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Martin Burke of the Shelbourne Hotel

By Michael Neenan

Many Irish vintners have achieved local fame, but only one can claim the distinction of being the subject of a debate in the House of Lords. During the Napoleonic wars, the premises on St. Stephen's Green in Dublin, now known as the Shelbourne Hotel (then Shelbourne House) had been rented to a unit of the British cavalry. However, with the suppression of the 1798 rebellion and the passing of the Act of Union the British military presence in Ireland was reduced, and the owner, Henry White, M.P for Dublin, had to find a new tenant.

He had purchased the property from Lord Shelbourne, who had taken up permanent residence in England. In 1824 White granted a 150-year lease of the property to a Tipperary man, Martin Burke, for a consideration of £1,000 down, £2,000 on a loan note, and an annual rent of £300. By the terms of the lease the tenant was prohibited from engaging in any business of a chemical, bad smelling or noisy nature, such as "Soap making, Lime burning, Horse shoeing or Butchering"! Burke made it into a hotel.¹

Almost nothing is known about Burke's history other than that he was a Tipperary man, born about 1788; his death was reported in a Clonmel newspaper.² The mystery is where he got the money for such an enormous transaction, and where or when he acquired the training to be a hotel manager. The success of the business indicates that he must have had some previous experience. The novelist Elizabeth Bowen wrote that he had acquired the money by selling land in Co. Tipperary.³ A professional legal search commissioned by this writer showed only that he owned a number of allotments near Dunlaoire which he sold about 1824; but this could not explain where he got the remainder of the money. He was then about 40 years of age.

One possibility is that he had been with the East India company. He later owned a mansion in Dalkey, which he named Kyber Pass. It seems to have been assumed that he was pro-British in outlook – something belied by his one public appearance.

Burke – who in portraits had a handlebar moustache – was a highly successful vintner. Shortly after he acquired the then run-down hotel, the distillation of spirits was licensed. Prior to that much of the whiskey was little better than poteen. Hoteliers and licenced vintners who kept only the best brands flourished, and many sheebens disappeared. Burke had competition from more than 100 hotels in Dublin, and the Bianconi coaches plied from another hotel in Dawson St. He, however, had the advantage of being near the R.D.S., then located in Leinster House.

He was one of the first to instal gas lighting. His business thrived, and by purchasing two adjoining houses he was able to overcome some of the more onerous terms of the lease, such as displaying a sign that it was a hotel. Thackeray the novelist, who stayed in the Shelbourne shortly before the Famine, wrote that Burke ran a very efficient operation, without being conspicuous himself.⁴

As a substantial property-owner, Burke was eligible for juror service. Charles Gavan Duffy the Young Irelander had been charged in 1845 with writing in *The Nation* material likely to alienate her majesty's subjects. The Crown lawyers then decided that they could prosecute him on more serious charges.

He had a powerful defence team of five, led by Isaac Butt, then a professor at Trinity College.



According to Gavan Duffy's account, the jury was packed with people on whom the government could rely.⁵

"The jeweller of the Lord Lieutenant, the hairdresser of the Lord Lieutenant, his Excellency's shoemaker, the Chandler to the Chief Secretary, the bootmaker to the Commander of the Forces/the Engineer to the Drainage Commissioners, the cutler, grocer, and purveyor to the Castle; the saddler and seedsman to the former Lord Lieutenant, three government contractors, a compositor in the College Printing Office, two vicars choral of St. Patrick's Cathedral, the auctioneer to the Commissioners of woods and forests, and the consul of King Ernest of Hanover". "The model panel ... contained eleven Englishmen or Scotchmen and one Frenchman, and although there were four thousand qualified persons from whom to select, it contained thirty jurors either challenged by the prisoner, or set aside by the Crown ..." These exposures made it discreditable and dangerous to array another jury on which there was no Catholic. A Catholic must be found ... Their choice fell on Martin Burke, the proprietor of an hotel frequented by the gentry, and a man long accustomed to consult their wishes. He was a Catholic by birth and practice, but he was what was called a prudent man – one who had never taken any part in Catholic agitation ...

I stubbornly resisted the advice of my friends, and the decision of my counsel to object peremptorily to Mr. Burke when he was called, but I have not hitherto disclosed the grounds of my confidence in the suspected juror. The night before the trial Mrs. Burke called on my wife ... and admonished her not to permit her husband to be objected to ...".

Burke held out in favour of acquittal and persuaded the rest of the jury to agree with him. Gavan Duffy was discharged; he emigrated to Australia, where he became Prime Minister of Victoria. The British establishment was enraged, and the matter was debated in the House of Lords. In the course of a Bill for the suspension of *habeas corpus*, the Lord Chancellor, Lord Brougham said:

"Consider for a moment the state in which the administration of justice is placed ... Only think of a juror getting up in the jury box, clapping his hands and crying 'Hurrah' at an observation of the counsel for the prisoner. Such a country is wholly unfit for jury trial ... He read that he" [the juror] "said there would be no verdict, and there was accordingly no verdict ... He understood that person to be the owner of one of the principal hotels in Dublin [interruption] the Shelbourne, why, this person by his name brought disgrace on a great name ..." (a reference to Edmund Burke).⁶

Burke replied with a devastating letter to *The Times*, believed to have been composed by Butt.⁷ Burke died in 1863 after a long illness. He was survived by his son, a lawyer, who sold the hotel.

FOOTNOTES

1. Elizabeth Bowen: *The Shelbourne* (London, 1951), pp. 26-31.
2. *Tipperary Free Press*, 20.1.1863.
3. Bowen, op. cit.
4. *The Irish Sketchbook* (London, 1843), p. 31 et seq.
5. *My Life in Two Hemispheres* (London, 1898), pp. 307 and 308.
6. House of Lords debates, 23.2.1849, cols. 1179-1180.
7. See n5.

