

## A Family History and a Family Tragedy

*Gleaned from several newspaper reports, various other sources and oral history*

James Atkinson was born in Terryglass in 1780 and was appointed schoolmaster in July 1809 of a small school at Killeen, Terryglass, to teach the local Protestant children. This was one of a number of both Protestant and Catholic schools in the area to cater for the ever-increasing population growth at the time, a phenomenon which was unfortunately to be short lived.

James was possibly a descendant of the Atkinson family who came to Ireland from Yorkshire around 1600 during the reign of James 1. They built Cangort Castle near Shinrone which was later destroyed by the forces of Cromwell because of the family's loyalty to the monarchy. Cangort House was later built on the site.

The extended family progressed and scattered around Offaly and North Tipperary making a living as artisans, farmers, craftsmen and teachers.

Around the time of his appointment to the position in Terryglass James married Sarah Abbott from Borrisokane, they had seven children, Margaret, Thomas, James, Elizabeth, Henry, Maria and lastly John born in 1828. Most of whom settled in and around the Terryglass area.

In 1837 James, then aged 57, retired and his son Thomas took up his position as schoolmaster. He, according to Griffiths Valuation rented land at Killeen from the Reverend Ralph Stoney. Meanwhile James and Sarah rented 16 acres of land in Feigh in the parish of Uskane.

With the onset of the potato famine in 1846-47 large areas of the countryside were devastated. Although North Tipperary was not so badly affected as areas such as West Cork or Mayo. Many could see no future in Ireland and took to the emigrant ships in droves. For example, in the townland of Lacken near Killeen the population in 1841 was 293 by 1851 this had dwindled to 55 (per census 1841-51). One household in the townland of Carrownaglogh the area in which the village of Terryglass now stands was so badly affected that the family house was nicknamed "Black Jane" after an infamous coffin ship of the same name.

A decision was made at this time by almost the entire Atkinson family of the area to emigrate to South Australia, a date was set in late 1850 for departure and the family settled their affairs and prepared to leave but before they left a tragic incident would occur that would have a lasting effect on the family.

The following newspaper records document the tragedy that occurred at Feigh on 14 November 1850.

#### MURDER BY BAILIFFS.

On Thursday last, a brutal murder was committed at Feigher, parish of Uskane, which shows the dreadful extent to which the house levelling system has been carried on. The victim in this case was a poor farmer named James Atkinson, 75 years' old, holding about 16 acres of land. Is it to be wondered at that Ireland's soil should not bring forth her usual plentifulness, when, although hundreds of acres of her prime land lies untilled, a poor old man on the verge of eternity is slaughtered for the possession of a cabin? It appears that Atkinson gave up possession of his house and land in November to Mr. Exshaw, his agent, and was afterwards let in as a caretaker; that on Thursday evening, Michael Fitzgerald, bailiff to Mr. Exshaw, went to level the deceased's house. The old man beseeched this heartless law-agent to leave him in for one night, that he and his sons were cleaning out a barn for their reception, and in the morning he would give it up peaceably; but the bailiff's "time could not be lost going and coming," so the house must come down. Immediately seeing it would require more than himself to affect his purpose, he departed and soon returned with three men, armed with sticks and pitchforks; they immediately commenced to drag out the furniture. Atkinson's sons resisted them, a riot ensued, in which blows were given at both sides. The deceased, after receiving two severe blows in endeavouring to preserve peace, was making his way out, when he was again struck with a pitchfork handle on the top of the head, after which he never rallied and died in two hours. Through the exertions of the police, three men named Michael Fitzgerald, Patt Fitzgerald, and Barney Waters have been arrested; the fourth man, whose name is Dan Waters, has not yet been apprehended. On Friday, the 15th inst., T. T. Abbott, Esq., Coroner, held an inquest on the body, when the following verdict was returned—"We find that James Atkinson came by his death in consequence of injuries received on the head, one of which we believe to have been inflicted by Dan Waters, aided and assisted by Michael Fitzgerald, Patt Fitzgerald, and Barney Waters." Sub Inspector Healy and a party of police under his command attended at the inquest. Under the exertions of this most active officer it is hoped the other man will be soon brought to justice.

#### Murder By Bailiffs - Nenagh Chronicle Transcription - 20 November 1850

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## Murder of James Atkinson - Cork Examiner Transcription - 27 November 1850

On Thursday evening 14th instant, an inhuman murder was committed, two miles north of Borrisokane on the townland of Feigh, a part of the property of the late Mr. Hall, and within one half mile of where that gentleman was murdered some years ago. The circumstances are as follows: -Two of the tenants of the Hall property had determined to emigrate to Australia, and made application to the Commissioner of Emigration to that effect. The Commissioner admitted them eligible, and they were preparing for the voyage.

In the meantime the agent, Mr. John Exshaw called for the rent, and one of those tenants (Robert Taylor) went forward, paid his rent, and got his receipt in full. This Taylor did with the hope and confidence of being allowed the liberty of selling his little farm-which he had very much improved-to the best and highest purchaser. In this project he was sadly disappointed, for in two or three days of paying the last farthing of his rent, the agent sent him his compliments in a Jack-thrust-out, for the purpose of disappointing him in letting his place, or getting anything for all the improvements he had made.

When the other tenant-James Atkinson-who was preparing to emigrate saw how his neighbour Taylor had been treated, he delayed for some time without paying any rent, and then he was processed to the last quarter sessions of Thurles; but the agent did not think that course rapid enough to ruin this unfortunate tenant. He accordingly placed keepers to watch the crop. Atkinson became irritated when he found he was to be hunted down in this manner, he collected some of his friends, and carried off his crop while the keepers were asleep. The agent, on hearing this, vowed vengeance on Atkinson; he told him he wrote to the Commissioners to prevent him from going to Australia, and that he would annoy him in every manner he could. Atkinson went then for the purpose of pacifying the agent, and surrendered his house and land to him, and got liberty to stop in the house for a few days-that is to stay until last Thursday, the day on which the bloody deed was done.

On the morning of that day Michael Fitzgerald, the bailiff of the land, came to demand possession of the house until he would level it. Atkinson entreated of him to allow him to remain in the house until the following morning, as he was preparing a neighbour's cabin to go into; but all his entreaties were useless-the bailiff was inexorable; no time would he give, not even an hour, but said he would level the house over them. Young Atkinson, when he saw his father's solicitations, and even his very tears, were unavailing, told the bailiff he would not allow him to level the house until the next day. The bailiff said he would level it in an hour, and accordingly ran for his brother and two brothers-in-law to assist. He returned with them in less than an hour, and all armed with deadly cudgels and pitchforks.

They at once proceeded to clear the house; they were resisted by the two young Atkinsons. Old Atkinson-a feeble, poor man, over seventy years of age-endeavoured to make peace, and, whilst in the act of doing, he received two strokes of a pitchfork handle from one of the inhuman bailiffs, which fractured his skull. He staggered to the door, and thought to get out, when-horrid to relate-another of those savage ruffians, who stood outside the door, cut open his head with the blow of a pitchfork, and made him a corpse on his own threshold. He lived but a few minutes, as his brains all came through the wounds he received. His daughter was also wounded by a severe stroke over the eye; and a man named Stanley, who endeavoured to make peace, was severely hurt by a throw of a stone he received.

The deceased was a very proper, upright man-a good neighbour and kind friend. He was a Protestant, and clerk of the church for many years-Correspondent.

TO THE EDITOR OF THE NENAGH GUARDIAN.

SIR—In *Saunders's News Letter* of the 22d inst. just received, I find an article taken from your paper, headed "Murder by Bailiff's," on perusal of which article, I find you comment rather severely on the conduct of what you style my "heartless law agent," without being in possession of "all" the facts connected with this unfortunate and much to be regretted affair—such one-sided statements going before the public are highly injurious to the interest of this country, and only seem to excite the minds of a Tenantry, already too well inclined to deprive their Landlords of their just and legal rights—as was the case in this instance. I now proceed to state the circumstances of this case, leaving the public to decide how far my "heartless law agent" was justified in the course he adopted. The tenant Atkinson, held 16 acres of land on Feiough, the property of Robert Hall, Esq., of Merton, at the yearly rent of 10£ 13s 9d., owing an arrear of 1£ 4s. 4d., together with "two years" rent to the 1st of November instant, being a total of 22£ 11s. 10½d. On being noticed to make up *nine months'* rent, "this being all the rent looked for owing to the failure of his crops to a certain extent," his reply was, that he could not pay any rent. It then became necessary to take steps to enforce payment, when processes were issued for the last Quarter Sessions held at Thurles—pending the sessions, it having been ascertained the parties were preparing to leave for Australia, a distress was made of the corn on the 22d of October, and a keeper placed in charge of the distress. On the night of the 26th the keeper having become fastened up in a house on the lands, and a guard placed outside the door. Atkinson collected a party of twenty persons who scutched, and made away with the corn then under seizure. A notice to quit was next served—the result of which was—Atkinson coming and tendering me "half a years" rent, provided I would give a "clear" receipt, my not complying with this modest request, he next stated that he came to offer me possession of the land—this I refused accepting until he first paid the rent claimed—his answer was, that he would pay "no rent," and as I refused to take up the land, that he would leave it in possession of the "worst characters" he would find, leaving me to deal with them on the best terms I could, not caring for me as he would be far out of my reach by that day week.—On consideration, and consulting with Mr. Hall, it appeared the most prudent course to take possession of the lands. Accordingly the bailiff, Michael Fitzgerald, went by my directions on the 29th of October, when Atkinson gave him voluntary possession, and was allowed to remain in the house for a few days as caretaker. Proposals having been made for the lands, Fitzgerald went by my directions on the 9th November to clear the house, when Atkinson asked to be left in the house until the 11th, when he would take down the house *himself without further trouble*. Fitzgerald again went to the lands on the 13th, when a further extension of time was asked for until the 14th and was granted.

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On Fitzgerald going to the land on the 14th a further extension was looked for until the 15th; this Fitzgerald refused, finding the parties had no idea of leaving the place, merely wanting to gain time while they were consulting with an attorney as to how they could defeat my claim to the premises.— Atkinson finding Fitzgerald determined to clear the house, armed himself with a pitchfork, resisted Fitzgerald in the discharge of his duty, swearing — “he would not give him (Fitzgerald) or any other man possession of the house or land, and that he would want to bring more assistance before he would get possession.” Fitzgerald, after being assaulted, called his brother and two brothers-in-law to his assistance, who were working at some distance from Atkinson’s house. On commencing to take out the furniture they were attacked by a large party collected by the Atkinsons; a general row commenced, blows were exchanged on both sides, when old Atkinson lost his life, and the bailiffs had to retire being badly beaten.

Your giving insertion to this in your next publication, will oblige

Your obedient servant,

JOHN EXSHAW, JUN.

Belle Park, 23d November, 1830.

In reference to the above letter, we beg to state that we received the particulars of the murder (as they appeared in the *Guardian* of the 21st inst.) from a correspondent. It is true that it is impossible for a Journalist to be in full and accurate possession of transactions that occur between a tenant, a bailiff or his agent. It has been, and always will be, our firm and unalterable principle to do justice between man and man, to protect from mis-representation and malignity the landlords of our country, to advocate their rights, to hold up to public reprobation dishonest tenants, and to denounce, as we have always done, that flagrant system of robbery, namely—tenants running away with crops. Indeed Mr. Exshaw has formed a very erroneous opinion if he believes that we would lend ourselves to publish one-sided statements, injurious to the country, or anything else that would have a tendency to deprive landlords of their just and legal rights, of which rights we have been, as far as in our power lay, the guardian. No one can deny Mr. Exshaw’s right to enforce the payment of rent or arrears of rent by eviction or otherwise; but what we contend is, that in this unfortunate case there ought to be used force only commensurate with the spirit of the law and the extent of opposition a bailiff might receive. Nothing can justify a bailiff having with him a body of men to make an onslaught upon an old man and deprive him of life—no, not even his dishonest opposition to the payment of rent. We regret that it has been too much the habit of bailiffs to act harshly, ferociously, and unjustifiably towards tenants in many cases in this country, without the agent or landlord being aware of the fact.

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On the Bench - Mr Waller, Chairman; Messrs. M. R. Plunkett, W. Waller, N. Biddulph and Saunders.

HOMICIDE OF JAMES ATKINSON

*Michael Fitzgerald a. James Atkinson & others.*

This was a summons for an assault committed on the 14th November at Feagh, previous to the the time when James Atkinson, snr., lost his life.

Mr Fitzpatrick, Solicitor, appeared for the complainant, and Mr Sheppard, Solicitor, for the defendants.

A good deal of discussion ensued as to whether the case, being so nearly connected with the homicide, should be the subject of the enquiry then. Mr Fitzpatrick having stated that he was prepared to show tht it was a separate transaction, which did not appear before the Coroner, proceeded to examine the following:-

Michael Fitzgerald (who was brought up in custody) having been sworn, deposed - That Atkinson was a caretaker and gave up possession of the land; that on the day in question, on going to take possession of Atkinson's home, Atkinson stood at the corner of the house and threatened to stick him; on his going towards the house for that purpose, Atkinson made a thrust of the pitchfork at him which he parried off with his hand, but received in the struggle a cut in the back of his leg; it was on account of the resistance he received that he went for help, as there were several people in the yard; that Green had an axe cutting deal in the yard, and threatened to split his skull.

On his cross-examination he said that only a man named Prenders, who was working for my. HALL, came between him he would have got the stab in the body; that is was in the struggle he got the only blow he received; was not much hurt; denied that he challenged Atkinson out to fight him, or told him "to be prepared when he came back"; he admitted that old Atkinson was willing ot give up the house on getting one day's time, but that the ??? Atkinson would not; it was when he came back, in about twenty-five minutes after, that old Atkinson lost his life.

[This witness was also cross-examined as to the possession of the house, but the magistrates said thay would hear no case of tenancy attempted to be made.]

-- Prenders examined - Was filling straw in the yard the day the matter occurred; saw Mick Fitzgerald and old Atkinson come into the yard; James Atkinson came

**BORRISOKANE PETTY SESSIONS**  
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— Prenders examined—Was filling straw in the yard the day the matter occurred; saw Mick Fitzgerald and old Atkinson come into the yard; James Atkinson came into the yard afterwards, and heard him say he was readying out a house, and that he would not let Fitzgerald tumble his house; Atkinson had a fork in his hand; and after some words Atkinson and Fitzgerald rushed at one another, when he made peace; Fitzgerald got a stab of the fork somewhere behind in the struggle.

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Cross-examined—Was about seven yards from them; could not swear which of them commenced the attack; they both rushed at each other at the same time; it was not a bad blow that was struck; Fitzgerald might have struck Atkinson in the contest; did not see him take off his coat and give a challenge, but he might unknown to him; there were other people in and about the yard, but none of them interfered.

Mr. Fitzpatrick stated that Mr. Exshaw was ready to be sworn to prove that he directed Fitzgerald—

The Bench did not see any necessity, as they did not think there was a sufficient case made to send for trial.

Mr. Sheppard then commented on the proceeding which he called a "cross case," got up as a set off to the greater offence with which the Fitzgeralds' were charged, and called on the Chairman to dismiss the case.

The Chairman thought it was a cross case, but would not dismiss it; as from what was stated by Mr. Fitzpatrick there might be another information tendered, which it would be their duty to receive. He would rule that the information should not be returned.

Mr. Sheppard stated that he had not gone into his defence, by which he could show most clearly that he was fully entitled to a dismiss, as Fitzgerald was the aggressor.

Chairman—Except you can show there was no assault, we cannot hear any evidence for the defence.

Some of the other magistrates appeared to think that the defendants should have the same opportunity as the complainant had.

Mr. Fitzpatrick said he could not see what more the parties required than not to have the informations returned to the assizes; what more did Mr. Sheppard require?

Mr. Sheppard said that it was thrown out in the course of the trial that another information would be tendered, so as to send a cross case to the assizes. Mr. Fitzpatrick commenced by stating that this inquiry should be on the simple facts of the assault, and why not deal and adjudicate on that fully now, when the defendants were prepared to meet the charge. He trusted that if further informations were tendered, the parties would be allowed a full investigation.

Chairman—That was optional with the magistrates. He was just as willing to receive an information from one side as the other; he would enter such a rule on the books as could not affect the merits of the question afterwards, but they were not there to weigh the evidence minutely.

Mr. Fitzpatrick said he hoped that bail would be accepted.

The Magistrates stated that they would not interfere in this matter. Why not apply to the Coroner who committed the prisoner.

[The Court was densely crowded during the trial, which occupied several hours].

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MANSLAUGHTER.

*Daniel Waters, Michael Fitzgerald, Patt Fitzgerald and another man named Waters* were indicted for the manslaughter of James Atkinson, on the 14th Nov. last, on the lands of Freigh.

Patt Hogan examined by Mr. Waller— I remember the 14th November last. The witness then detailed a lengthed account of the transaction, which arose out of the taking possession of a house. Witness heard deceased say that Mick Fitzgerald killed him.

The witness was examined by Mr. Hemphill at some length.

To Mr. Cooke—The deceased struck Barney Waters with a stick before he was killed; James Atkinson, son of deceased, had a pitchfork in his hand.

Wic. Greene examined by Mr. Waller—It appeared by the evidence of this witness that the prisoners were the bailiffs of Mr. Exshaw, agent over the property, and that they went on the day in question to dispossess the deceased; opposition was offered by deceased and his sons, when a scuffle ensued, and deceased unfortunately lost his life.

To Mr. Hemphill—I am not a fighting man; I was not at the carrying away of the crops, nor at the scutching either; I believe it was Michael Fitzgerald, one of the prisoners, who made the seizure of the corn; I am a tenant of Mr. Halls; the bailiffs never pay me a visit; I owe some rent, but I can't say how much; Mr. Exshaw can tell you that.

To Mr. Cooke—I did not tell the deceased to strike any one; I did not see anything in his hand.

To Mr. Hemphill—I am served with a notice to quit on those lands.

Dr. Purefoy deposed to the nature of the wounds, which caused the death of deceased; two of the wounds on the head were mortal.

To Mr. Hemphill—Two of the prisoners were at the inquest; their heads were bound up with linen.

To Mr. Waller—I did not observe any blood on them.

Mr. Hemphill then addressed the jury on behalf of the prisoners, and contended that the case was one of justifiable homicide.

The jury retired, and after being absent for some time, returned a verdict of not guilty.

Manslaughter - Nenagh Chronicle  
Transcription

- 31 March 1851

*Daniel Waters, Michael Fitzgerald, Patt Fitzgerald and another man named Waters* were indicted for the manslaughter of James Atkinson, on the 14th Nov. last, on the lands of Freigh.

Patt Hogan examined by Mr. Waller -- I remember the 14th November last. The witness then detailed a lengthened account of the transaction, which arose out of taking possession of a house. Witness heard deceased say that Mick Fitzgerald killed him.

The witness was examined by Mr Hemphill at some length.

To Mr Cooke - The deceased struck Barney Waters with a stick before he was killed: James Atkinson, son of deceased, had a pitchfork in his hand.

Wic. Greene examined by Mr. Waller - It appeared by the evidence of this witness that the prisoners were bailiffs of Mr. Exshaw, agent over the property, and that they went on the day in questions to dispossess the deceased; opposition was offered by deceased and his sons, when a scuffle ensued, and deceased unfortunately lost his life.

To Mr Hemphill - I am not a fighting man; I was not at the carrying away of the crops, nor at the scutching either; I believe it was Michael Fitzgerald, one of the prisoners, who made the seizure of the corn; I am a tenant of Mr Halls; the bailiffs never pay me a visit; I owe some rent, but I can't say how much; Mr Exshaw can tell you that.

To Mr Cooke - I did not tell the deceased to strike anyone; I did not see anything in his hand.

To Mr Hemphill - I am served with a notice to quit on those lands.

Dr Purefoy deposed to the nature of the wounds, which caused the death of deceased; two of

the wounds on the head were mortal.

To Mr Hemphill - Two of the prisoners were at the inquest; their heads were bound up with linen.

To Mr Waller - I did not observe any blood on them.

Mr Hemphill then addressed the jury on behalf of the prisoners and contended that the case was one of justifiable homicide.

The jury retired, and after being absent for some time, returned a verdict of not guilty.



In April of 1851, just five months after their father's murder, John, James and Maria, the sons and daughter of Sarah and the late James, together with their children, boarded the ship Asceola and sailed from Plymouth to Adelaide never to return.

Both John and James tried their luck, with some success, in the Victorian goldfields. James bought land at Strathalbyn, an area southeast of Adelaide. John moved to Moonata a copper mining area to the north west of Adelaide. All prospered greatly in their adopted country.

Thomas remained in Ireland to finish out his year's teaching and to settle up the family's affairs before sailing with his wife Eliza and their four children from Southampton on the SS Kingston, arriving eventually at Hobart Tasmania. He finally settled in the township of Burnie and managed lands for a while for Captain Stoney, a brother of the Rev Ralph Stoney of Ashgrove Terryglass. The farmlands they eventually purchased and settled on at Burnie had a home named Ashgrove.

Maria is believed to have met her future husband Samuel McLean on board the Asceola they married in 1853 and settled in Melbourne.