

Irish Transportation Records: Ann Day 1841 D67 Film 44

Stamp: CHIEF SECRETARY'S OFFICE

Fitzwilliam Square, S,
Nov. 23rd 1841

Sir

I have had the Honor of your letter of 23rd instant enclosing the accompanying Memorial of Ann Day, and requesting me to acquaint you with the particulars of the case for the information of His Excellency the Lord Lieutenant; and whether in my opinion there be any mitigating circumstances which would render the Prisoner a proper object of mercy.

The prisoner was indicted with one Margaret Madden; the former for stealing a Pocket Handkerchief and book from one William Fryle?; & the latter for receiving the book, knowing it to be stolen: Madden pleaded guilty.

On the trial of Ann Day, it appeared that Prosecutor had met her on the streets of Mountmellick on the night of 23rd October ,(he having the stolen articles in his pockets) there they exited into a Gateway together, where they remained two or three minutes; that immediately after they separated , the Prosecutor missed the book, and pursued the prisoner but was not able to overtake her: He did not at that time miss the pocket handkerchief : he was positive as to the identity of prisoner, and that no other person could have taken the articles. In pursuing prisoner, the prosecutor met Margaret Madden in the street: and shortly after, she (Madden) was found by a Police Constable, in a gate-way with a man, and the book in her possession. On Monday the 25th an officer of Police went to the house of Ann Day, & found the handkerchief in a small box on a table. This box was not locked.

The prisoner did not call any witnesses, and the jury, without hesitation, found her guilty

In pronouncing the sentence, the court was influenced by the report of the Police Constables; confirmed by some of the magistrates of Mountmellick then on the bench, that Ann Day & her husband were notoriously keepers of an infamous house, the breaking up of which would be of much advantage to the town.

I am sorry I cannot observe any mitigating circumstances unless the young family of Prisoner (which I believe is truly stated in her Memorial) be considered such.

I have the honor to be

Sir,

Your most obedient

Humble servant,

John Schoales, Assistant Barrister

Queens Co

E. Lucas

Stamp: CHIEF SECRETARY'S OFFICE DUBLIN

Margin: W CONNOR

To His Excellency Earl De Grey, Lord Lieutenant General and General Governor of Ireland etc etc etc
The Petition of Anne Day, (wife of James Day of Mountmellick in the Queens County Labourer) a
prisoner in the Gaol of Maryborough
Most humbly Sheweth.

That your Excellency's petitioner was tried at the last
Quarter Sessions of Maryborough before John Schoales Esquire Assistant Barrister for the Queens
County on a charge of larceny and sentenced therefore to seven years transportation.

That the Book and Handkerchief alledged to have been stolen, were unknowingly to Your Petitioner, actually brought into her house by a strange Woman named Margaret Madden, to whom the petitioner and her Husband gave a nights lodging for charity.

That the said Margaret, did on the following day go out, leaving the pocket Handkerchief behind and offered the book for Sale, and having been detected by the Police on Suspicion, in order to save herself , stated it was from petitioner she had got it, and that the Handkerchief would be found in her house, which was accordingly found where left.

That Your Excellencys Petitioner has a very young and helpless family consisting of five children (the youngest on the breast) who in the event of being deprived of their mothers care will be driven to the sad necessity of seeking relief at the hand of Charity and perhaps for want of maternal protection become the victims of utter ruin.

That under these heartbreaking circumstances, Your Petitioner is advised to appeal to Your Excellency in the hope that you may be graciously pleased to consider her lamentable situation and thereby mitigate the sentence of Transportation to such period of confinement as to Your Excellencys wise and humane judgement may best seem meet.

That your Excellency's Petitioner will pray
Ann Day

D 67 1841

Ann Day
Larceny 7 yrs Tn

The Law must take its course

(?) 25 Initials

1841

1. A B and 27th Initials H ...

Ordered prep^d ditto

AWC
