in style and technique. But as Martin Carroll points out, he nevertheless had a sensitive vision of the Western Australian environment and pioneering life that represented a unique step in the expression of an indigenous Australian literary consciousness: touching as he did, upon aspects of mateship, bush-life, hospitality, loneliness, distrust of authority, greed, convictism, bushranging, the treatment of aborigines, gentleman-pioneering, and homespun morality¹²³.

Ever mindful of his Australian benefactors, O'Reilly maintained contact over the years. From Boston he forwarded to a Western Australian newspaper an article titled 'Farewell to Little's Reef', in which he publicly acknowledged support he had received without implicating individuals¹²⁴. He also kept up regular correspondence with James Maguire, forwarding copies of the Pilot via American whalers to Bunbury¹²⁵, and remained close friends with Father Patrick McCabe. In October 1869 McCabe was appointed Catholic chaplain at Fremantle Prison, but a year later he was forcibly transferred, and subsequently resigned, when the authorities ascertained that he had been assisting some Fenian convicts in clandestine letter writing¹²⁶. McCabe subsequently secured a position as principal of the Catholic boys orphanage at Subiaco, then left the colony in 1875, via South Australia for Minnesota, U.S.A., where he took up appointment as pastor of St. Mary's Church, St. Mary, near Waseca¹²⁷. He called on O'Reilly after arrival in the United States, and was his guest for two days in March 1890, in St. Paul, where O'Reilly was engaged on a lecturing tour¹²⁸. Five months later O'Reilly

(123) Carroll, op. cit., pp. 8, 368-72, 472-7.

(124) 'John Boyle O'Reilly's Escape', Western Mail, 19 January 1939.

(125) Mary Garvey, interview with the writer, 29 August 1980. See also, Martin Carroll, 'The Mark of Boyle O'Reilly's Escape', West Australian, 20 December 1952.

(126) SO 11, p. 151, 7 October 1869; *ibid.*, p. 348, 11 October 1870; *ibid.*, p. 355, 26 October 1870. See also, C49, 6788-41, 6 October 1869; Weld to Granville, 13 October 1870, Governor's Despatches, Convicts; C53, 1315-25, 11 May 1875 (cited G.P. Fitzgerald, research papers, Pascoe Vale, Victoria).

(127) Father John Sean Moynihan, 'Fenian Prisoners in Australia', *loc. cit.*, p.9

(128) *ibid.*, p. 10; and by the same writer, 'Irish priest aids prisoner in escape from Australia', Sunday Independent (Dublin), 22 February 1970.

died from an accidental over-dose of a sleeping draught. While Roche was preparing O'Reilly's biography later that year, he sought McCabe's support to counter a rumour that O'Reilly, in escaping, had broken a vow given to prison authorities that he would not attempt to break parole. McCabe wrote to Roche:

I have your letter of the 6th inst....O'Reilly never broke his parole, never having one to break. From the day he landed from the convict ship Hougoumont in Fremantle up to the day of his escape from Bunbury, he had been under strict surveillance, and was looked upon as a very dangerous man and treated as such. No man living knows this better than I do. Silence the vile wretch that dares to slander the name of our dear departed friend, and you will have my blessing.

Yours sincerely

P. McCabe¹²⁹

McCabe out-lived O'Reilly by nine years, dying at St. Mary, Minnesota, in 1899¹³⁰. James Maguire died at his Dardanup farm in 1915, aged 81¹³¹.

If all of the two dozen convicts who attempted to escape at Bunbury during O'Reilly's servitude there were recaptured, why was it that he alone made good his escape? It was not that he had more guile, determination or good luck than his predecessors; his bid did have a good measure of these, but no more than that of Thomas Henderson, recaptured at Roderiguez on the point of freedom. Clearly, the critical factor in O'Reilly's success was the readiness of friends and others who hardly knew him, to assist a man imprisoned because of his commitment to his country's independence. In the opinion of men of various stations and nationalities, including Father McCabe, James Maguire, Thomas Jackson and Captain Gifford, O'Reilly's cause was noble, just and universally valid. In terms of universal law, they saw no justification for his incarceration as a convict exile, and accordingly gave him their support, even at risk to themselves. Reminiscing about this assistance, Matthew Jackson observed that his family and others in the district who helped O'Reilly were influenced also by his fine personal qualities:

(129) Quoted Moynihan, 'Fenian Prisoners in Australia', loc. cit., p. 10.

(130) *ibid.*

(131) Dictionary of Western Australians, Vol. 3, p. 553.

O'Reilly...had a good physique and raven black hair. He was possessed of considerable Irish charm, and so was able to command the sympathy and practical help of folks who, had they been known to help in the escape, would have been sent to prison and would probably have lost their respected positions in the small community of those days¹³².

In the opinion of loyal, imperial-minded English and Protestant-Irish colonists, any such assistance given to an Irish rebel convict was considered disloyal treachery in the extreme. We can discern, therefore, the presence of conflicting nationalist loyalties in Australian society in 1869, prominent among which were endorsement of, or antipathy for Irish independence, British imperialism and American republicanism. Out of this melting pot, embryonic Australian nationalism - very largely an acceptable compromise, or consensus, among combative nationalist sentiments - was steadily emerging. Well over a century after O'Reilly's escape, Australia has moved a good deal closer towards a resolution of its national identity, but the above-mentioned loyalties, so evident in 1869, are still clearly discernible to this day.

Years after his escape, a written exchange occurred between O'Reilly and his former gaolers. It is worth recording as a graphic illustration of the contrast between an idealist such as he and the banal forces of reality he confronted - in this case the bureaucratic arm of British imperialism, as represented by Her Majesty's colonial police. In 1876, following the Clan na Gael mission to Australia, O'Reilly's attention was drawn to his inclusion among descriptions of uncaptured convict absconders, regularly published in the Western Australian Police Gazette:

No. 2: John O'Reilly, Reg. No. 9843, Imperial convict; arrived in the colony per convict ship Hougoumont in 1868; sentenced to 20 years, 9th July 1866. Description - healthy appearance, present age 30, 5 ft. 6 in high, black hair, brown eyes, oval visage, dark complexion. An Irishman. Absconded from Convict Road Party, Bunbury, on the 18th February, 1869¹³³.

O'Reilly promptly responded in writing to the police superintendent of Western Australia, M.S. Smith, attaching to his letter the Boston Pilot's letter-head, which claimed the largest Catholic circulation in the world and prominently

(132) 'John Boyle O'Reilly's escape', Western Mail, 19 January 1939.

(133) Police Gazette of W.A., No. 11, 10 May 1876, WAA 129.

displayed the names of its co-proprietors, the Reverend Archbishop of Boston and himself:

Dear Sir,

I have just seen a copy of the Police Gazette of West Australia, in which under the head 'Absconders' I have found my name and description. Should you desire any information regarding my affairs I shall be happy to give it to you. Do not perpetuate the stupid folly of printing my name among your criminals. I am far beyond the reach of your petty colony laws; and I really wish to preserve something of a kindly and respectful memory of your country in which I have some dear friends. Should you ever visit the Republic, I shall be happy to see you. As your Gazette is 'published for Police information only', please tell your officers, especially Sergeant Kelly¹³⁴, once of Bunbury, that I send them my respects.

Yours very truly

John Boyle O'Reilly.¹³⁵

There was no reply sent to O'Reilly, nor was his description removed from subsequent publications of the Police Gazette. Instead, Superintendent Smith stolidly added to the listing his new found clue as to O'Reilly's whereabouts:

It has been ascertained that the above absconder is at Boston, Massachusetts, U.S.A. He is at present co-proprietor of a newspaper named 'The Pilot'¹³⁶.

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- (134) The fact that Kelly, an Irishman, was the officer sent to Rodriguez, to recover O'Reilly and the other escapees aboard the Gazelle (C51, 11332), possibly accounts for his ready acceptance of the story that O'Reilly had jumped overboard.
- (135) Copy of a letter received from O'Reilly, 27 December 1876, Governor's Corres. 1876-8, WAA 392.
- (136) Attached memo, *ibid*.