

Irish Transportation database Judith & Margaret Byrne CRF 1844 B1 & B2 (same file as Ann Brady)

To His Excellency Lord Heytsbury Lord lieutenant General & General Governor of Ireland etc etc etc

The Memorial of the undersigned, inhabitants of Louth Parish of Louth & County of Louth, most humbly sheweth,

That your Memorialists beg leave to approach your Excellency with a hearty welcome and respectfully congratulate you on your Excellency's auspicious arrival in this kingdom, as the representative of our most gracious Queen; and while we offer your Excellency our devoted allegiance, as due to her Majesty; We crave from your Excellency pardon for two unfortunate females Judith & Margaret Byrne, the daughters of an aged feeble heartbroken, old man, who thro life supported an unsullied and imperishable reputation as also did his daughters up to a late period, when the elder Judith having been married to a man, who instead of becoming her protector, deserted her, in her youth, and being subjected to temptation incident to a disappointment and distress; she (early in the month of January last) deprived some hawkers in the streets of Dundalk of some articles of apparel amounting in all to about seven shillings and her sister Margaret having in a few minutes afterwards been found in her company; she was implicated as an accomplice of which your Memorialists believe has to be altogether innocent; and both having been tried before the Assistant Barrister for this County; within the same week in which the crime was perpetrated they were found and are under Rule of transportation for seven years and are presently in confinement of her majesty's Penitentiary Grange Gorman Dublin.

Your Memorialists most humbly submit that seven years transportation is too severe a penalty for this larceny, and which we draw your Excellency's attention and consideration to this fact; we do not insinuate or attach blame to the Judge who tried, neither do we cast censure on the Jury, who found the prisoners guilty, for the conclusion was natural, and followed from the circumstances of the case; the shortness of the time the poverty, ignorance and unacquaintance with such cases, of the bereaved and afflicted parents there was not procured an advocate to defend nor a friend to give them a character.

Your Memorialists would particularly beseech your Excellency's compassion on these unfortunate females, one of them the prop and support of feeble, declining, hoary hairs, whose years have not been hitherto sullied with crime, no more have the children's, till the present as the records of this, their native County can testify, and now as the law has taken its course, and as the ends of Justice have been vindicated as this is the first offence which is generally forgiven, reason, humanity and pity combine to demand from your Excellency a commutation of the Sentence.

Your Memorialists confidently trust that your Excellency will use your prerogative in performing this act of Mercy, and your Memorialists will ever pray.

many signatures

Mr Connor written at side

6 [Lo..... G.....]
25th January 1844

Sir,

In reply to your letter of the 23rd Inst I have the honor to state, that Judith and Margaret Byrne were tried for larceny on four different indictments and convicted on all at the last sessions of Dundalk. The Particulars are as follows –

John Hughes deposed that he was selling shoes in the open market place at Dundalk – that he had 13 pairs. Both prisoners came to him as if to buy they shuffled thro them and went away. Suspecting something he counted them again and found he had but 12 pairs they returned again. Judith had a bundle which he examined and found his pair of shoes in it. Both said they would give him the pair if he should let them go. He gave the prisoners with [the pair?] and the Bundle to the police. The prisoners were found Guilty of the charge. The Bundle had several other articles belonging to three different persons who identified them as their property and stated they were taken on the day the prisoners were arrested. The Prisoners were tried for each of these offences and found guilty.

Tho' I sought information as to their characters I did not obtain any, and believing from the number of thefts committed by them on one day, that they were practised offenders. I thought transportation for 7 years not more than an adequate punishment.

I must, however, state that if the circumstances contained in the Memorial were made known to the court, the punishment would not have been so severe particularly in the case of Margaret Byrne.

I have the Honor to be Sir
Your very obd^t humble servant
Michael O'Shaughnessy

Stamped Chief Secretary's Office Dublin 44 APR

Mr Connor written up the side

Sir,

About three weeks since a memorial signed by the Rev^d P. P. [H.....] Clark RC E by myself and a number of the most respectable landholders in this Parish was addressed to the Lord Lieutenant praying for his Excellency to commute the sentence passed on Judith and Margaret Byrne, who were convicted & sentenced to seven years transportation, by allowing them to proceed as free emigrants to Australia with their parents & brother and sister together with the husband of Judith and his sisters all whom (and with the exception of the parents they are young healthy active & industrious) pledge themselves to accompany them,- I would feel obliged, if, at your leisure, you would inform me, if this Memorial have been laid before his Excellency & what may be his pleasure thereon. If his Excellency have not yet taken into his consideration the prayer of the said memorial I would thank you to inform his Excellency that the parents, though arrived at the age of fifty five, are still hale and active, that the husband of Judith is a blacksmith a handy & skilful workman and that all have borne and still bear an excellent character – As Byrne & his family wish to be with some of their neighbours who intend to leave this in May for Australia and as Mr John Bessan, (Agent for

emigration to Australia at Cork) informs me in a letter I received from him on last Friday, that he has received applications from nearly as many as the two ships advertised to sail in May can convey. I hope the memorial may receive the early & merciful consideration of his Excellency. Perhaps I should add that the memorial was directed to the Chief Secretary's Office Dublin Castle – I have the honor to be

Your humble & obedient servant
Thomas Pentony R.C. Curate

Louth April 8 1844
The Under Secretary E. Lucas Esq.
Dublin Castle
Dublin

Stamped Chief Secretary's Office Dublin
Mr Connor written up the side
Indecipherable note written along the side.
Dowdall informed AWC

May it please your Excellency

I have the honor to enclose a Memorial respectably signed, the facts contained in which are beyond dispute, and I would most respectfully pray your Excellency at least to stay the execution of the sentence on the two unfortunate women until further enquiries are made in case the testimony to previous good character that the conviction was for a first offence would not be deemed at once sufficient to induce your Excellency to exercise the prerogative of mercy in this case

I have the honor to be,
Your Excellency's very ob^t
humble servant
Patrick Dowdall

Dundalk August 9 1844
