

IRISH TRANSPORTATION RECORD of MARY MAGUIRE (with 1 child) per PHOEBE 1845  
CRF 1844 – M42 – Film 56  
Larceny – Stealing and Receiving Stolen Goods – Sentenced to 7 Years Transportation

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*Stamped* CHIEF SECRETARY'S OFFICE DUBLIN 44 SEP 20

Ballygallane Lismore September 18,  
1844

Sir,

I hasten to acknowledge the honor of your dispatch of yesterday, transmitting the memorial of **Mary Maguire** Prisoner, in the Gaol of Co Kilkenny.

The Prisoner & her husband **Patrick Maguire** were indicted & tried before me at Thomastown (not Kilkenny) in Nos. 10-11 & 12 for receiving goods, the property of **Patrick Power**, of **Alexander Munro**, and of **Thomas Clarke** respectively, shopkeepers in the City of Waterford.

In No 10, both stealing and receiving were clearly proved against the parties & like proof was made in No 11, but it appearing in evidence, that the stolen goods laid in that indictment were the property of Mc[?] & Munro & not of Munro alone, I held that the indictment was not sustained & decided an acquittal. In No 12, the parties were convicted on equally clear proof. They made no defence & called no testimony to character. The Memorialist was proved to be the principal and active felon, & left no grounds whatever to presume any coercion on the part of her husband.

At the time of receiving sentence, she seemed quite satisfied provided her children were permitted to accompany her. The house of the parties seemed to be a general receptacle for stolen goods.

I have the honor to remain Sir  
your most obedient humble serv<sup>t</sup>  
Nicholas Purcell O'Gorman  
AB [*Assistant Barrister*]

E Lucas Esq [foot of page 1 of 2]  
Law to take its course  
Sept 27<sup>th</sup> 1844 – Heytesbury W Connor  
Ass bar  
Gaoler do AWC [*4 lines crosswise page 1 of 2*]

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*Stamped* CHIEF SECRETARY'S OFFICE DUBLIN 44 SEP 17

To His Excellency Lord Heytesbury Lord Lieutenant  
General and General Governor of Ireland  
The Humble petition of **Mary Maguire**

Sheweth,

That your Petitioner was tried with her Husband at Kilkenny on the 27<sup>th</sup> June 1844 and sentenced to Seven Tears Transportation, her Husband also was convicted and sentenced for the same offence which sentence has been carried into effect, he having sailed from Kingstown in the Convict Ship Emily in July 1844.

Your Petitioner most respectfully implores your Excellency's merciful consideration of her case. She having left 7 helpless children totally unprovided for and an infant with her and having been informed that it is not usual for the Husband and Wife both

to be sentenced for the same offence, and at the same time most respectfully solicits your gracious consideration of her case.

And Petitioner will ever pray

Grange Gorman Female Convict  
Depot, September 16<sup>th</sup> 1844  
W Connor [*crosswise page 1 of 2*]

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Immediate  
Law Adviser

Should Memorialist be transported, her Husband having been already convicted and transported for the same offence.

NP Sep<sup>r</sup> 20/44

Ref<sup>d</sup> to A.W.C.

Mr O'Gorman's report does not state the evidence and therefore I cannot say whether it would have been proper to direct an acquittal of the wife on the ground that she acted under the coercion of her husband. Mr O'Gorman states that there was no ground for presuming any such coercion. This may mean actual coercion but it is to be observed that in certain cases the Law presumes coercion as if the felony was committed by the wife in the presence of her husband, but this with many other presumptions may be rebutted and so I [*collect*] from Mr O'Gorman's letter the proof did show that the woman acted as the principal felon and cannot therefore claim the benefit of this rule of Law.

I must however report that I have no material before me to enable me to form a judgment and I treat the case solely on Mr O'Gorman's statements of it.

Acting on it this woman should be transported.

A.Bar.  
20 Sep<sup>t</sup>/44

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M      42      1844

Immediate

**Mary Maguire**

20<sup>th</sup> Sept<sup>r</sup> AWC

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