

# Northumbria Research Link

Citation: Gleeson, David (2019) "An Unfortunate Son of Erin": The Irish in Civil War Kentucky. The Register of the Kentucky Historical Society, 117 (2). pp. 197-214. ISSN 0023-0243

Published by: Kentucky Historical Society

URL: <https://doi.org/10.1353/khs.2019.0053> <<https://doi.org/10.1353/khs.2019.0053>>

This version was downloaded from Northumbria Research Link: <http://nrl.northumbria.ac.uk/39462/>

Northumbria University has developed Northumbria Research Link (NRL) to enable users to access the University's research output. Copyright © and moral rights for items on NRL are retained by the individual author(s) and/or other copyright owners. Single copies of full items can be reproduced, displayed or performed, and given to third parties in any format or medium for personal research or study, educational, or not-for-profit purposes without prior permission or charge, provided the authors, title and full bibliographic details are given, as well as a hyperlink and/or URL to the original metadata page. The content must not be changed in any way. Full items must not be sold commercially in any format or medium without formal permission of the copyright holder. The full policy is available online: <http://nrl.northumbria.ac.uk/policies.html>

This document may differ from the final, published version of the research and has been made available online in accordance with publisher policies. To read and/or cite from the published version of the research, please visit the publisher's website (a subscription may be required.)



**Northumbria  
University**  
NEWCASTLE



**UniversityLibrary**

# “An Unfortunate Son of Erin”: The Irish in Civil War Kentucky

By David T. Gleeson

In late December 1860, Daniel Roulhac, a prominent lawyer from Hickman, Kentucky, wrote Governor Beriah Magoffin seeking some clemency for his client, Michael McGinney, a thirty-year-old day labourer from the same town, but now in the state penitentiary in Frankfort. McGinney apparently had taken the fall, so to speak, for his wife, Rose, also from Ireland, on a charge of larceny. Roulhac spoke of the case to the governor as if it was a typical one in that he described McGinney as “an unfortunate son of Erin.” Thus, he sought the governor’s “favour” for a commutation of the Irishman’s sentence. Why did he mention McGinney’s national origin in his appeal? Well, it was something that would resonate with Magoffin, because he added, “[McGinney’s] birth is in such prosecutions, as you must know, his misfortune. The expression” Roulhac continued, “‘he is nothing but an Irishman’ is too frequent.”<sup>1</sup>

<sup>1</sup> Joe Roulhac to Beriah Magoffin, December 19, 1860, Kentucky Department for Libraries and Archives (hereinafter KDLA), Frankfort, Ky., available online via *Civil War Governors of Kentucky Digital Documentary Edition* (hereinafter CWGK), [discovery.civilwargovernors.org/document/KYR-0001-020-0241](http://discovery.civilwargovernors.org/document/KYR-0001-020-0241), (accessed Jan 17, 2017). McGinney was living in Ohio in the summer of 1860 and must have moved some time after the census taker recorded him in June. *Eighth Manuscript Census of the United States* (1860), Miami County, Ohio, available online via Ancestry.com.

DAVID T. GLEESON is professor of American history and Associate Pro Vice-Chancellor for Research and Innovation in the Faculty of Arts, Design, and Social Science at the University of Northumbria in Newcastle, England. He is the author of *The Green and the Gray: The Irish in the Confederate States of America* (2013).

Roulhac was stating the commonly held view among the native-born that the Irish in America were an inherently criminal class. The tone, however, was sympathetic, as you would expect in a request for clemency. Despite the essentialist racialization of the Irish, Roulhac's request would have been welcome to many Irish in Kentucky. Only five years previously, the state's largest city, Louisville, had seen the worst atrocity of the nativist Know-Nothing era. On August 6, 1855, known infamously since as "Bloody Monday," at least twenty-two people died (though there were probably a lot more), in an election day of violence between immigrants and Know-Nothings. There were casualties on both sides, but the skirmish at "Quinn's Row," a tenement between 10th and 11th Streets, close to Main Street, owned by Irish immigrant Patrick Quinn, was the bloodiest. To flush some of the Irish out of the tenement, nativists set fire to it and shot anyone who tried to escape the flames. According to one newspaper account, at least "five men were roasted to death, having been so badly wounded by gun-shot wounds that they could not escape from the burning buildings."<sup>2</sup>

Irish attitudes to slavery could also be seen as suspect. While living on a Georgia plantation in the 1830s, the British actress Fanny Kemble thought that the Irish, or "pestilent sympathisers" as she described, would side with the oppressed African Americans to overthrow the whole slave system.<sup>3</sup> Kentucky experienced an example of that when in the summer of 1848 one E. J. Doyle tried to lead a sizeable group of enslaved to freedom in Ohio. Pretending to be their owner, he took them from Bourbon County but was eventually apprehended in Bracken County, just ten miles or so from the Ohio River. Doyle pretended not to know the runaways personally, only "admitting" that they had robbed him but they all seem to know him by name. Upon recapture, they told the authorities that they had paid

<sup>2</sup> *Louisville Daily Journal*, August 7, 1855 (quotation). See also Wallace S Hutcheon Jr., "The Louisville Riots of August 1855," *Register of the Kentucky Historical Society* (hereinafter *RKHS*) 69 (April 1969): 150–72; Charles Deusner, "The Know Nothing Riots in Louisville," *RKHS* 61 (April 1963): 122–47.

<sup>3</sup> Frances Anne Kemble, *Journal of a Residence on a Georgia Plantation in 1838–39*, John A. Scott, ed. (Athens, Ga., 1984), 124–25.

Doyle to guide them north to freedom. Thus, he became known as the “Doyle, the Negro abductor.” Some claimed that he had only did it for personal gain and he was no “martyr” to the anti-slavery cause. Whatever his motivation the public image of this immigrant in Kentucky was one of a dangerous abolitionist or criminal “negro stealer.”<sup>4</sup> Avid Irish abolitionists in the South were rare, but the Irish had a reputation for breaking the rules around slavery; fraternising with the enslaved, selling them illicit goods, usually alcohol, and, on occasion, like Doyle, helping them undermine their enslavement.<sup>5</sup>

With these negative views of the Irish common in the antebellum era, Roulhac’s opinion of the Irish was certainly better than most, but he still used negative connotations of them. The foreign-born, and especially the Irish, were indeed overrepresented among the poor houses, prisons, and insane asylums in Kentucky, but a lot less so than, say, similar states such as Missouri. In addition, the Irish presence in the state was not as large as others, with the 22,000 or so Irish-born less than 2 percent of the total population in 1860. (Massachusetts, for example, with 185,000 was over 15 percent Irish). The vast majority of the Irish who did live in Kentucky concentrated in towns and cities, however. This pattern followed the general one of Irish in the South with, for example, over 80 percent of the Irish in Louisiana lived in New Orleans. Over 70 percent of the Irish in Kentucky, therefore, lived in Louisville, Covington, Lexington, Maysville, or Paducah in 1860, although the numbers were not overwhelming. In the most Irish city in Kentucky, Louisville, the Irish made up only about 7 percent of the city’s population in 1850 and about 10.5 percent in 1860.<sup>6</sup>

Nonetheless, the view of the foreigner, and especially the criminal Irish, as dangerous was useful to nativist propagandists and undoubtedly played a role in the extreme version of what was a national political phenomenon in mid-nineteenth century America. Just as Roulhac composed his request, however, the conflict of native versus foreigner

<sup>4</sup> *Louisville Morning Courier*, August 14, 21 1848.

<sup>5</sup> David T. Gleeson, *The Irish in the South, 1815–1877* (Chapel Hill, N.C., 2001), 125–35.

<sup>6</sup> Hutcheon, “The Louisville Riots,” 151; *Eighth Manuscript Census of the United States* (1860) (Washington, D.C., 1864), xxxi, 183–85, 227; Gleeson, *Irish in the South*, 35.

had been superseded by the growing sectional crisis. Indeed, South Carolina seceded the day after the letter was written. The coming war would provide an opportunity, as legal historian Christian Samito has put it, to “become American under fire.” In a republic with a volunteer army and state militias, military service was closely tied to citizenship. War would give immigrant and naturalized citizens a chance to prove their loyalty to their new home and thus attain the “rights to which they felt entitled.” The Republican governor of Massachusetts John Andrew, who had been no friend to the Irish, put it best, when trying to recruit soldiers to the Union cause. He stated that: “whether born in this land or in other lands and wandering here, you are citizens of this united government, equally sharing in the heritage of freedom. Its opportunities and blessings belong to you all.”<sup>7</sup>

Many Irish on both sides of the Civil War took advantage of this offer. In the North, Irish American newspapers, long critical of the Republicans, advocated volunteering to save the Union while in the South, former Stephen Douglas Democrats, like Michael Nolan of New Orleans, organized units for the nascent Confederacy.<sup>8</sup> But, would the same opportunities to show loyalty arise in Kentucky? The Irish in Kentucky, in large part, had not supported the “southern rights” candidate, John C. Breckinridge, in 1860. Nor had they, like most white Kentuckians, supported Lincoln either. Instead, evidence from Louisville, the largest population of Irish immigrants, indicated that they supported the national Democrat Stephen Douglas. Though the city went overwhelmingly for the former Know-Nothing John Bell and his Constitutional Union party, the First and Second Wards, closest to the Ohio River and the ones with the largest Irish populations, voted overwhelmingly for the Illinoisan. The Eighth Ward farther down river and close to the city’s docks also showed a large

<sup>7</sup> Christian G. Samito, *Becoming American Under Fire: Irish Americans, African Americans, and the Politics of Citizenship in the Civil War Era* (Ithaca, N.Y., 2009), 7.

<sup>8</sup> Susannah Ural Bruce, *The Harp and the Eagle: Irish American Volunteers and the Union Army, 1861–1865* (New York, 2006), 42–81; David T. Gleeson, *The Green and the Gray: The Irish in the Confederate States of America* (Chapel Hill, N.Y., 2013), 33, 43.

Douglas vote, even though the largest vote was for Bell.<sup>9</sup>

Douglas's endorsement of the Union war effort just weeks after the attack on Fort Sumter, when he stated that all had "to rush as one man to the defense of the government," was important then for Irish attitudes toward the conflict.<sup>10</sup> Pro-Confederate voices in Kentucky knew that and sought to dissuade the Irish from supporting the Union cause and help push into the Union war effort. The Confederate sympathising *Louisville Courier*, for example, pointed out in July 1861 the "Northern Ingratitude" (in bold headlines) toward immigrants. Despite their vital contribution to the northern economy's "power and wealth," and in particular "the political power of the section" it had now embraced, through Lincoln and the Republican Party, the "puritanic fanaticism there first assumed [in] the form of Know-Nothingism" which "concentrated all its bigotry and powers of persecution against the foreigner and the Roman Catholic." It was the South, and Virginia in particular [in its 1855 gubernatorial election] which had "interposed her arm, and rolled back the black tide that threatened to drive from our soil every foreign born citizen and every member of the Roman Catholic Church." Virginia, of course, had also first enshrined in its state constitution during the political and religious liberty which foreign residents found so welcoming in their flight from the oppression of the old World. Virginia's fight against Know-Nothingism "was followed by every one of the states now in the Southern Confederacy:—almost all of those States declared against the proscription of foreigners and Catholics on account of their birth place or religion." In contrast, "Know Nothingism had formed in the Free States" and it had ultimately "merged itself in Black Republicanism."<sup>11</sup>

<sup>9</sup> *Louisville Daily Courier*, November 7, 1860.

<sup>10</sup> Quoted in Robert W. Johannsen, "Stephen A. Douglas and the South," *Journal of Southern History* 33 (Feb. 1967): 27.

<sup>11</sup> *Louisville Daily Courier*, July 29, 1861. The paper's claim that Virginia, and the election of Henry Wise as governor in 1855, did help destroy the Know-Nothings as a national movement, but its view of all Confederate states opposing nativism is overstated. Of course, it also fails to mention the virulent Know-Nothing movement in Louisville. For more information, see Gleeson, *Irish in the South*, 107–20; Philip Morrison Rice "The

Yet, the *Courier* continued, the Irish and other foreigners in the North were “the first to take up arms in behalf of those who had traduced, vilified, proscribed, and outlawed them, sought their destruction, and against those who had saved them from the merciless persecutions of their enemies.” This service must be “a sight to grieve the hearts of the anti-Know Nothings of Virginia to see the Germans and the Irish rushing into the ranks of the armies led by the Know-Nothing leaders of 1854–5.” In addition, those who had signed up had been treated unfairly as “these foreign soldiers have been pushed into the front and made to bear its brunt.” The Irish, for example, “were sent into the very teeth of the Confederate batteries at the last named battle [Manassas/Bull Run] and for retreating when cut to pieces, [were] denounced as cowards by the *New York Tribune* [Horace Greeley’s Republican paper].” The *Courier* concluded with an appeal to the Irish and other foreign-born citizens of the city: “those of Louisville will learn that in following the bidding of the *Journal* [the pro-Union newspaper in the city] they are rushing headlong into the whirlpool of destruction.” Seeking to clinch the argument among the Irish, the paper continued, “a foretaste of which they had on ‘Bloody Monday’—that they are trusting to the friendship of those who seek their overthrow, and court their confidence only to betray it.”<sup>12</sup>

The Irish were thus being courted by both sides in Kentucky’s complex response to the secession crisis and the beginning of the Civil War, with one side asking them to join with their compatriots further north in the free states, and the other playing the nativism card to discourage them from doing so. Complicating the matter even further was the fact Governor Magoffin, after failing to call a convention to deal with the crisis, eventually endorsed the state legislature’s plan to adhere to a neutrality policy. Magoffin continued to support this

Know-Nothing Party in Virginia, 1854–1855,” *Virginia Magazine of History and Biography* 55 (January 1947): 67–75; Craig M. Simpson, *A Good Southerner: The Life of Henry A. Wise of Virginia* (Chapel Hill, N.C., 1985), 106–18; W. Darrell Overdyke, *The Know-Nothing Party in the South* (Baton Rouge, La., 1950).

<sup>12</sup> *Louisville Daily Courier*, July 29, 1861. For Irish participation at First Bull Run see Susannah J. Ural, *The Harp and the Eagle: Irish American Volunteers and the Union Army, 1861–1865* (New York, 2006), 76–78.

policy until ousted from office in late 1862 after Confederate forces had invaded the state. Now, apart from those who left the state to join the Confederacy, Kentucky became an active member of the Union cause. The Irish had a clear choice. Kentucky was a Union state fully participating in the war effort to destroy the Confederacy.<sup>13</sup> How would they respond?

Military records give us a chance to understand Irish Kentuckians' response to the Union cause. The *Courier* was right to fear the appeals of the *Journal* to immigrants. Through the latter's pages, the Fifteenth Kentucky Volunteer (Federal) Infantry began its recruitment. Prominent Louisville attorney from one of Louisville's first families, Curran Pope, led the call and some Irish in the city responded. Irish immigrant Frank D. Gerretty (sometimes Garrity or Garraty), a shoemaker on Market Street in Louisville's Sixth Ward, organized the Corcoran Guards from among his Irish neighbors, naming the company in honor of Michael Corcoran, the County Sligo born commander of the Sixty-Ninth New York, who had fought valiantly at Bull Run. Gerretty and his Irish soldiers marched with some of their native neighbors to be trained at the grounds of the Southwestern Agricultural and Mechanical Association just a few miles east of the city. They would muster into Federal service as Company G of the Fifteenth in November 1861. Pope's regiment was still short of a numbers, however, and some companies recruited in the northern part of the state joined. Thus, more Irish soldiers, recruited in Covington and across the Ohio River in Cincinnati, would join the regiment as Company K led by the Irish-born William G. Halpin.<sup>14</sup> Soldiering for the cause proved to be the best way to prove loyalty and commitment to American citizenship. George D. Prentice, editor of the *Louisville Journal*, who had been a prominent Know-Nothing in 1855, supported Pope's recruiting calling him and his organizers

<sup>13</sup> Lowell H. Harrison, "Governor Magoffin and the Secession Crisis," *RKHS* 72 (April 1974): 91–110.

<sup>14</sup> Kirk C. Jenkins, *The Battle Rages Higher: The Union's Fifteenth Kentucky Infantry* (Lexington, Ky., 2003), 1–4; *Eighth Manuscript Census of the United States* (1860), Jefferson County, Kentucky, available online via Ancestry.com; *Tanner's Louisville City Directory for 1860–1861* (Louisville, Ky., 1860), 97.



“among the very truest and most capable in all this noble and gallant Commonwealth.” Prentice noted the arrival of the Corcoran Guards at the fairgrounds from Louisville. The formerly dangerous Irish were now part of the “truest and most capable” citizens in Kentucky.<sup>15</sup>

The regiment first saw action opposing Braxton Bragg’s invasion of the state in late 1862. They were part of the large Federal force, which opposed him at the Battle of Perryville in October, and they were “engaged in the severest part of the battle.”<sup>16</sup> Federal victory there helped save Louisville from Confederate capture. The Fifteenth had been in some of the toughest fighting. Their commander Pope was severely wounded, and he caught typhoid and died while in hospital. Along with Pope, a number of Irishmen from Company G were casualties. Among them were Corporals Michael Joyce and John Scally, both thirty-five-year-old laborers and Corporal Thomas Scanlan (Scanlon) a twenty-six-year-old carter.<sup>17</sup>

Sergeant Martin Delaney was also wounded in the shoulder but caught tetanus from his wound on the battlefield and died just three weeks later. He worked on the Louisville and Nashville railroad at Lebanon Junction, seventy miles southeast of Louisville. He could have continued to work on the railroad but instead signed up with the Corcoran Guards in November 1861. As dangerous as laboring was, to the young immigrant it was apparently not as risky as being a soldier. Delaney may have been attracted by the enlistment bounty or perhaps it was sense of American patriotism, which brought him into service. The four young Irishmen who lived with him near Lebanon in 1860 did not volunteer, implying that it might been the latter motive which led to his signing up. (One, Thomas Donovan, did become a draft substitute in 1864, but deserted promptly afterward).<sup>18</sup> The

<sup>15</sup> Jenkins, *Battle Rages Higher*, 2–4, (quotation on 2).

<sup>16</sup> Thomas Speed, *The Union Regiments of Kentucky* (Louisville, Ky., 1897), 2:428.

<sup>17</sup> Jenkins, *Battle Rages Higher*, 48–81, 368–78; Compiled Service Records of Volunteer Union Soldiers Who Served in Organizations from the State of Kentucky, Fifteenth Kentucky Infantry, National Archives and Records Administration (hereinafter NARA), available online via [www.Fold3.com](http://www.Fold3.com).

<sup>18</sup> Compiled Service Records of Volunteer Union Soldiers, Fifteenth Kentucky Infantry; Simmonds Independent Battery, Kentucky Light Artillery; NARA, available online via [www.Fold3.com](http://www.Fold3.com).

forementioned Thomas Scanlan had less incentive to enlist. He lived in the heart of Irish Louisville in the Eighth Ward with his Irish-born wife and his two sons. His boys were aged six and five in 1860 and both had been born in Kentucky, meaning he probably had lived through Bloody Monday. Carting, though a semi-skilled occupation, could earn you a decent living in the city (Scanlan was a head of household in 1860 and listed \$70 in personal estate in the census) and especially so as Louisville became the major supply depot for the Union War effort in the western theater. Nevertheless, he marched out of Louisville with the Corcoran Guards only to be killed in the service of his adopted state and “presumed buried on the battlefield,” leaving a widow and two fatherless children behind.<sup>19</sup>

The actions of these Irishmen, and those wounded, such as Thomas Buckley of the Corcoran Guards, who came home to live in Louisville after the war, and tell of their stories, were an exemplar of Irish and Irish-America loyalty. The Guards, as Company G, continued to serve in the Fifteenth through the war, which included major action at the bloody battles of Stones River and Chickamauga as well as the campaign against Atlanta. By 1864, the whole regiment was under the command of the aforementioned William Halpin (he would later parley his record into a major position in the Fenian movement, an Irish revolutionary organization that sought to overthrow British rule in Ireland). Even as some in the Fifteenth quit the army in 1863, disillusioned with the Emancipation Proclamation, it did not damage the regiment’s overall reputation. For example, Lieutenant John D. Lenahan of the Guards submitted his resignation, because, as he put it in a letter to his commander, he had signed up motivated by his belief “that the war was for the restoration of the Union, under the Constitution.” Now, after “18 months in the army, [I] find that a party platform is sought to be substituted for that Constitution to which I swore allegiance.” His request eventually reached army

<sup>19</sup> Compiled Service Records of Volunteer Union Soldiers, Fifteenth Kentucky Infantry, NARA, available at [www.Fold3.com](http://www.Fold3.com); Robert Emmet McDowell, *City of Conflict: Louisville in the Civil War, 1861–1865* (Louisville, Ky., 1962).

commander General William Rosecrans, who, rather than accepting it, had Lenahan dishonourably discharged.<sup>20</sup> Rosecrans, however, continued to see the Fifteenth as one of his favourite units, referring to them affectionately as his “Orphan” regiment. After the war then, thanks to Irish service in the Union army, Louisville would become a major base of operations for the Fenians.<sup>21</sup>

The vast majority of Irish in Kentucky, however, would not serve in the armed forces and would be thus unable to “become American under fire.” Complicating this issue was that, despite the official abandonment of neutrality in 1862, most white Kentuckians decided to continue with it, with about 75 percent of its eligible male white population failing to sign up to either side.<sup>22</sup> With this under-participation in military service, the governors’ papers are vital in helping assess civilians’ attitudes, including the Irish, to the conflict. As scholars such as Amy Murrell Taylor and Stephanie McCurry have shown, these records can be a great source because the stresses of war brought government and civilians into closer contact with each other. Central and state governments became far more interested in their citizens’ lives and its effects on their war effort. Citizens, in turn, felt they could then place more demands on that government.<sup>23</sup>

Irish immigrants do appear in the records and some went beyond the Roulhac’s view of them as people condemned to a life of struggle and crime. In December 1864, for example, attorneys Hill and Knott from Lebanon, Kentucky, wrote to Governor Thomas Bramlette on

<sup>20</sup> For Lenahan resignation letter, see Compiled Service Records of Volunteer Union Soldiers, Fifteenth Kentucky Infantry, NARA, available at [www.Fold3.com](http://www.Fold3.com) (accessed May 15, 2019) (quotations); Jenkins, *Battle Raged Higher*, 261, 291–92; and for Fenians, see Patrick Steward and Bryan McGovern, *The Fenians: Irish Rebellion in the North Atlantic World, 1858–1876* (Knoxville, Tenn., 2013).

<sup>21</sup> Jenkins, *Battle Raged Higher*, xiii; *Louisville Daily Courier*, May 23; June 4, 1866; May 27, 1870.

<sup>22</sup> William W. Freehling, *The South vs. the South: How Anti-Confederate Southerners Shaped the Course of the Civil War* (New York, 2000), 69.

<sup>23</sup> Amy E. Murrell [Taylor], “Of Necessity and Public Benefit: Southern Families and Their Appeals for Protection” in Catherine Clinton ed., *Southern Families at War: Loyalty and Conflict in the Civil War South* (New York, 2000), 77–100; Stephanie McCurry, *Confederate Reckoning: Power and Politics in the Civil War South* (Cambridge, Mass., 2010).

behalf of Michael Foley, in prison in Marion County, charged with the unlawful killing of one Merritt Dicken. Foley was Irish and, at first, seemed just another case of an Irishman getting into a murderous altercation with a local. Hill and Knott told a different story though. Dicken and his brother had ridden through Lebanon and up to the depot of the Louisville and Nashville Railroad where a number of Irishmen, including Foley, were working. The “Messrs Dicken” came on the Irish crew “at full speed” and were riding “rebel saddle,” wearing “pistol belts and scabbards girdled around them.” In other words, they looked a lot like Confederate “guerrillas.”<sup>24</sup>

The lawyers continued that this deduction was plausible because their locality had been recently plagued by partisan attacks. The way the Dicken brothers pulled up to the Irish railroad workers would immediately arouse suspicion. Further, they were keen on understanding the political leanings of the workers asking if they were “Union men.” One of them Foley, definitely was, and told them so. On hearing that response the Dicken boys rode on. As a result, Foley surmised that they were indeed rebel guerrillas and took it upon himself to pursue and arrest them. He went home, persuaded another Union man named Mauser (probably German) to join and rode after the Dicken boys. The Union pair caught up to the brothers, declared them guerrillas, and tried to arrest them. In the confrontation that ensued, Foley shot and killed one, and captured the other. For his troubles, however, the local magistrate arrested him on suspicion of manslaughter. With bail set at \$5,000 his attorneys did point out that as an Irishman he was “a poor labouring man” with only one relative in the state (his brother-in-law).<sup>25</sup> Between them they did not have more than \$1,000. As a result, he was languishing in jail, awaiting trial.

Hill and Knott did admit that even though Foley had been entitled to arrest the suspected guerrillas, “under the impulsive character of his race” he may not have followed the letter “of the common law” when

<sup>24</sup> Hill & Knott to Thomas E. Bramlette, December 16, 1864, KDLA, available online via CWGK, [discovery.civilwargovernors.org/document/KYR-0001-004-1380](https://discovery.civilwargovernors.org/document/KYR-0001-004-1380), (March 4, 2017).

<sup>25</sup> Ibid.

doing so. Whether he had or not, this Irishman, the lawyers argued, was a perfect case for clemency, because it was “precisely one of those for which the pardoning power was wisely vested in the Executive—a case in which the unyielding letter of the law might demand a conviction, but humanity and justice would require an acquittal.” Besides, whatever the “impulsive character” of Foley’s “race” or his relative poverty, if his incarceration stood it would indicate that, in Kentucky, it was “safer to be a Guerrilla and a cut throat than an honest and peaceful citizen.”<sup>26</sup> Here, the attorneys sought to counter the common view of the Irish as feisty, fiery, and “impulsive,” through highlighting Foley’s loyalty. Their case concluded with a supporting letter from the local provost marshals who also spoke to the Irishman’s loyalty and the fact that they too believed Dicken had been a guerrilla.

Ultimately then, Foley’s case rested not on his Irishness but on his role as a citizen of Kentucky and the United States. He served in the Ninth Kentucky Volunteer Cavalry, signing up August 1862, perhaps in response to Bragg’s invasion and mustered out the following year when the unit’s term of service expired.<sup>27</sup> His actions in the war as a soldier, and especially as a civilian, had helped him overcome the stereotypes and prejudices against his “race.” Governor Bramlette agreed, stating that it was “a matter self defense” because any citizen who “slay[ed]” a guerrilla at any time did so in “defense of Society” as well as themselves. Foley had apparently done both and displayed, not the rashness of an Irish temper, but “a prudence and humane Caution in the whole proceeding.” He was therefore to be “commended and not condemned for the prompt heroic patriotisms of his motives and his action.” Bramlette recognized Foley’s patriotism with an immediate pardon.<sup>28</sup>

<sup>26</sup> Ibid.

<sup>27</sup> Compiled Service Records of Volunteer Union Soldiers, Ninth Kentucky Cavalry, NARA, available at [www.Fold3.com](http://www.Fold3.com).

<sup>28</sup> Hill & Knott to Thomas E. Bramlette, December 16, 1864, KDLA, available online via CWGK, [discovery.civilwargovernors.org/document/KYR-0001-004-1380](http://discovery.civilwargovernors.org/document/KYR-0001-004-1380), (March 4, 2017) (quotations). See also, James M. Fidler and F. B. Merrimec to Thomas E. Bramlette, December 18, 1864, KDLA, available online via CWGK, [discovery.civilwargovernors.org/document/KYR-0001-004-1381](http://discovery.civilwargovernors.org/document/KYR-0001-004-1381), (March 4, 2017).

Foley, in some ways, was the archetypal loyal Irishman of the Civil War (Union and Confederate versions exist).<sup>29</sup> He displayed a loyalty to the cause beyond the normal. He did not have to chase the guerrillas. He could have gone about his business. His arrest and incarceration seemed a travesty and his display of good citizenship got him pardoned. The governors' papers also, however, indicate Irish who made different decisions. In July 1861, a Jefferson County Justice of the Peace wrote Governor Magoffin to inform him that a William White had informed him that one P. E. Kelly from Louisville had told White he was leaving the city to "join the Southern army."<sup>30</sup> Kelly, a twenty-seven-year-old Irish-born laborer, made an interesting decision because the Confederacy had, in order to preserve an image of respect for the state's neutrality policy, stopped active recruiting Kentucky. Signing up locally was thus not available to him. Even future leading Kentucky Confederates, such as General Simon Bolivar Buckner, still bided their time that summer and had not yet openly taken a side. Whatever the reason, Kelly felt a loyalty and an immediate urge to go and support the Confederacy. He made it south to join a Mississippi regiment in which he saw action at the Battle of Shiloh in April of the following year.<sup>31</sup>

In a way, Kelly fulfilled the opinion of many in the Border States that the Irish could not be trusted for the Union. Despite the actions of men like Doyle the "negro abductor," many in Kentucky, and indeed throughout the Union side, felt that the Irish had latent Confederate sympathies. The vast majority of Irish in America had no issues with slavery and where they may have challenged the rules around it, they were not in favour of abolition. Indeed, one Tennessean, who had, as he put it, no sympathies with "Popery" trusted

<sup>29</sup> For example, see Gleeson, *The Green and the Gray*, 1–3.

<sup>30</sup> William White, Affidavit, July 22, 1861, KDLA, available online via CWGK, discovery.civilwargovernors.org/document/KYR-0001-020-1211 (accessed March 4, 2017).

<sup>31</sup> *Eighth Manuscript Census of the United States* (1860), Jefferson County, Kentucky, available online via Ancestry.com; Compiled Service Records of Confederate Soldiers from the State of Mississippi, Forty-Fourth Mississippi Infantry, NARA, available online via Fold3.com; Lowell H. Harrison, "Lt. Gen Simon Bolivar Buckner," in Bruce S. Allardice and Lawrence Lee Hewitt, eds., *Kentuckians in Gray: Confederate Generals and Field Officers of the Bluegrass State* (Lexington, Ky., 2008), 44.

Irish Catholics more on slavery than he did his fellow Methodists up North.<sup>32</sup> This view of the Irish as anti-abolition only increased as the war went on, and especially so after the Emancipation Proclamation. One Kentucky newspaper with Confederate sympathies, for example, regularly published articles highlighting how pro-Confederate and anti-Federal the Irish were.<sup>33</sup>

The reality though was that rather than being some kind of Confederate fifth column, the many poor Irish merely sought to take advantage of the war on the homefront to supplement meagre incomes. There were more opportunities for making money with thousands of soldiers passing through the state. On occasion though they could be disruptive, and this was the main reason Irish people appear in the Civil War governors' papers. Illegal sales of alcohol dominate the problems the Irish created. Large numbers sought clemency around accusations of running unlicensed "tippling shops" in their homes. This activity has always been frowned upon by the authorities but the fact that it might affect the war effort, led to regular crackdowns. Owen Conway, for example, got into trouble for selling liquor without a license to his workmates on the turnpike project near Carlisle (southeast of Louisville). Kentucky's roads, especially those connecting with the South, were vital for the Union war effort with so much of the supplies for the armies fighting west of the Appalachian Mountains. Conway seems to have disrupted work on the turnpike as he was selling liquor to his work mates. He claimed that he had only done it on a few occasions and was unaware that it was against the law to do so. Anyway, he continued, he only did it because his companions knew he was "poor and not able to let them have whiskey for nothing." Conway had a supporting petition with over a dozen signatures from native citizens describing him, despite his admitted charge, as an "orderly, sober and good conditioned Irishman." They also added that he had a wife and three children to support, which

<sup>32</sup> William Conner, quoted in Gleeson, *Green and the Gray*, 25.

<sup>33</sup> *Maysville Dollar Weekly Bulletin*, February 5, 1863; February 4; and April 14, 1864.

led the governor to grant a commutation of his sentence.<sup>34</sup>

Irish immigrants often made claims for clemency based on ignorance of the law. Selling liquor to slaves had long been banned in the South because of the problems it could cause owners, but despite the heightened tension around slavery in Civil War Kentucky, the Irish continued to break the rules. Though they were not abolitionists, they still needed to make a living, whatever the slavery laws required. One Charles O'Herrin a "respectable Irishman" in Florence, for example, received a fine of \$20 for giving "a gallon a whiskey to a slave." Apparently, O'Herrin had hired the enslaved man to "cut some grass" and "thought he had the right to give him the whiskey being entirely ignorant of the law." Again, a supporting letter from the local jury pointing out his ignorance of the law and his having a large family to support.<sup>35</sup> Ann Murphy of Lexington was more specific in her claim of ignorance. She described herself as a "poor lone woman with a child dependant on her" and had only sold the liquor to a slave because she had "been in Kentucky for a short while" while "formerly being a resident of Iowa." Thus, she claimed, she was "was not aware of under the laws in Kentucky it was prohibited to sell to negroes the same as to other people." The fine of \$50 was an enormous one for a single poor woman with a dependant and the governor rescinded it.<sup>36</sup>

One wonders though how ignorant the Irish, even the ones like Murphy who had lived in a free state for a period, were about the laws regarding trade with the enslaved. Laborer Owen Conway, for example, appears again in the records in 1863, when he sought remittance of a fine for selling liquor to a slave. His original selling of a bit of spare liquor to a few workmates had now escalated to being charged with operating a "tippling house" at his residence. His selling of liquor to a slave, however, brought him an extra \$50 in

<sup>34</sup> Owen Conway to Beriah Magoffin, August 1861, KDLA, available online via CWGK, [discovery.civilwargovernors.org/document/KYR-0001-020-1324](http://discovery.civilwargovernors.org/document/KYR-0001-020-1324), (accessed May 17, 2017).

<sup>35</sup> Aaron Yager et al. to Beriah Magoffin, August 3, 1861, KDLA, available online via CWGK, [discovery.civilwargovernors.org/document/KYR-0001-020-1335](http://discovery.civilwargovernors.org/document/KYR-0001-020-1335), (accessed May 12, 2017).

<sup>36</sup> Ann Murphy to Thomas E. Bramlette, April 1864, KDLA, available online via CWGK, [discovery.civilwargovernors.org/document/KYR-0001-004-0698](http://discovery.civilwargovernors.org/document/KYR-0001-004-0698), (accessed May 12, 2017).



finer. He blamed both charges on “personal enemies.” The case of selling liquor to a slave was not as bad as it seemed, he pointed out, because the slave worked for him and “the owner of said slave never complained about it.” Indeed, the owner signed an accompanying petition to get Conway’s fine remitted. As a result, the new governor, Thomas E. Bramlette, perhaps unaware of Conway’s 1861 petition to Magoffin, remitted the fine for selling to a slave but made Conway pay the “fees and costs of the case.”<sup>37</sup> The law was one thing but a slaveowner still held sway on any the decisions about the effects on his or her “property.”

As well as custom, circumstance played a roll in Irish claims for clemency. In early 1863, in Frankfort, Stephenson Brydon and James Sullivan appealed a fine for running a tippling shop. Brydon wrote that he and Sullivan had gone to the Franklin County Courthouse the previous September to buy a liquor licence. The clerk had taken Sullivan’s money, and he presumed that his tippling shop was a legal one. Unfortunately, within days of his renewal, Bragg’s Confederates had taken the state capital and “the Rebel army now being in the city, no business was done,” including Sullivan’s license renewal. It may be a clever ploy or genuine misfortune, but a petition of support with over thirty signatures helped persuade the governor that a remittance of the \$60 fine was in order.<sup>38</sup>

The significance of petition support in clemency requests cannot be overstated. Virtually all of the Irish appeals had petitions submitted with them. While many often included the support of local Irish neighbors and workmates, all included the signatures of native citizens. Bridget Kearney of Louisville, for instance, wrote Governor James Robinson in late 1862, that she was not involved in an assault of which she had been charged and convicted. The \$75 in fines would “put her in the workhouse” as she had no property “except some furniture

<sup>37</sup> Owen Conway to Thomas E. Bramlette, December 14, 1863, KDLA, available online via CWGK, [discovery.civilwargovernors.org/document/KYR-0001-004-0378](http://discovery.civilwargovernors.org/document/KYR-0001-004-0378), (accessed June 5, 2017).

<sup>38</sup> Stephenson Brydon to James F. Robinson, n.d., KDLA, available online via CWGK, [discovery.civilwargovernors.org/document/KYR-0001-029-0415](http://discovery.civilwargovernors.org/document/KYR-0001-029-0415), (accessed June 5, 2017).

which was scanty.” Her admission to the workhouse would leave her three children destitute. To enhance her case, she added a petition with twenty names on it, including Irish neighbors like Eugene Doherty and James McDermott but also Samuel Birch, an English-born merchant in the city’s Eighth Ward, and Joseph Clement, a Jefferson County magistrate. Robinson respited the fine for six months.<sup>39</sup> Sometimes one native-born, but well-connected, supporter was enough. Bidy McMahan had the advantage of having provided good service to a Mrs. Mary S. Robertson of Morehead in 1861. Robertson, in early 1863, was again very much “in need of a servant girl.” McMahan, apparently on her day off from her employer in Covington, had “according to Irish custom become intoxicated.” In her drunken spree she had gone into a store and taken a roll of calico and was now languishing in state prison for larceny. Robertson wrote to former Congressman, and her current state representative, Landaff Andrews, to lobby Governor Magoffin on the Irish woman’s behalf. Andrews interceded with Magoffin for the “girl Bridget” and the governor pardoned her.<sup>40</sup>

What this research in the online governors’ papers highlights is that the war in Kentucky did not provide the clear-cut opportunities for Irish civilians to claim full citizenship, but they indicate that the nativist tensions of the mid-1850s had eased. Magoffin was a Democrat and would have had political reasons to be sympathetic to Irish petitions but Robinson and Bramlette had been Whigs, with the latter having been an active Know-Nothing. Yet, they too seemed sympathetic to Irish tales of poverty in spite of any crimes and disorder committed. Apart from on the battlefield, Michael Foley’s example was a rare opportunity of displayed patriotism. Even then, he ended up in prison for his troubles (perhaps because the magistrate who

<sup>39</sup> Bridget Kearney to James F. Robinson, n.d., KDLA, available online via CWGK, [discovery.civilwargovernors.org/document/KYR-0001-029-0164](http://discovery.civilwargovernors.org/document/KYR-0001-029-0164), (accessed May 15, 2017).

<sup>40</sup> Mary S. Robertson to Landaff W. Andrews, March 20, 1861, KDLA, available online via CWGK, [discovery.civilwargovernors.org/document/KYR-0001-020-0770](http://discovery.civilwargovernors.org/document/KYR-0001-020-0770), (accessed May 15, 2017) (first and second quotations); Landaff W. Andrews to Beriah Magoffin, March 25, 1861, KDLA, available online via CWGK, [discovery.civilwargovernors.org/document/KYR-0001-020-0775](http://discovery.civilwargovernors.org/document/KYR-0001-020-0775), (accessed June 5, 2017) (third quotation).

incarcerated him was a Confederate sympathiser). In Kentucky, it was often confusing on which side to support. Beyond the fluidity of Kentuckians' choices, the fact that that most Irish did not have to serve in the army and that the horrors and deprivations of war did not come to them in any meaningful sense (even during the Confederate invasion of the summer and fall of 1862) meant that Irish immigrants and their families just continued to try and survive as they had always done rather than embrace the Union cause as a path to acceptance and success. Beyond the Border States, the Irish also displayed ambiguities toward whichever cause under which they lived. The bravery of the Irish Brigade in the Union army, for example, contrasted deeply with the central Irish role in the New York City Draft riots. As a result, the Irish of New York would have to reinterpret their experience into one of pure heroism after the War.<sup>41</sup> The Irish in Kentucky did not face such stark choices between patriotism and disloyalty after the failure of the Confederate attempts to capture the state in late 1862. Even that attempt was short enough to force any Irish to make that choice even then beyond the choice of whether or not to renew a liquor license. The Confederate raiding of 1864 interfered with the life of Michael Foley, though he made a choice to escalate that interference. Most Irish, living as they did in the larger towns and cities, avoided the worst aspects of the conflict in Kentucky and could adjust their lives to the Civil War going on around them. They made their way as best they could, working in the war economy or selling a little extra liquor on the side. Perhaps the Irish in Kentucky, like most white Kentuckians who, as the story goes, became Confederate after the demise the Confederacy itself, would, in commemoration and remembrance, write a new story of loyalty and patriotism that did not actually match their lived experience of the Civil War in a Border State.<sup>42</sup>

<sup>41</sup> See also Ural, *Harp and Eagle*, 190–262; and Iver Bernstein, *The New York City Draft Riots: Their Significance for American Society and Politics in the Age of the Civil War* (New York, 1990).

<sup>42</sup> E. Merton Coulter, *Civil War and Readjustment in Kentucky* (Chapel Hill, N.C., 1926), 2, 296. See also Anne E. Marshall, *Creating a Confederate Kentucky: The Lost Cause and Civil War Memory in a Confederate State* (Chapel Hill, N.C., 2010).