

Irish Transportation Records, Anne & Thomas McGibney CRF 1841Mc35 Film 45

C5305

County Of Longford

In reference to the annexed [minute?] I beg to state that my recommendation was to discontinue the allowance [directed?] to be given to Thos McGibney and wife from the date of this commitment.

Edw^d E Hill
R Magistrate
April 15/41

The Under Secretary
Castle
Dublin

A direction to discontinue the ~~support~~ allowance was given on a [..... report]

Initials April
Dated & signed

Recd & [.....]
Edw^d E. Hill
April 19/41

Stamped Chief Secretary's Office Dublin 41 April 3
C4789

C13731
14025

County of Longford

I have to report that Thos McGibney and Anne, his wife were tried this day at the Quarter Sessions, for Larceny & having been found Guilty of repeated Acts of the kind, were Sentenced to be Transported.

McGibney had been an approver & was in the receipt of four shillings and six pence per diem from Government, for the maintenance of himself and family, I submit that an order be given that this allowance should cease from the day he was committed to County Gaol for this.

The Under Secretary
Castle

A. Papers

Referred to Insp^r Gen^l on 15 Aug^t with an authority for the support of McGibney's wife

J.W.S.

A. an order to this effect already given

Initials

[..]10 April

C.4787

Signature

Larceny
Edw^d Eus. Hill
Res^t Magistrate
Longford April 7/41

C 4909

c 47839

W. Connor

McCowan Noted- 12. Ds Ult

(Sentence written at side- indecipherable)

North West Circuit
County of Longford

Report

Annexed is a letter this morning received by me; the writer Mr Andrew Brock is a respectable person, and it was thro' him that Thomas McGibney (now a convict as in the letter stated) gave me information with respect to Ribbonism – McGibney was examined on the Ribbon trials and gave his evidence apparently very fairly.

You will see a report respecting this man in my Crown Witness return sent in the 8th instant. It is N^o 2 on the List.

A near relative of Mr Brock was murdered some years ago in the County of Longford – He was a tenant of Lord Lorton –

Edward Tierney
Crown Solicitor
12th April 1841

N.H. Macdonald Esq
etc etc etc

Racepark
11th April 41

Dear Sir,

I regret to inform you that McGibney and his wife have been tried at the last Q^r Sessions of Longford and found guilty of having stolen goods in their possⁿ and sentenced to 7 years transportation. He was transmitted from gaol to Dublin on Friday last.

The hurried manner in which the whole affair was carried in (they being only accused on Monday & tried on Wednesday) left the fellow no time to make a defence which he could have done had his trial been postponed.

The person who sold the goods to McGibney was the son of the prosecutrix, who brought them to his lodgings and recd at least ¾ of the full order of them, absconded on hearing McGibney was arrested no exertion was made to discover the plot. (for I am convinced a plot was laid to convict the pris^{nr}) and the unfortunate man without time or means to detect it was convicted on the Evidence of one Witness who only swore to a few of

the articles which she said were removed from her shop and afterwards found pawned in the real name of the pris^{nr} which at once showed they did not think the goods were stolen.

The Defence was by a witness who was pres^t when McGibney bought and paid for the goods. There were several articles of callico & other prints found in the Pawn office & produced on the trial but only a few were identified as stolen property.

And strange to say after the trial and sentence and in a private house the prosecutrix was allow^d by the Magistrate to examine the goods and take away most articles which she pleased to say she believed was her property. Thus the prisn^{ts} are depr^d of their own real property by a course? [...] fully in union with the one adopted from the commencement by the Magistrates who appeared as if well pleased to have the power to remove the informer from the Country.

Under all the circumstances of the case and in consequence of the services which McGibney has rendered to the Crown and his country for which he has not rec^d any remuneration I hope you will do all in your power to have the sentence commuted if not altogether pardoned or at least an application to the Gov^t to have him and his family sent out to Australia.

If you'll favour me with a reply saying what you mean to do in this case you'll much oblige D^r Sir

Your [...]

And^w Brock

Addressed to

Edward Tierney Esq

15 Fitzwilliam St

Dublin

Apr 11 1841

To His Excellency Lord Viscount Ebrington

Lord Lieutenant General and General Governor of Ireland

The memorial of Thomas McGibney and Ann McGibney his Wife Humbly Sheweth That Your Excellency's Mem^{ts} are now incarcerated in Prison. Yr Mem^{ts} Thomas in Kilmainham in the City off Dublin and Anne in Longford Gaol both yr Mem^{ts} under sentence of Transportation for having (which was unknown to yr Mem^{ts}) stolen goods in possessⁿ That your Excellency's Mem^{ts} have many strong and peculiarly mitigating circumstances connected with their case which they beg leave to lay before yr Excellency – **A.** Memorialist having been for many years the subject of delusion and encouraged by deep designing men lent himself to their illegal views and became a member of the Ribbon Society. That Mem^{ts} by painful experience discovered that the system if followed must lead to the destruction of every tie of friendship which gratitude for many kind acts barred him to wish the welfare of persons who were to be the victims of the Society, and yr Mem^t resolved to follow the advice of a neighbouring Gentleman and became a Crown Witness at Summer Assizes 1840

and gave evidence in three Ribbon trials where conviction was carried, and also at Cavan last Assize Mem^t was examined on a Ribbon Trial and begs leave to refer yr Excellency to Mr Tierney Crown solicitor for the Nth West circuit for a report of Mem^t to conduct on those occasions. Yr Mem^t has not received, nor applied for any remuneration from the Govt for the services. That yr Mem^t in consequence was obliged to quit his home and give up his trade of Blacksmith and place himself and family in protection of the police in the town of Longford where yr Mem^t & wife unfortunately met with one Guy Hewston who sold to them some goods which they considered they were perfectly justified in buying That yr Mem^{ts} feeling no guilt attached to them did deposit s^d articles with others of wearing apparel in the Pawn Office in Longford in their own real names when s^d articles were got & claimed as the stolen property of one Mrs Hewston shopkeeper of the town of Longford who is the mother of Guy Hewston who sold the goods & rec^d the price of them from yr Mem^{ts} that the s^d Guy Hewston absconded the country when he heard the said goods were discovered and left Yr Memorialists accused for having the goods in possⁿ knowing them to be stolen but yr Mem^{ts} persist in denying that they knew said goods were stolen as Yr Mem^{ts} knew of several sales which the said Guy Hewston has made of similar goods to other persons That Yr Mem^{ts} having been arrested on Monday the 25 March last. The Bills of Indictment formed on Tuesday 26th and their trial proceeded with on 27th left your Mem^{ts} no time to prepare a Defence and at the advice of their attorney (who thought conviction could not be carried) went to trial and to his great disappointment the Jury who tried yr Mem^{ts} (in the absence of Witness whom yr Mem^{ts} [*indecipherable few words*] came by the goods if had time or such Witness were required) thought proper to pronounce them guilty and yr Mem^t was on the next day transmitted from Longford to this Prison where he has not had opportunity till now to forward this Memorial to your Excellency. Under all the foregoing circumstance Yr Mem^{ts} humbly prays yr Excellency will take their unhappy case into yr gracious consideration and extend to them an act of the Prerogative of Mercy in commuting their sentence by ordering Mem^{ts} & two infant children to be sent out as Emigrants to Australia and Your Excellency's Memorialists as in duty bound Will ever Pray.

Thomas McGibney
Anne McGibney

April 18th 1841

Thomas McGibney
Anne McGibney
Goods in possession
Transp^d

Obtain the truth of A: and which
of them has been convicted before

May 7
[...] to Mr Tierney
The law must take its course
May 19

1. A.B. ans^d 22nd H.T. C.

** **

Stamped Chief Secretary's Office Dublin 41 Mar 6
W. Connors written up the side

14 Fitzwilliam Square North
6th May 1841

Sir,

I have the honor to acknowledge the receipt of your letter, with reference to the case of Thomas and Anne McGibney sentenced to Transportation at the last Longford Quarter Sessions; and in answer, regret to state, that there are not, in my opinion, any mitigating circumstances connected with the Prisoner's case; which would render them proper objects of His Excellency's mercy – The Prisoners were indicted for having upon the fifth of April stolen some shawls and other goods to the value of ten pounds from Thomas Hewston a shop keeper of Longford, and also having received the same knowing them to be stolen. Some of the goods were found in the possession of Anne McGibney & her husband and others had been pawned by her – The Witnesses for the prosecution identified the goods but their testimony went to prove that the goods had been stolen by Guy Hewston (a boy and son of the prosecutors, who had absconded and subsequently purchased from him by the prisoner – The Question of fact as to whether the prisoners knew the goods to have been stolen I, of course left altogether to the Jury who found the prisoners Guilty and, in my opinion, justly, taking into consideration the tender age of Guy Hewston and that the prisoners could not show that they had paid to him a reasonable sum or price for the stolen goods – There was only one witness Mary McGibney examined for the defence and her testimony was that she had been present when Guy Hewston had given a portion of the goods to Anne McGibney and that Anne McGibney had given him some money but she could not say how much –

There were no witnesses examined as to the Character of the prisoners; and as a full bench of Magistrates were unanimous in inflicting the sentence of Transportation, I cannot, under the circumstances, recommend them to the merciful consideration of His Excellency.

I have the honor to be Sir

Your most obedient servant

Robert Tighe

Assist^t Barrister

Co Longford

Norman H. Macdonald Esq

etc etc etc

Stamped Chief Secretary's Office Dublin 41 May 11

Longford May 13/41

Sir,

In reply to your letter this day received respecting Thos. McGibney and wife, now convicts I beg to state for your information that neither of these persons have ever been before convicted for any offence.

I am Sir

Your obed^t Serv^t

RN Curtis

Co Inspector

To
Edw^d Tierney Esq

*Stamped Chief Secretary's Office Dublin 41 May 14
w. Connors written up the side*

Report

I send with this a note received by me from the County Inspector Longford, this day, whereby you will see that McGibney and wife were never before convicted of any crime.

With respect to the statement in the Memorial marked "A", I beg to refer you to my report of the 12th of April last and also to my return of Crown Witnesses after the last Circuit by which, it will appear that Thomas McGibney did give information with respect to Ribbonism and was examined on Ribbon trials, and that he appeared to me to give his evidence fairly.-

Edward Tierney
14th May 1841
N.H. Macdonald Esq^{re}
etc etc etc

*Stamped Chief Secretary's Office Dublin 41 Mar 6
W. Connors written up the side*

To His Excellency Earl Fortescue

Lord lieutenant General and General Governor of Ireland

The Memorial of Andrew Brock of Racepark in the County of Longford Respectfully sheweth that your Excellency's Mem^t is activated by a sense of duty and gratitude to approach your Excellency in behalf of Thomas McGibney now a prisoner, in Kilmainham Gaol under sentence of transportation for 7 years

In 1837 Yr. Excellency's Memorialist was summoned by Lord Clive then chairman of a committee of the house of Commons to give evidence on the hearing of a petition agst the return of Luke White Esq^{re} late M.P. that in consequence of the testimony of Mem^t on that occasion the bad feeling of certain lawless characters was incurred and a conspiracy formed agst the life of your Mem^t who verily believes were it not for the timely information of the prisoner Thos McGibney he would have fallen victim to the rancorous hatred of them. He being at the time a member of the Ribon(sic) Society he at all times knew when, where and how Mem^t was to be attacked, and McGibney being grateful to Mem^t for acts of kindness shewn to him, on many occasions, and influenced by feelings of humanity always gave Mem^t notice of certain places to shun and to guard ag^t being out late and alone on particular days whereby Mem^t life has thro' a gracious providence been preserved. Notwithstanding in many instances yr Mem^t has experienced the diabolical effects of the Ribon system. His workmen were noticed to quit his work and those who did not obey the notice were severely beaten and obliged to leave his employment. His house as attacked, his window

broken several shots were fired into his bedroom windows, his sheep were maliciously destroyed and other acts of [riot?] which Mem^t duly reported to proper authorities.

From this period Mem^t has been receiving most useful information from the Pris^r McGibney of the state of the County which he communicated to the Magistrates and to the Sub inspector of Police for Granard /Leo Dobyinn Esq^{re} Your Excellency's Mem^t encouraged him to come forward and become a Crown Witness last Assizes 1840 on the Northwest Circuit and he as promised on the several Ribbon trials which took place at Cavan, Tyrone, and Louth, and also at Cavan Summer Assizes when he acquitted himself with good effect, for his steady conduct on those occasions Mem^t begs leave to refer your Excellency to the Cavan solicitor for the N.W.Circuit who can inform yr. Excellency that the Witness never received any reward for those services.

Memorialist therefore for the great personal services which the pris^r has rendered himself in the information given of intended injuries by lawless parties, for the services which he has rendered the Crown; for the encouragement of others to place themselves under the protection of the Government in such cases, and that your Excellency may afford your Memorialist the gratified feeling of having been by this Mem^t enabled to render a grateful service in return to a fellow creature, who in the hand of the Lord has been instrumental in preserving his life – humbly prays your Excellency will be graciously pleased to commute the sentence of Thomas McGibney and wife from transportation to a limited imprisonment or to order them with their two infant children to be sent to Sidney as emigrants and Mem^t as in duty bound

Will ever pray

Andrew Brock

Memorialist begs leave further to observe that this memorial would have long before this been forwarded to your Excellency on behalf of the pris^r Thomas McGibney and his wife (now in Longford Gaol) only Mem^t was given to understand that in consequence of the memorial of the prisoners themselves to your Excellency that your Excellency was pleased to hear their memorial read and ordered a change of sentence.

Racepark

11 July 1841