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WOMEN AND CRIME IN NINETEENTH CENTURY IRELAND

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PREFACE.

PRISONERS PETITIONS AND CASES 1800-1836.

This source originated in 1788 as a modern day equivalent to the appeal system. In his capacity as representative of the British Crown, the Lord Lieutenant exercised the prerogative of mercy in Ireland. Many convicts submitted or had submitted on their behalf, petitions for commutation or remission of their sentence. the petitions vary greatly in style and content, information to be found includes the crime, trial sentence, place of origin, and family circumstances of the convicts, though not all these are present in every petition. The petitioner or memorialist wrote to the Lord Lieutenant directly, stating his or her case. The language used is very humble, with strong religious overtones. Usually the petitioner pleads ignorance or a moment of insanity for the crime they committed. Only a few petitions contain a plea of innocence. To back up the petitioner's good character certificates from fellow citizens and or the parish priest were given, as were comments from the trial Judge, who either felt mercy should be extended or the prisoner should be denied clemency.

All the cases are listed and summarised in the catalogues, from which one can gauge the length and content of each file. If a petition was successful it received an " endorsement " from the Lord Lieutenant, meaning that he exercised his prerogative of mercy to the case, by either granting a commutation of sentence, or allowing the prisoner their freedom. In cases where a miscarriage of justice was established, a full

pardon was granted.

CONVICT REFERENCE FILES 1836-1899.

The Convict Reference Files take over from the petitions series. In addition to petitions, they contain a variety of documents relating to individual convicts. These may include summaries of the evidence produced at trial, judges' reports and letters from officials and other persons concerned. All the files are catalogued in large books covering approximately three to five years, arranged in alphabetical order. One can obtain from this the name, the crime, the sentence and whether or not the petition was successful. A reference number is also given, so that the file may be called

As the century progresses, so to does the sophistication of the petitions. Police reports accompany the petition to the Lord Lieutenant's office, so that a better insight into the petitioner and the circumstances surrounding the crime may be examined. "Information Required Respecting The Prisoner Mentioned In The Annexed Memorial" is the title on the form filled in by the Governor of the prison. It gives the name, age, date of conviction, before whom tried, whether or not they pleaded guilty or not guilty, the crime, sentence and date from which sentence takes effect. The prisoners state of health, conduct in prison, previous convictions, previous character and circumstances are also documented.

Both the Convict Reference Files and the Prisoners' Petitions and Cases were compiled under the Convict Department of the Chief Secretary's Office at Dublin Castle. the Lord Lieutenant would either view them there, or take them back to Britain. Therefore the majority of petitions left in Ireland

were never looked at by the Lord Lieutenant personally, most being dealt with by the officials in the Chief Secretary's Office.

Mountjoy Female Penitentiary, Convict Classification Register 1875-1886.

According to the classification system of the Irish Penal system, female prisoners were incarcerated in Mountjoy for both their first and second stage. The registers contain their name, age, crime and sentence. The date of their conviction and of their discharge is also given. Both the observations of the Governor of the prison, and the prison chaplain are also noted. The punishments the prisoner endured for breaking prison rules are denoted, with the date for each offence. If the prisoner behaved well in prison, a series of marks was attributed to her. In addition to the punishments of a bread and water diet, and or close confinement, prisoners also lost marks, which lost them their badges, denoting their standard within the prison. The date is also given when the prisoner arrived from the original jail she had been incarcerated in, going on to state whether or not the prisoner received a licence to enter into a refuge, the usual last step before freedom. Prisoners who were deemed insane, were transferred to Dundrum Lunatic Asylum until cured. Deaths were also recorded in prison, as were attempted suicides. This register was compiled by the staff at Mountjoy Prison, under the provisions set out by the General Prisons Board.

BRITISH PARLIAMENTARY PAPERS

These papers contain evidence given at Commons Select Committees on the condition of the penal system in Ireland from

the early nineteenth century.

INTRODUCTION

The history of women and crime is a poorly documented aspect of the lives of Irish women in the nineteenth century. Contemporary writing on the subject was very limited despite the great interest in the whole area of criminology.¹ Much of the reason for this, surely lies in the fact that crimes by women constituted only a small fraction of known crime, and this more often than not was of a petty nature. The purpose of this paper is to demonstrate who these women were, what crimes they committed, what happened to them in prison and where they went upon discharge.

The whole realm of women's history in the nineteenth century has only recently been established by feminist scholars, as has the patriarchal paradigm under which society operated. Women's rights in respect to property, entry into many professions and status within marriage were all inferior. In respect to the law, crime and punishment, women were also subjected to a definite patriarchal establishment, which saw women on either side of the law as "unnatural". There were no women writing up the law, acting as lawyers or barristers, serving in the police force or running prisons. Alternatively, a female criminal was considered a social pariah as her activity deviated severely from that which was acceptable in Victorian times.

The nineteenth century woman was a wife and a mother, devoted and absolutely fulfilled by this role, the only socially acceptable one open to her. This stereotype fitted in best in

¹See Dorie Klein, *The Etiology of female crime: a review of the literature* (New York, 1976).

the upper and middle classes, were women could afford, at least, not to work, thus keeping themselves pure and singularly attached to their vocation. Those however in the working class, who were struggling to maintain their families, were limited in education, financial security and thus open to the harsh realities of poverty. To maintain oneself in such conditions without turning to crime was an effort in itself.

Essentially it was working class women who constituted the bulk of the female criminal class. Even alongside their male working class counterparts (the bulk of the male criminal class), female criminals were different. Working class men were able to vote, they contributed to society politically, economically and socially. Working class women were defined in terms of how they served their husbands, their fathers, their brothers. These women may have had a better excuse for their crimes owing to their lack of education or economic difficulties, but like all women in the nineteenth century it was not supposed to be in their nature to commit crimes. Criminal women were those who, voluntarily or involuntarily, threw off their proper role in society and acted in a masculine fashion. On the other hand, working class men who broke the law, were classed as inherent deviants, whose wild nature had overtaken their senses.

Chapter One

The Irish Judicial System in the Nineteenth Century.

The system of law operating in the nineteenth century derives from the legal apparatus which the Normans brought with them to Ireland in the twelfth century and the subsequent expansions and additions accumulated over the next five centuries. Ireland under the British Empire was subject to "common law", which essentially covered both the written and unwritten aspects of the British legal system. Written or statute law were rules "having an independent existence...generally found to have originated in the activity of the legislature", whereas unwritten or common law were "rules which have attributed to them immemorial antiquity". To explain further, the unwritten law was based on general customs "by which the proceedings in the ordinary courts were guided and directed. The validity of these customs was decided by the judges; records of their judgements were preserved and it was the rule to be bound by them when the same point came up for decision again". It was not until the seventeenth century that the common law was extended to the whole of Ireland.

There were six superior courts in Dublin. Four of them evolved from the medieval period—the Exchequer, the Common Pleas, the King's Bench and the Court of Chancery. The Court of the Exchequer was headed by the Lord Chief Baron, assisted by three "puisne" judges. The Court of King's Bench was headed by a Lord Chief Justice, i.e. Lord Chief Justice of Ireland, and assisted by three "puisne" judges. For this study, this court was the most important, as it was here that most criminal cases were

tried. In the Court of Chancery, the Lord Chancellor presided alone originally, but by the beginning of the century the Master of the Rolls was made a judge and assigned to assist in Chancery work. In addition to this, there was the Court of Prerogative and Faculties—an ecclesiastical court with jurisdiction over wills. All these courts had jurisdiction to try cases at first instance. It was not until 1877, that there existed a right of appeal, as we know it today. A decision could be challenged, if it was thought there was a defect on the "record" of the case. Any problems or defects that existed outside the "record" could not be questioned. Appeals could also be made direct to the House of Lords.

The Irish Parliament, just prior to the Act of Union, created a new Court of Exchequer Chamber, consisting of the Chief Justices, the Chief Baron, and all the "puisne" justices and barons, and at least nine other officials. It was here, that appeals from the King's Bench, Common Pleas, the common law side of the Exchequer, and the limited common law side of the Court of the Chancery. It was not until 1857 that it was decided that different judges to the ones who tried the case, should occupy this Court.

Reform of the judicial organisation of the Irish courts came with the Judicature (Ireland) Act in 1877. The Courts of the Queen's Bench, Common Pleas, Exchequer et al, were all amalgamated into one court called "The Supreme Court of Judicature in Ireland". It had two permanent divisions, the High Court of Justice, with original jurisdiction and power to hear appeals from courts of local jurisdiction, and the Court of

Appeal, consisting of the Lord Chancellor, the Master of the Rolls, the Lord Chief Justice of Ireland, the Chief Justice of the Common Pleas, the Chief Baron of the Exchequer and two other judges, known as the Lord Justices of Appeal. The High Court consisted of the members of the Courts of Appeal, save the Lord Justices, and eleven other judges.

According to the Assize system, judges were sent out to several counties, to carry out the business of trying civil actions. There were six circuits laid out for the judges, incorporating the thirty-two counties, and Assizes were held during the spring and summer. A winter Assize was added in 1876, for criminal business only. A permanent Commission of Assize was established for the City and County of Dublin, sitting at the Green Street court house, presided over by a judge selected by rota from the Queen's Bench. This Assize sat six times a year, in February, April, June, August, October, and December, and it was during these months that all indictable crime was tried, from within the area of the city. The Lord Mayor of Dublin also sat on this Commission. Only the judges sat on the Commission for the County of Dublin.

Due to the increase of crime, the itinerant judges could not get all the cases heard, and so the office of Justice of the Peace was created. They met, in their respective counties, four times a year in "Quarter Sessions", and had quite a wide jurisdiction, excluding cases of treason, murder, felonies punishable by penal servitude for life, and "all felonies of a political and insurrectionary character". (The Justices of the Peace were also given the power to deal with offences "out of

sessions", these sittings being known as "Petty Sessions"). In Ireland up to 1827, the judges carried out preliminary examinations of criminals who were to be tried later, on Assize. From 1827 onwards, the process required the justice to decide on the sufficiency of the evidence offered and either discharge the prisoner or return him or her for trial at Quarter Sessions or at the Assizes.

The courts of Local Jurisdiction were forever being criticised by successive governments for being too weak, and the use of unpaid justices never seemed to work, "for it was from time to time alleged that unsuitable persons were being appointed to the bench". As a result, the Lord Lieutenant was directed to appoint salaried magistrates, who would be resident in their districts, acting as justices of the country. By 1836, these justices were reporting regularly to the Chief Secretary on the state of their districts. These resident magistrates, therefore existed alongside the justices of the peace, sharing the same amount of judicial authority.

In the county courts, the local jurisdiction was connected with a form of procedure, known as the "civil bill". Just before the turn of the century, the volume of cases was increasing each year, so much so, that it was decided to relieve the judges of Assize of some of their work. Therefore, an "assistant barrister", of at least six years standing, was appointed to act as assistant to the judges of the Quarter Sessions, and was empowered to hear civil bills as the sole and exclusive judge. By 1851, the assistant barrister was made Chairman of Quarter Sessions, and was empowered to act in the absence of the lay

justices. The assistant barrister was later abolished and replaced by the County Court judge.

Another set of local courts also existed throughout Ireland which had their origins in the charters under which the cities, boroughs and manors had been created. In 1840, the reform of the municipal corporations saw most of the city and borough courts abolished, but Dublin, Carrickfergus and Galway kept their Court of Quarter Sessions and Recorder's Court for the trial of civil cases, and such courts could be granted to any borough which petitioned for them, by the powers of the Crown. The judges in Recorder's Court-in Dublin, Cork, Belfast, Londonderry, Galway and Carrickfergus-had Quarter Sessions held before them, and presided over the case alone.

The right of appeal from Petty Sessions to Quarter Sessions was governed by statute, and similarly appeals from the court of the assistant barrister, or County Court, were heard before the judge of Assize. Over all miscellaneous tribunals or local courts, was the Queen's Bench, which also had the power to review the decisions of justices at Quarter Sessions, the latter having to take the opinion of the judges of Assize in cases of difficulty or doubt.

As a direct result of the famine, the year 1850, had one of the greatest arrest rates of the nineteenth century. Nearly forty thousand men and just over twenty-five thousand women were arrested. The majority of the crimes these people were arrested for, were crimes against behaviour, i.e drunkenness, prostitution or disorderly conduct. Only in crimes against the currency, i.e forgery, did female arrest rates exceed that of males. Total

discharged was just over eight thousand for men and approximately seven thousand for women. Therefore, a lot more women than men, were let go free, in comparison to the number arrested. The majority of the offences were dealt with by local judges, therefore most people were summarily convicted. More serious crimes went on to be tried before the superior courts. Of the total arrested for men, only 492 were tried and convicted, in comparison to 258 for women.

Over the century, the crimes for which women were convicted of tended to be non-violent. For crimes against the person, which included assault, rape, infanticide and murder, female total arrests for 1850, peaked at 1,032. The lowest number was in 1840, when there was only 438 women arrested. However, as the number of females, arrested for crimes against the person remained constant at approximately 650, the number of males arrested in this category, decreased over the century, reaching it's lowest in 1890, with 1,445 men being arrested. In crimes against property with violence, the gap between male and female arrests is constant and large. Even during the famine, the statistics show no rise in their involvement in such activities. For most of the century, women averaged just over 20 arrests per year for crimes against property with violence, 1860, seeing the highest number, with 70 recorded arrests.

The statistics, for crimes against property show a different picture. In this category female arrests exceeded the number of male arrests in 1838, 1839 and 1840. In this major category alone, women did commit more crimes than men. The figures for 1850, showed men committing more larcenies and receiving more

stolen goods, however a decade later, the figures were higher for women. By 1870, male arrests rates for crimes against property exceeded that recorded for women, and this continued to be the trend for the rest of the century. In the first half of the century, women seemed to have committed more offences against the currency, than the latter half of the century, and the figures show that the gap between the sexes for this type of crime, was not considerable. On the whole, crimes such as forgery seem to have decreased over the latter part of the century.

These statistics therefore tell us that, more men, than women, were arrested, discharged and convicted. In proportion, it seems men committed more crimes related to violence, whether it was against the person or against property. Every year female arrests were highest in the categories of prostitution, crimes against property and drunkenness. No corresponding figures are given for male prostitution, but in the category of "disorderly characters", over twice as many men as women, were convicted. Almost twice as many men as women were also convicted of being drunk, in 1838, whereas in the same year, almost three times as many women, as men, were convicted of being vagrants. Therefore, women were usually not violent in the crimes they committed. Prostitution, as a job, gave these women a means of subsistence, not only for themselves, but often for their families. Most women were arrested and convicted of petty or simple larceny, out of which it would be fair to say, they did not make a grand living. Thus it would be fair to say that their acts of theft were a means of survival, rather than motiveless acts of deviance. Nineteenth century attitudes to drunkenness are easily

illustrated by the mass temperance movement that swept Britain and Ireland, initiated by the rising middle classes and run by women, who looked on alcoholism as the scourge of the working classes.

The lack of violent crime committed by women, rules out to a certain degree, their primary motive being purely antagonistic. Certainly the majority of their crimes must have been motivated by economic hardship, considering the increases which occurred during the famine period, and the declining numbers for the rest of the century.

The majority of the people who were arrested in 1838, could neither read or write. Even though more men were arrested (25,191), more women taken into custody (17,318) were illiterate, in fact 12,759 in total. Just over 11,000 men, in comparison to approximately 4,000 women, could read or write only, and nearly 3,000 men and only 350 women, could read and write well. Clearly, the educational status of those arrested was very poor, in particular, for the majority of women. Even in relation to those who had superior education, males arrested in this category numbered 643, as opposed to only 24 females. Only one of these women was committed to trial, and she was not convicted. There were however, 14 other women out of the 24 who were summarily convicted. In the male category, of the "superior education", 18 were committed to trial, only 8 being convicted. Another 457 were summarily convicted.

According to the statistics for 1838, the ages of all those convicted, was recorded, from under ten up to sixty plus. Both the majority of men and women, who were convicted, were aged

between twenty and thirty. Even though, a lot more men were convicted, their numbers are concentrated between fifteen and thirty-five, whereas the female numbers are concentrated between the ages of twenty and forty-five. Therefore women appear to have committed crimes at a later stage in their life than men. This may have been the case because of the upbringing of young girls left them more confined to the house and in the company of their mothers, whilst boys would have been more out of doors. This opinion was certainly held by contemporary reformers like Mary Carpenter.

From 1843, the D.M.P. holds a record of the number of detected suicides and attempted suicides, and up to 1852, the numbers are divided by gender. Both suicide and attempted suicide were crimes, ones which held several social stigmas, and obstacles in the case of insurance. In all cases from 1843-1852, considerably more men committed suicide, by either drowning, shooting or throat cutting. In 1843, there were ten male suicides and three female suicides, as opposed to three male attempted suicides and five female attempted suicides. By 1850, there were twelve suicides, eight male and four female, and once again, only six males attempted suicide, whereas twenty females were recorded as committing the same crime. In 1852, the same pattern emerges, twelve suicides, nine male and three female, as opposed to twenty-six attempted suicides, ten male and sixteen female. It can only be surmised that most of these women who attempted suicide, did not in fact want to die, but rather were using the event as a cry for help.

The crime of infanticide, was one peculiar to women. It was

usually committed in the first year of the child's life, either by suffocation, drowning or wilful neglect. According to Dymphna McLoughlin, the motives behind infanticide, for the pauper class, tended to be economic. Pauper women's financial contributions to the family income were usually crucial, and therefore pregnancy meant employment, which meant no money. The alternatives open to these women were very limited. They could temporarily abandon the children, either short-term in a workhouse or long-term in the foundling hospital. After these solutions, women could either totally abandon their child, a far more serious crime, with heavier punishments than the next alternative, infanticide. Abortion, the final alternative, was even more frowned upon by nineteenth century society, and apparently more common among the upper and middle classes. With only primitive means of contraception, women's control over their fertility was very precarious, and with limited means by which to survive, the killing of one's child may have meant survival of the rest of the family. The majority of women were acquitted of the charges, usually on the grounds of temporary insanity after the birth of the child, or by claiming the child was not born alive in the first place.

The D.M.P statistics, recorded the number of infanticides each year, in some cases saying whether or not the child was male or female, and the most common cause of death. These figures would only represent the number of convicted women who committed infanticide in the Dublin Metropolitan area, so that the true number for the whole country would be much higher. From 1846-1852, there were 46 cases of infanticide, 20 male children and

twenty-six female children. The years 1851 and 1853, saw the highest numbers recorded, fifteen for each year, presumably as a result of the famine. From about 1867, the numbers each year began to decline, and averaged around two per year, up to the end of the century.

Most female criminals imprisoned between 1870-1890, gave their occupation, either as a prostitute or nothing at all. Small numbers worked as domestic servants, shopkeepers, charwomen or factory workers. All these jobs were badly paid and often conducted under poor conditions. No women, under the category of "professional workers" were recorded in prison in 1870 and there were only ten female professional workers incarcerated in both 1880 and 1890. Therefore, it would seem that women who could procure a good job, did not end up in prison, whereas women who were employed, in low paid jobs, or were plain unemployed, swelled the ranks of Irish prisons.

By looking at the sources, one can ascertain that most women offenders were charged with petty offenses, such as the felony of theft, receiving stolen goods or uttering base coin. Most of these crimes resulted in severe sentences, and so it can be inferred that these women did not commit them lightly. Crimes against property and crimes against behaviour carried sentences equal to those imposed on crimes against the person, usually punishable by transportation, for a minimum of seven years. Therefore it can be inferred that the establishment viewed property and behavioral crimes as seriously as those affecting people because it was their property and their morals that were being offended against, rather than their people who were being

assaulted or murdered.

On the thirteenth of April, 1826, Mary Dea, wrote to Richard, the Marquis of Wellsley from her cell in Limerick Gaol pleading for mercy that her sentence of seven years transportation be commuted.² The judge in the case, Baron Pennefather, heard how she, with two other men, had stolen pieces of bacon out of Thomas Keefe's shop in Limerick city. He sentenced them all equally to transportation for seven years, as was normal for this offence. However, Mary Dea had learned subsequently that the two men, Hayes and England, had their sentence commuted to six months imprisonment. Her plea was that her sentence be commuted also.

The petitioner went on to state that she was "the wife of Patrick Dea, a labourer, and the mother of five young children, and at present far advanced in the state of pregnancy".³ Mary had never been charged with any crime or breach of the peace whatsoever, until the present. She "endeavoured by her own Industry and by honest means to bring up and educate her young children with very slender means, owing to her having a sickly husband".⁴ The conclusion was that her children would no longer be well looked after and would eventually end up as "mendicants". The petitioner skilfully addressed the Marquis, first of all looking for an equal mitigation of sentence and then using her dependants and poverty to gain sympathy. Mary Dea does not mention, at any point, her own crime, nor does she plead

²P.P.C., 2758.

³Ibid., p.716.

⁴Ibid., p.716

innocence or ignorance in relation to the theft. She goes on to claim that her motive for theft was purely hunger and this would seem to be the only rational explanation.

It is not stated whether or not the petitioners' case was endorsed (more than likely it was not) and unfortunately no other evidence or source has been located. No apparent reason can be seen why the two men had their sentences commuted, or indeed why Mary's was not, but prior to the legal reforms of the mid-century, sentencing was very varied. However it is interesting to note that the information was conveyed, about the two men's sentences to Mary at all, and that she attempted to use it in her own favour.

Family circumstances were primarily given account of in petitions so as to enlighten the Lord Lieutenant to the plight of the offender. For women, children were a major source. For Bridget Kelly, her children were her motive for theft.⁵ Convicted solely by Judge Terrence at Ennis for the theft of £3, her fate was also transportation for seven years. Her story is one we might consider common, but in the petitions up to 1836 is the only case of "paternity" I discovered.

Bridget claimed that she stole the £3 from Hugh Cash, "a man who seduced her and by whom she had two children".⁶ When she discovered that he was going to marry another woman, thus slighting her, she "unfortunately" committed this crime to help support her two children. The two orphans were now in the care of her "aged father", who did not have much time left to live.

⁵P.P.C., 2348.

⁶Ibid., p. 621

As a result, she humbly pleaded with the Marquis Wellsley to admit her into a "Penitentiary for any number of years your Excellency would think proper, or hard labour whereby at some future period of time she may have the prospect of seeing her aged father and her two orphant children".⁷ Bridget's petition was further aided by a good character reference from the Matron, Mary Heney, there being a change in her character "in the last few months". The signatures of the Gaol Superintendent and the former magistrate were also on the petition, recommending "humane consideration" for the woman. Bridget's case was not stated as being endorsed. Perhaps her moral status in Victorian Ireland (unmarried mother-loose woman) limited the extent of mercy she received.

Amongst the petitions, many women were convicted as accomplices in the crimes, or aiding and abetting crimes, committed by husbands, brothers or sons. As a result of a plea of ignorance or coercion as the motive for the crime was often put forward. On the 19 June 1799, Elizabeth Kane (alias Doyle) was tried and convicted for "endeavouring to pass Bank Notes which had been robbed from a Mail Coach" and was subsequently sentenced to death.⁸ Elizabeth claimed she had received the notes from her husband of three weeks, who had suffered the death penalty for the same crime, and was ignorant of William's "ways and the means by which he got the notes".⁹ In her petition, dated 12 June 1800, she prayed to the Marquis Cornwallis, Lord

⁷Ibid., p.621.

⁸P.P.C.,no. 471, p. 95.

⁹Ibid., p.95.

Lieutenant and General Governor of Ireland, with modesty, for a further remission of her sentence, being respited to transportation previous.

Even though this petition was supported by a character reference from a Mr. William Browne, 51 Marlboro Street, and by her own statements of ill-health, due to a fever, her case was also not endorsed.

Honora Judge, from Galway County Gaol, also blamed a man for her plight.¹⁰ When a sheep, stolen from a nearby farm, was found in her house, six months imprisonment was her punishment. The story unfolded that this man had left the sheep in her house when it was discovered by the authorities. Honora's petition contained certificates of her previous good character and an account of how she had passed three months in confinement before her trial. The petition dated the 19 June 1820, was unsuccessful in its aim.

Another unsuccessful petitioner, Bridget Bolan (alias Doran/Moran), tried 12 August 1802, blamed her husband for her predicament.¹¹ Convicted for driving a stolen cow to fair at Portarlinton, which her husband had imposed on her as his own property, she wrote that he had never been apprehended and "is now known to have gone off with another woman".¹² Her case however was later taken up by Mr. W.M. Pole, who wrote reports on many of the prisoners at Maryboro' Gaol, whom he felt should be liberated due to their "very great length of time"

¹⁰P.P.C., no. 1498.

¹¹P.P.C., no. 1098.

¹²Ibid., p.247.

incarcerated.¹³

Most petitions put forward more than one reason for why the prisoner should receive mercy. Along with marital status and children's security and welfare, the memorialists' also used ill-health resulting from prison conditions to secure their release, or to escape transportation. Mary Scott, a convict woman sent from Derry to Kilmainham Gaol, awaiting call to a ship, was recommended by Doctor Edward Trevor for a sentence of imprisonment, due to the fact that she had given birth to a child who was presently "at the breast", and her health was therefore in jeopardy.¹⁴ This was a repeated recommendation from Doctor Trevor, who wrote that he still felt she should remain incarcerated "as there are many other females more fit objects for transportation".¹⁵ Once again this petition was not endorsed.

Five years later in 1815 Mary Hennessy in Tipperary County Gaol had her petition endorsed due to ill-health and her good character in prison.¹⁶ She had recently given birth to her ninth child and went as far as to use her husband's good character to entreat mercy upon her self. Convicted of having arms and some ammunition and sentenced to transportation, her weak health essentially got this sentence waived and Mary was transferred to a prison in Cork.

Most petitioners who were to be transported, prayed for

¹³Ibid., pp 246-7.

¹⁴P.P.C., no. 1260, p. 288.

¹⁵Ibid., p. 288.

¹⁶P.P.C., no. 1306.

mercy that imprisonment would be granted to them instead. Whether or not they knew the fate that actually lay ahead of them, or perhaps did not wish to leave their families and birth place, very few petitioners requested that which Mary Kilrea wrote in 1820.¹⁷ She very meekly wrote from Mullingar Gaol, "it is not for liberty that Petr' maketh her application"; "by reason of her long close confinement, and several embarrassments and difficulties that have befallen Petr' since first arrested, have left her very much impaired in her health. Petr' therefore implores and begs that your Honour [William Gregory] through your accustomed tenderness and humanity to the distress'd would give such directions as you think most expedient on the subject in question, to have Petitioner removed and forwarded to her place of destination as speedy as possible".¹⁸ The most probable reason for the memorialist's desire to be rapidly transported was that either her family, or her husband had already been sent or emigrated to Australia, and she wished to join them.

Alternatively, her position in Ireland may have been such that a chance of a new life, with new prospects, seemed better than the prevailing poverty and unemployment that existed for a lot of women in nineteenth century Ireland. As the century progressed, there was an increase in the number of free women who went to the colonies, from Ireland.

In the early part of the nineteenth century, discussions about the treatment and life of female convicts transported, became quite common. In Commons Select Committees, relating to

¹⁷P.P.C., no. 1503.

¹⁸Ibid., p. 355.

transportation, evidence of the foul conditions women convicts endured on board the "hulks" (prison ships) and the treatment they received upon arrival, were they were often "indiscriminately given to such inhabitants as demanded them, and were in general received rather as prostitutes than as servants".¹⁹ Despite their unknown fate in Australia, some women were relieved to be out of their temporary imprisonment in the Depots, hulks or the over-crowded prison. Throughout the reports of the Commons Select Committees, relating to prisons, in the early part of the century, descriptions of most jails were horrendous. Diseases killed many, due to lack of proper sanitation, and the clumping together of up to six convicts in any one cell.

Alcoholism or drunkenness in women in nineteenth century Ireland was regarded by Victorian society as a severe moral crime, with a crusade against its spread very much in progress. In many petitions drunkenness was mentioned as the main factor why many women committed crimes. However, because it was viewed as so reprehensible, it is doubtful it gained the memorialist much sympathy. Jane Kennedy received three years imprisonment for "stripping a child" when "insensibly intoxicated".²⁰ A year later in 1824 Catherine Kelly entered a house whilst drunk and stole three shirts, and once convicted received seven years transportation.²¹ Despite both having fatherless children,

¹⁹Quoted from A.G.L. Shaw, *Convicts and the colonies*, (London, 1966), p. 100.

²⁰P.P.C., no. 2018, p. 519.

²¹P.P.C., no. 2349, p. 623.

neither petitions were endorsed.

Drink in prisons was also strictly forbidden, but in the early part of the century the rules that existed were not well enforced. In a petition dated 1825, written on behalf of Anne Mc Gough, confined in Dundalk Prison, it stated that the above had brought malt spirits to her brother-in-law, a prisoner, contrary to prison regulations, and was thus punished by a prison sentence herself.²² Two other petitions, in 1826 and 1827, saw two other women convicted also due to alcohol. Anne Gallagher, received a one month prison sentence and a four shilling fine for illicit distilling and ended up in Carrick-on-Shannon Gaol.²³ In Carrickfergus the following year, Jane Galbraith was serving her sentence for illegally selling spirits.²⁴

The age of some women served as their main bargaining point in gaining commutation of sentences. To survive the average transportation sentence of seven years, or even the voyage, meant the women's health had to be fairly stable. To endure a prison sentence, in any of the jails in Ireland at this time, was equally difficult. Therefore, both the very young and the very old were disadvantaged regardless of their standard of health.

Below the age of twenty and above the age of fifty are the only ages given in the petitions I looked at. The youngest girl was Mary Griffin who was only twelve years old when sentenced to transportation for house stealing in 1827.²⁵ Sentencing was far

²²P.P.C., no. 1825.

²³P.P.C., no. 2729.

²⁴P.P.C., no. 3108.

²⁵P.P.C., no. 3102.

more severe in 1801 for Mary Lalor (the elder), aged 16 years and Mary Lalor (the younger), aged 14 years, who both received death sentences for theft of oaten meal.²⁶ Their father and nine other men were also convicted of the same crime, with the same sentence. In their petition, they pray mercy as promised by the trial judge on account of their "tender years, their sex, the hunger and hardships of the times".²⁷ Both girls claimed they were innocent of the charge, and also pleaded for clemency on account of it being their first offence. They also asked that mercy be extended to their father William and the nine other men, all of which they named. The two female petitioners also wrote separately to Colonel Littlechales, the Secretary of State, imploring him to save them from being strangled. The petitions were written on the Monday evening before Thursday the 23 April, the morning they were due to be hung. Written on the front of their petition was "great haste". No pardon or commutation seems to have been given.

The oldest petitioner found was Elizabeth Woods, who in 1827 was 87 years old.²⁸ Convicted at Carlow Assizes of possession of stolen goods, she received a rather light sentence of twelve months imprisonment. Presumably, it was not her first offence, as this crime usually only resulted in a three to six months sentence for first offenders. However, due to her age, a concession more than likely was made in giving her only one year. Despite this, entering prison in the early nineteenth century at

²⁶P.P.C., no. 706.

²⁷Ibid., p. 154.

²⁸P.P.C., no. 3231.

the age of 87 years would have been considerably hazardous. Bryan and Anne Ward, convicted for having in their possession a £10 forged note, were to be transported for fourteen years.²⁹ Writing from the Richmond General Penitentiary, they appealed not to be transported due to their ages, 69 and 66 respectively, feeling that neither would survive the horrendous voyage.

The majority of the offences committed by the women convicts were listed as a felony, of wearing apparel or money. This term was used to cover a variety of offenses, in relation to theft. Other crimes included robbery, assault, issuing and passing forged notes and receiving stolen goods. Certain cases would have the crime well illustrated, for example, it would state felony of a hat or ribbon, or theft of 11d. Detailing the crime in this fashion, rather than just describing it was a theft or larceny, often displayed the judges feeling on the seriousness of the offence. The judge, of course, was only a reflection of society's values and principles in regards to the law and those who broke it. In effect, it was the upper strata who were making the law and essentially enforcing it, whilst most female convicts came from the lower strata of society.

Theft of articles such as boots or a hat could not be said to make the thief wealthy or a professional criminal. Most of the crimes in the petitions fall into this category. The majority of female criminals, who did work, were in low paid jobs, like the domestic servant, Mary Lynd, who worked for the late Mr. Marmaduke Grove.³⁰ On hearing of his death, she

²⁹P.P.C., no. 2177.

³⁰P.P.C., no. 2667.

visited his house to pay her respects. Mary noticed a bundle of papers under the masters bed(Bank Notes). Upon informing the deceased's sister of the find, who examined it and found it to contain £300 in notes. When some "malicious person remarked that there might have been more money", she was arrested.³¹ When searched, Mary had £14-10s on her person, which she claimed was the product of both her and her husband's labour. Not all female convicts gave their occupation in their petitions, but if they possessed either a good upbringing, or a good education, or were associated with wealth, they certainly pointed it out.

Margaret Dunn, definitely stood out amongst the hundreds of petitions looked at, for two reasons.³² Firstly, Margaret came from the higher strata of society. She was well educated and there was money in her family. Secondly, her petition was successful and she received a full pardon, primarily it would seem, because she had money and a good family name to aid her case. Sentenced to death for passing a forged note for a guinea and a half in 1811, the Recorder, Judge Daly, wrote that he had no doubt the woman had passed forged notes knowingly and hence did not consider the jury's recommendation to mercy.

Two Sheriffs of Dublin, Robert Harty and John H. James, first of all wrote in favour of the prisoner, the niece of the late Mr. Fuller of Edenderry, distiller and farmer, who had given her an excellent education. She had subsequently been "reduced to marry a dependant of her uncle's establishment, who later proved an infamous character deeply concerned in passing forged

³¹Ibid., p. 696.

³²P.P.C., no. 4008.

notes".³³ The Sheriff's letter continued that despite being married to this man for fourteen years, Margaret "retained her good principles".³⁴ They explained that they had investigated this case thoroughly and "believed she was innocent of any knowledge of wrong doing in the transactions for which she was sentenced".³⁵ These transactions were at Mr. Whites Bride Street and at Hayes' in John's Lane, where Margaret was purchasing articles on behalf of a Mr. Smith, for his wife. Gorman, and a shop-boy were the employees in the shop in Bride Street and the principal witnesses against Margaret. Gorman tried to locate her as soon as he discovered the notes were forged, but the address she had given him when in the shop had proved a fake. Accompanied by a constable, after discovering her true address, Gorman approached her with the note and the accusation that she had indeed passed in the above named shop. Margaret foolishly attempted to grab the note from the constable's hand illustrating her guilt to the officer who quickly arrested her for the crime. Judge Daly heard this at the trial and immediately felt "she was guilty".³⁶

Margaret Dunn had sent her memorial to the junior judge at the trial, Baron Smith, it would seem because he pronounced sentence upon her. He in turn, feeling it was his duty, turned the whole matter over to the Governor, the "Dispenser of Mercy", clearly perturbed that Margaret had been ignorant of the

³³Ibid., p. 1

³⁴Ibid., p. 1.

³⁵Ibid., p. 1.

³⁶Ibid., p. 4

procedure in relation to petitions.³⁷ Baron Smith, continued in his letter to the Governor, that although it was not his place to comment on petitions, he felt "her letter echoes my distrust at the Trial of his [Gorman] evidence".³⁸ He was obviously moved by the petitioner's request, not that she be let go free, but only her means of death be altered from hanging. She had suffered a month in Newgate prior to the application, the length of time surprising him.

The petition she put forward stated unequivocally her innocence of the crime, and her feeling of hardship over the evidence given by Gorman and the shop-boy, which Margaret felt had to be a case of mistaken identity. All she asked for was "death anyway except hanging".³⁹ Her suggestions of a different method went as follows; "cut her head off", or have her "brains blown out or burned at the stake".⁴⁰ Two prison officers, Mr. Birns and Mr. Mc Dool, bore testimony to her fine character whilst in prison and that her life was "that of a penitent".⁴¹ The former went so far as to say that "never in all his days has he seen such a well conducted and penitent a woman".⁴²

The case was finally seen to by the Lord Lieutenant, graciously acknowledged by Judge Daly who was "glad to be rid of the whole affair" as the LOrd Lieutenant's mercy had saved him

³⁷Ibid., p. 5.

³⁸Ibid., p. 5.

³⁹Ibid., p. 2.

⁴⁰Ibid., p. 2.

⁴¹Ibid., p. 2.

⁴²Ibid., p. 2.

and "the rest of the judges a very painful and laborious discussion, the being rid of which is at this particularly desirable".⁴³ Margaret was originally to receive a commutation of sentence, leaving her with transportation for life. Perhaps due to the investigations of the two sheriffs or due to a less embarrassing method of ending the whole affair, the petitioner received a free pardon, the Judges having determined that the wrong note was given at the trial, and so with no other charge against her, Margaret was discharged.

The involvement of state officials in this case can only lead one to presume that people from the "right side of the tracks" received preferential treatment. The lack of any family testimonials, unlike most other petitions, whose families may of depended on their female kin, implies the stigma attached to a wealthy family if one of their own was tarnished by the law. Margaret's husband's record of being tried seven times for passing forged notes, although never convicted, would appear to have been used against her at the trial, even though the sheriffs stated that her character remained "unimpeached" and that essentially she was a separate person, upholding her own principles, which had been "imbued in her at an early age".⁴⁴ Thus to be a married woman, meant you carried your husband's morals and character, although this does not appear in any of the male petitions examined. For other female petitioners, the fact that their husband or father was in the armed services, thus a loyal defender of the crown, was always mentioned, for the effect

⁴³Ibid., p. 3.

⁴⁴Ibid., p. 1.

that the particular man's character was influential over the woman's.

In another petition similar to Margaret Dunn's, Mary Ann O'Hara, ten years previous and also in Newgate, received a sentence of transportation, for having upon her blank paper for forging notes.⁴⁵ She pleaded that she had been "led into a snare laid for her, thro' the misconduct and neglect of her husband".⁴⁶ Despite a note from Major Sirr that the petitioner's information convicted her husband "the principle Forgerer in Ireland", she was not liberated.⁴⁷ The sense implied in many of the petitions like this one, was that women were ignorant of the crimes they committed, or were stupidly led into them by their husband's ingenuity. These women, were therefore trading in on the stereotype of lower class women, portraying themselves as duped chattel or victims of circumstance.

In her article on "Women Convicts From Wexford and Waterford, 1836-1840," Brenda Mooney points to the fact that women convicts were always considered habitual prostitutes, regardless of the crime they committed.⁴⁸ In contemporary accounts, they were referred to as "damned whores"⁴⁹ and depicted far less nobly than their male counterparts. However,

⁴⁵P.P.C., no. 545.

⁴⁶Ibid., p. 113.

⁴⁷Ibid., p. 113.

⁴⁸Bob Reece (ed.), Irish convicts-the origins of convicts transported to Australia (U.C.D., 1989), p. 116.

⁴⁹Ibid., p. 116.

from her research, the evidence clearly showed that "Wexford and Waterford women convicts", were not justifiably stereotyped as prostitutes.⁵⁰ Mooney's conclusion that "most were domestic servants or small dealers who gave in to the temptation of petty theft" mirrors my own findings.⁵¹ However, it would seem that female convicts used prostitution in their cases. In the Margaret Dunn case mentioned above, the two sheriffs, Harty and James, wrote in her favour that she "unequivocally and unhesitatingly preferred any result of a Trial however fatal, rather than submit to prostitution, the too common and usual resource of the Guilty Female to insure the merciful interposition of the Crown".⁵² Another petitioner giving her name as Mary Williamson, convicted of theft, being an accomplice to a man, and sentenced to transportation for seven years, admitted to being "a loose woman" in an attempt to earn sympathy for her case.⁵³

The vulnerability of prostitutes is highlighted, in a case dated December 18, 1821. Mary Kinsly, Harriot Gordon and Catherine Walker each received seven years transportation for having taken £14 from the person of one George Munro.⁵⁴ Harriot Gordon had met Munro in a Dublin street, and after some conversation he took her to a boarding house (brothel) kept by Mary Kinsly. Munro sent another girl, Catherine Walker to fetch

⁵⁰Ibid., p. 116.

⁵¹Ibid., p. 116.

⁵²P.P.C., no. 4008, p. 1.

⁵³P.P.C., no. 2723, p. 709.

⁵⁴P.P.C., no. 1718.

some spirits and upon returning with the bottle, Walker took a glass and then left the room. Munro locked the door with Harriot still present, who told him she could not be losing her time for nothing, upon which he offered her 2s and 6d. Harriot objected to the amount, as it was too small a recompense, so Munro searching for more money, discovered his "Pocket Book" was missing and cried out he was robbed. The petitioners pleading their case, stated that the door remained locked until the watchman arrived and searched the woman Gordon and the room, to discover nothing. These women were all involved in prostitution, in one way or another. Their word was obviously not as highly respected as Munro's, even though he himself, was not an innocent by-stander. Their combined petition was not endorsed.

The next petition, made by the prisoner's father, fully illustrates how prostitution was viewed by society and how it affected some families. Thomas Nugent of Ballybough, County Dublin, begins his plea by stating that he "passed the greater part of his life in fulfilling the different duties of a Citizen, a Husband, a Father, in return he has the consolation of having the Esteem of his Friends, an affectionate partner, dutiful and industrious children".⁵⁵ Note that it is what he gives to society as a citizen, and what he receives in respect from those around him, that is primary in this man's mind. His daughter Emily is the subject of the memorial. Nugent states that she "early Exhibited signs of obedience, docility and Industry, but was plunged or rather precipitated into a gulph of misfortune by connecting herself with an unfortunate female; but her career in

⁵⁵P.P.C., no. 2117, p. 553.

Vice was Short, Short indeed. She was stopped by the laws of her Country. She is now imprisoned in the Hardwicke Asylum for a crime which I blush to name, - for being a Street Walker".⁵⁶ Addressed to the Lord Marquis Wellsley, and with certificates from a police officer, Emily Nugent was discharged after only serving seven weeks, restoring "this prodigal child to her sorrowing parents".⁵⁷

The final petition, in regards to prostitution portrays how one judge, William Walker, regarded prostitution. Mrs. Burke petitioned on behalf of her daughter Bridget, who was in Newgate Gaol, awaiting transportation.⁵⁸ Her mother pleaded for her release, claiming that her daughter was much depended on in regards the family income. The prosecutor gave a certificate of forgiveness, he being the one who had been robbed. However, the Recorder of Dublin, Judge Walker, made out a report on the case, in which he stated that he felt Bridget was not a fit object for mercy. The reason for this, he claimed was because "she is one of those abandoned Prostitutes who infest on Streets at night for the purpose of robbing the unwary".⁵⁹ Needless to say Bridget Burke remained in prison, awaiting her voyage to Australia. In the four petitions containing prostitutes, all came from Dublin. Only Emily Nugent, whose parents stated they would look after her upon her release, was discharged. According to some historians the majority of the female convict class were

⁵⁶Ibid., p. 553.

⁵⁷Ibid., p. 553.

⁵⁸P.P.C., no. 4068.

⁵⁹Ibid., p. 2.

prostitutes.⁶⁰ Perhaps the reason so few appear in the petitions is that their offence did not warrant a severe sentence. It seems however, that when prostitutes committed other offenses, such as being drunk and disorderly or theft, that they used the appeal process. According to the Dublin Police Act 1842, a policeman, could, by stating that a woman was known to him as a prostitute, secure her conviction. It would seem that few prostitutes ended up in prison or in Australia, for soliciting alone. Up to the 1850's, they received a prison sentence of up to one month or a fine of not more than 2 shillings. Another possible reason why so few petitions exist from prostitutes, may lie in the fact that 99% were illiterate and they may not of been able to secure a solicitor to write one on their behalf.

The majority of the petitions discussed so far, relate to crimes against property and "crimes against behaviour", i.e women who deviated in their personal behaviour from the acceptable moral standards. In general, it was in these two categories that most female convicts belonged. Crimes against the person, or violent crimes were committed by women, but in small numbers compared to men, and along a certain pattern. For the crimes of murder or manslaughter, the victims were usually known to the woman, i.e husband, child or neighbour. The Prisoners' Petitions and Cases 1800-1836, contain only a few of such cases, but an increase over the century is found in the Convict Reference Files.

Charlotte Kavanagh, nee Browning, was tried at the Summer

⁶⁰Bob Reece, *Irish Convicts*, (U.C.D., 1990), pp 116-25.

Assizes in 1807, in County Wicklow, for an assault on Mr. Thomas King, a magistrate.⁶¹ She received a sentence of seven years transportation, and was sent down to the North Gaol in Cork. Away from family and friends, she waited to go on a ship to Botany Bay. Her petition unfortunately did not give details as to why she assaulted the magistrate, but it would appear not to have been serious. Owing to the fact that it was her first offence, it is clear that the petitioner felt she had received a heavy punishment, especially for someone with a noted good character. The memorial is dated 20 April, 1809, so nearly two years had passed since her conviction and by this time a ship had set sail, almost three months previous. Owing to the fact she was not put on it, she anticipated a pardon any moment. No endorsement was marked on her petition. Only one other assault and two cases of "stripping a child" are present in the P.P.C's up to 1827. From 1827-1836 there are eleven.

One of those eleven, was the case of Sarah Geenty.⁶² Convicted of murder at the Longford Summer Assizes, she was to be executed the following month, according to the sentence passed by Justice Daly. Whilst awaiting her fate, she complained of ill-health and upon examination by a "jury of matrons" was found to be pregnant. An immediate respite was ordered. More than likely Sarah realised the consequences of being pregnant and whether she was or not, she played along. A certain amount of time was allowed to elapse in order that full proof of her pregnancy could be obtained. The Lord Chief Baron, Standish

⁶¹P.P.C.. no. 1246.

⁶²P.P.C., no. 3969.

O'Grady, subsequently reported that the prisoner "has not since lapse of sufficient time shown any signs of pregnancy".⁶³ He ordered that her execution be set for Saturday, 26 March 1808 next.

Of the remaining ten cases, four were assaults, one stripping of a child, one aiding and abetting in a rape and three murders. The first of these was in Dublin, in 1834, in which Maria Carning pleaded for mercy against the death sentence she received for murdering her husband Thomas Carning.⁶⁴ A year later, Sarah Dunlop, Carrickfergus, petitioned against the death sentence she received for murdering her infant child.⁶⁵ The final petition concerned the lives of five women, all implicated in the murders of two Tithe Proctors, at Castlepooke, County Cork.⁶⁶ A female witness for the Crown, told of the arrival of the men Carning and Cummins, who walked by her, in the small village, and towards another group of men and women, who were gathered in a nearby field. The group appeared to accost the men, one falling to the ground after being knocked, the other running off. The informant saw one of the women, Bet Heaphy strike one of the men on the head with a stone, and afterwards heard her say that he (the Proctor) called out for Gods sake to let him go and then he ran off. In Jack Heaphy's yard, he was knocked down and a number of men threw more stones at him. After a while, the women returned, with two unnamed women, took the

⁶³Ibid., p. 1.

⁶⁴P.P.C., no. 3713.

⁶⁵P.P.C., no. 3716.

⁶⁶P.P.C., no. 3712.



body from the yard to where the other body lay, and brought them to the river and threw them in. Bridget Heffernan was named as one of the women who struck the first man, mentioning soon after that he was dead. The rest of the village, who had either taken part in the event or had been witness to the whole thing, all decided, according to the informant, to say they knew nothing about the whole incident.

The two men were valuers of the parish of Doneraile, a part of County Cork known to be in a desperate state. As a result, the job Carning and Cummins took on was very dangerous. Previous visits to the area had proved unfruitful, as they had been obstructed in their duties even then. Women however, have not been noted for their input in agrarian crime, especially not to the extent of murder. The conspiracy of silence held by the rest of the women in the town, is highlighted by the informant, implicating them also. Although, not all the women it seems received death sentences for their part in the whole affair, the respite they received still did not satisfy them hence the petition.

It subsequently transpired that the women had been goaded into throwing stones at the two valuers, by the men in the field, and in their decision to set a black dog on them also. Another witness gave clear evidence that Bet Heaphy, after dropping the stone on one of the Proctor's faces, thus breaking his nose, caught him by the legs and turned him face down into the water. The next day Bet, met the witness, and told him she would give him "a bag of buttons" if he did not tell anything. The other main witness, Mary McCarthy, aged 8, said that another

woman of the Doneraile Parish, Mary Smith had told a lie, in saying she did not know any of the men questioned about. The credibility of this witness was facilitated by the fact she had some convent education, and despite not being able to spell, she could read. This child later went on to incriminate her own parents.

A policeman named Michael Casey went under cover in the barracks where Mary Denahy was being held. Gaining her confidence by telling his story of crime, she began to fill him in on the Castlepooke murders. Mary told Casey that after the two men were dead, the women tied stones around their necks and thrown them in the river. Although she denied this information later, it was used against her. Another witness told the Court, how he saw the women get bottles, put one in Carning's pocket and the other near the other body, to make people think they had fallen and wounded themselves. Another witness clearly implicated John Hartnett, who he remembered saying that he would refuse to pay the tithes since they had been increased, and if they persevered he would "make them pay for it". The evidence of William Herbert, a teenager, was the most damaging, and secured the death sentence for David Heaphy. His remarks, in relation to the women surely lessened their sentences; "these men desired the women to strike the two men with a stone and set a black dog at them". The vicious attack by David Heaphy's sister Bet, was also put into this category, as it was felt that the men's actions goaded the women and led them into a frenzy. Bet Heaphy, however was not found until two weeks into the investigation, as she was hiding in a neighbouring parish. When

Constable John Smith approached the house, the door was bolted and several men with pitchforks were present inside. With the army's assistance, Heaphy was taken out, denying her real name and birth place.

The first trial saw David Heaphy's sentenced and he was immediately executed. The second trial dealt with Bet Heaphy, Mary Heaphy, Mary Denahy and Johanna Heaphy. All received death sentences. A third and final trial, as reported in "The Constitution" saw John Hartnett, Anne Barret, John Barret, Ellen Duff and John Sullivan before the court. Hartnett had his trial postponed and was given bail, on the grounds that the rest of the accused all change their plea to guilty, which they did. Their solicitor, Mr. Bennet argued with Judge Pennefather, that on account of their plea, he was calling for a lighter sentence than death, recommending transportation or imprisonment for life. Sentence was not passed, leaving the decision up to the Lord Lieutenant, from which they all subsequently received a respite. As a result there was no trial, a conclusion the judge welcomed, as it meant the defendants could start their penitence right away.

Judge Pennefather's closing remarks in the first trial sum up the feelings of the establishment in relation to female crime. The guilt of David Heaphy, was stated by the Judge as twofold; "Not satisfied with bringing out the male population, the very women appear to have been enlisted in this brutal and sanguinary business; they appear to have been most forward in this transaction, forgetting their very nature, and seeming to abandon themselves before the fiercer passions of the other sex. Is it

to be supposed that they were uninstigated by the men? Is it to be supposed that women would have taken so active a part in this outrage, as they appear to have done, if men, such as you, had not urged them on to it - if their husbands and brothers and fathers, had not abetted them in their sanguinary doings?"⁶⁷

Therefore, these women had broken the law, but their crime was less, as they had not instigated it. Their weakness as women is thus implied, in that it is inconceivable they could of done this awful act without the support from the men, as it would of been against their nature. Yet in the evidence, these women effectively killed one of the men, were given or took on the task of covering up the crime and the burden of keeping silent. Even the female witness, Mary McCarthy suffered for her honesty, her father saying "take care you b---h, of what you say".⁶⁸ And yet in the eyes of the men in the parish, no such feeling of weakness is apparent. The crucial job of hiding the body and covering up the blood in the field was left to them, as was the initial attacks on the two officials. Mary Denahy told the under cover policeman of how they laughed as they took part in the assault, found it amusing when the Peelers arrived and searched for the blood stains and even kept the cravats the dead men wore. No frailty or hysteria is present in the accounts of the women, after they committed the crimes. It seems obvious also, that the effects of raised tithes affected them also, so that they shared in the grievance against Carning and Cummins. This motive does not seem to enter into the Crown's case against the women.

⁶⁷The Constitution, 28 March, 1833, vol. xii, no. 1720.

⁶⁸Ibid., p. 1.

After 1836, the Convict Reference Files/Books take over from the P.P.C's and despite the decline in population, especially after 1851, the number of cases rises dramatically. Many factors account for this. A new national and centralised police force was created in 1836. This replaced the more fragmented and disordered police systems, and the baronial force that existed throughout the country. The new force brought with it new techniques of control and surveillance, with the Dublin Metropolitan Police having a special "private register", which listed names of those under suspicion, including prostitutes.⁶⁹ As a result of this, more crimes were detected. The transformation in society, of which the new police force was only a part, strove for respectability, no longer tolerating what was termed immoral behaviour. As the century progressed, the C.R.B. are added to by cases of attempted suicide, the number of manslaughter cases for women increases, as do the cases of indecent language or threatening language. The number of women convicted for child desertion and ill-treatment also increase. It also appears, that with this increased awareness of the welfare of children, more cases of child murder as opposed to infanticide are present in the books. A combination of intolerance of this kind of crime in the latter part of the century, alongside the increased efficiency of the working of the legal system, add to the overall rise of female cases. As a result of this, it is hard to gauge whether or not women were committing more crimes. In the category of crimes against the person, the statistics show an increase from 228 females

⁶⁹Patrick Carroll, Reform and rehabilitation, p. 85.

convicted in 1840 up to 509 females convicted in ten years later.⁷⁰ There are subsequent rises in the categories of crimes against property and crimes against behaviour in this period also. After a decrease in crimes against the person in 1880, by 1890, the total conviction for women has gone back up to 511.⁷¹ However, in both the categories of crimes against property and behaviour, the peak figures of female convictions occur in 1850, with only approximately half the convictions for behavioural crimes achieved in 1890. Therefore, the only steady increase that occurs over the century in female convictions is in crimes against people, the category with the most marked contrast to male convicts.

The 1850's, contain the peak number of female offenders.⁷² Directly as a result of the famine, there was a percentage change in the population of almost minus 20%, which thus highlights further the figures of the 1850's. It would almost be conclusive to say that this rise was primarily due to the after effects of the famine, and the ensuing chaos. The most stark increase for female convicts between 1840 and 1850, was in crimes against property, no doubt the vast majority being economically motivated. The rise was from 287 in 1840 up to 1,298 in 1850. In contrast, this number had decreased to 376 in 1890.⁷³ The crime for which most women were arrested for between 1840-1890 was drunkenness, its peak being 6,420 in 1840, the lowest

⁷⁰Dublin Metropolitan Police Statistics, 1836-90.

⁷¹Ibid.

⁷²Ibid.

⁷³Ibid.

number 2,676 in 1880. The only crime for which women received a greater arrest rate was in vagrancy, and only in 1860. All in all, the crime rate for men far exceeded that for women, (excluding prostitution, where male figures do not exist) despite the larger percentage of women in the population throughout the nineteenth century.⁷⁴

⁷⁴Ibid.

CHAPTER TWO

TRANSPORTATION: WOMEN WHO MADE THE VOYAGE.

The colony of Australia, vastly underpopulated, gave Britain a perfect place to unload it's criminal population. Here, the offenders that polluted the mother country, could start again, and work to build the Empire's latest acquisition. As in the case of most British colonies, the female famine was more acute than their male counterparts, and as a result, "women were from the first, transported for far milder offences than the men's".⁷⁵

The prison system in Britain and Ireland in the early part of the nineteenth century had been designed to hold offenders for no longer than two-four years. Gross over crowding and poor conditions meant that transportation of the vast majority of serious criminal offenders was imperative. The only alternative open to the establishment, was the imposition of the death penalty, still in operation up to the 1830's. Around 165,000 convicts were transported to the Australian colonies from Britain and Ireland, starting in the year 1788 from Britain. Of these, 40,000 were Irish convicts, transported directly from Ireland, starting "with the "Queen" which left Cork in April, 1791...".⁷⁶ Of the total, 29,466 were males and 9,104 were females. The Irish convicts made up three-eighths of all the women prisoners, Irish men, a quarter of all male prisoners.⁷⁷

⁷⁵Rosalind Miles, *The Women's history of the world*, (New York, 1990), p. 198.

⁷⁶Bob Reece, *Irish convicts*, (U.C.D., 1989), p. 2.

⁷⁷*Ibid.*, p. 3.

Early nineteenth century Ireland can very generally be characterised as being rurally over-populated, racked by poverty and under the cloud of unemployment. Crime rates were escalating and no immediate solution was apparent. Under these circumstances, transportation in Ireland, as in Britain, was principally a means of coping with theft, forgery and prostitution, as they manifested themselves in every town and village.

Before the female convicts were transported, they were usually remained a few months in prison, awaiting an available ship. They were usually transferred to Cork or Dublin, where special prisons, called Depots, had been specifically erected, for those awaiting transportation. A "Letter to the Matron of the Shelter at Dublin", dated June 11, 1834, describes one woman's experience on board a ship bound for Australia.⁷⁸ After setting sail, the woman's provisions were stolen. She stated that they were "treated cruelly after we got on Sea, being removed from our berths and put under the hatches: every time the sea was boisterous, we were drenched through".⁷⁹ Because of the horrendous conditions, only women deemed fit enough, embarked on the voyage, which also had a "Surgeon" on board, for those who were ill. The woman was accompanied by a friend called Anne, who was "too delicate to survive", and died twelve days after they left Dublin. They had nothing to eat and were provided with only "bad water". There was nothing to lie upon except straw, which had to be thrown over board due to the wet. The woman went on

⁷⁸Prisons, vol. 4, 1835, appendix, pp 550-60.

⁷⁹Ibid., pp 550-60.

to say that the ship was nearly wrecked when thy struck some sand banks, and the vessel sprung a leak. All hands were needed, day and night, to keep the ship dry and functionable. This woman was very lucky when she did finally arrive in the colony, as she "settled with the Minister's Lady of this town", where she was paid 12s., had her own room and "every convenience". The writer of the letter had been a domestic servant, who claimed her employer had paid her unfairly. When struck by a "long and dangerous illness", she pledged an article belonging to her employer. She was found guilty of theft, went to prison and hence to the Protestant Shelter.

For most women convicts who had survived the voyage, such assignments were not as common. After the vessel docked in port, the women remained on board for eight to ten days. Then, they were taken out onto the dock-yard. According to James Mudie, giving evidence before the Commons Select Committee on Transportation, "they land in every description of dress that you can imagine".⁸⁰ The women convicts, as with the men, were recommended by the doctor and the captain of the ship, if they had behaved themselves well or had any particular skill. The remainder, were listed, stating their different sentences, and any abilities they possessed. Mr. Mudie went on to give his opinion, that the women convicts did not make good servants and that in general, they were badly behaved.

The Assignment Board, was described as being corrupt, in so far as, all it's members had over thirty servants each. The

⁸⁰Report from the Commons select committee on transportation, H.C. 1837, p. 95

convict constables, who accompanied the transfer of female convicts, were also known to be corrupt, often sleeping with the women, or depriving them of their rations. However, despite the character of the officials, the character of the female convicts was far worse, according to Mr. Mudie: "I should say that they are worse than the men in all descriptions of vice, you can have no conception of their depravity of character...they all smoke, drink and in fact, to speak in plain language, I consider them all prostitutes".⁸¹

Lieutenant Colonel Henry Breton, also gave evidence to the Committee of the poor behaviour of the female convicts. He stated that he had never known a male convict ship to be taken over, but did know of an instance on a female ship, where the females and the crew did take over. "The women corrupted the crew, and they went into Rio".⁸² As there were no troops on board female convict ships, little could be done. Evidence was given by other witnesses, of the intercourse between the crew and the female convicts. "In some ships", wrote Surgeon White, of the First Fleet, "the desire of the women to be with the men was so uncontrollable that neither shame nor the fear of punishment could deter them from making their way...to the apartments assigned to the seamen".⁸³ Even after female convicts were transported in separate ships, from the male convicts, it was customary "that every Sailor be allowed to live with a Woman

⁸¹Ibid., pp 95-101.

⁸²Ibid., p. 155.

⁸³Quoted from A.G.L. Shaw, *Convicts and the colonies*, (London, 1966), p. 125.

during the passage".⁸⁴ Even though, the British Government frowned on this behaviour, they did little to stop it. The offenders could not be punished by the authorities in New South Wales, due to lack of power, which the British Government refused to extend to them. Harsher sanctions were recommended, as were deductions from the sailor's wages, but this often did not prove harsh enough.

The conditions which female convicts had to endure were far worse when transportation to Australia began, primarily due to a lack of organisation and procedure. Upon their arrival, they were indiscriminately given to any person that demanded them, and were in general received as prostitutes rather than as servants.⁸⁵ To be a convict woman therefore essentially carried the stigma of being a prostitute. One free settler wrote home:

It will perhaps scarcely be believed that, on the arrival of a female convict ship, the custom has been to suffer the inhabitants of the colony each to select one at his pleasure, not only as servants, but as avowed objects of intercourse...rendering the whole colony little better than an extensive brothel".⁸⁶ As a result of the disgraceful treatment they received, there was little means or encouragement to reform themselves. Many inhabitants were able to take more than one female convict, according to their financial position. The New South Wales Army Corps received forty female transports

⁸⁴Ibid., p. 126.

⁸⁵Transportation committee 1812.

⁸⁶Quoted from Rosalind Miles, *The Women's history of the world*, p. 195.

in 1803.⁸⁷

British officials continually tried to rectify this situation, but without direct intervention, little could really be done. A factory was set up in Paramatta, Sydney, where female convicts could be housed and could work. Here they were to stay until their behaviour was curbed, such that they could be selected by free settlers. Marriage was put forward, by colonial officials, as one of the best means of reforming these women. Each woman was subject to a classification process when entering the factory. There were three classes, the third being for those under colonial sentence, those in solitary confinement, pregnant women and those returned from their assignment. There was a second or intermediate class, with more privilege than the previous class. Finally in the first class were the women who were deemed assignable and/or eligible to be married. Their assignment was monitored so that only married male free settlers could have servants, but this system was open to abuse, so that anyone could take a female convict. But with the stricter regulations being imposed, more frequently, more women were left for longer periods of time in the factory. This meant that they were now a burden to the government who had to maintain them for longer periods of time. In some cases, it was felt by the colonial officials, that the women preferred to stay in the factory rather than go to families. Under the circumstances, this was hardly surprising, as the women, at least had some freedom here.

Even in Paramatta factory, problems arose. Over-crowding

⁸⁷Ibid., p. 197.

and lack of supervision led to indiscriminate prostitution and another block to the long road to reform. According to A.G.L. Shaw, they were "more quarrelsome and more excitable than the men", and also "more difficult to control".⁸⁸ Shaw continues that the lack of punishment, as there were never enough cells to confine them in, and they were not allowed to be flogged, meant that their behaviour could not be checked or their reform furthered. The punishment that they were mostly subjected to, was a bread and water diet and sometimes they had their heads shaved. By the 1830's however, a Ladies Committee had initiated some reforms, including a reward system by which women received money if they remained satisfactorily assigned.⁸⁹

Throughout the 1820's and 30's, more and more calls for the end of transportation were being heard from the free settlers. The arrival of free women in the 1830's, meant that fewer positions for convict women were available and their reputation as being prostitutes and uncontrollable meant that few families wanted their children in connection with them. Despite the colonies complaints about the women, the British Government persevered, on the grounds that the disproportion of the sexes would be a worse outcome. Better discipline and organisation was to be enacted in the factories, were the female convicts were now to be kept at least six months before they could be assigned.

In the final period of transportation, mainly to Van Diemens Land, 42% of the women convicts there were Irish, "largely as a

⁸⁸A.G.L Shaw, *Convicts and the colonies*, (London, 1966), p. 240.

⁸⁹Transportation, vol. 2, 1837, appendix, no. 6.

result of the famine".⁹⁰ These women, in contrast to the majority of Irish female convicts sent to New South Wales, "were illiterate country-dwellers", and whose conduct was, all told, much better.⁹¹ In comparison, the women sent to New South Wales "were single, from the cities, and two-thirds were guilty of larceny or stealing wearing apparel".⁹²

Female convicts in the colonies were thrice disadvantaged. In the first place, they were females, which meant under the law they were second class citizens, having no vote, no property rights and little access into the world of the employed. Secondly they were convicts, in a society that saw women as the upholders of the moral code, which meant that they were unnatural and thus social pariahs. They were also characterised as prostitutes. Finally these women were Irish catholics. In a copy of a despatch from Governor Darling to the Right Honourable Sir George Murray, dated 1830, Darling stated that he "strongly recommends that no women from Ireland may be sent for some time, the inhabitants appearing to have a strong objection to receive them".⁹³ Seven years later, James Macarthur wrote that he doubted "whether Ireland is the country best calculated to supply the emigration that is wanted in New South Wales at present. I know there is a great objection to sending out any number of

⁹⁰A.G.L. Shaw, *Convicts and the colonies*, (London, 1966), p. 183.

⁹¹*Ibid.*, p. 183.

⁹²*Ibid.*, p. 164.

⁹³*Transportation*, vol. II, 1837, p. 188.

Irish emigrants".⁹⁴ The reason Macarthur gave for this was that the Irish were not as able, industrious or as well behaved, as the English and Scotch emigrants.

Governor Fitzgerald wrote to the Duke of Newcastle, in 1853, that "Irish Roman Catholics are not so likely to be absorbed as English Protestants. In the first place, they are generally more deficient in physical capacity and skill than the English prisoners...and secondly, that most of the settlers, if not all, prefer taking into their families servants of their own persuasion".⁹⁵ In contrast to these statements, evidence was given by Mr. J.S. Roe, who felt that " the Irish immigrant girls, who are generally of a better stamp than the immigrants sent from England; and although they are ignorant in matters of domestic arrangement, they are virtuous and well-behaved and make good wives".⁹⁶

Justification of transportation was a continual problem for the British Government, in the face of mounting criticisms from the settlers of Australia. With the opening up of Van Dieman's Land as a penal colony, the option of transportation continued. In a despatch from Lieutenant Governor Arthur, R.W. Hay, such justification is clear: "it will be generally found that as the constitutional habits of young girls prevent them from those-out-door exercises and early opportunities for crime and vice, which are open to boys of the lower orders, until the principle of virtue is destroyed, so when they once give way, their fall is

⁹⁴Ibid., p. 247.

⁹⁵Transportation, vol. XI, p. 519.

⁹⁶Transportation, vol. III, p. 44.

comparatively more sudden and dreadful. The immediate transportation therefore of all that class of unhappy young persons would be at once a mercy to themselves and a relief to the mother country".⁹⁷ It was a common belief of the upper class at this time, that young women fell harder and longer when they committed a crime, primarily because it was not deemed their nature to commit such dire actions. It was also felt that most female offenders that were transported were old, hardened criminals, and thus the most difficult to reform and control. Young female offenders, on the other hand, would be easier to manage and to reform, and would thus benefit the colonies, rather than adding to it's reputation that they housed the Empire's worst criminals.

Transportation was formally abolished on July 1, 1857.

⁹⁷Transportation vol. VI, p. 290.

CHAPTER THREE

INCARCERATION OF WOMEN.

After 1853, the option of transportation had in general been lost, and imprisonment took over as the central means of dealing with criminals. Early nineteenth century prisons were effectively used as a short-term punishment for minor offenders. The system of transportation effectively removed the convicts thought to be most dangerous. Mounting complaints from the colonies and philanthropic groups, forced the initiation of ideas for a prison regime, that would last for more than four years, instead of at most two. The penal system in Ireland was aimed at correcting offenders, as in most cases, the criminals were now going to be released back into the mother country, on average in seven years.

As most criminals were men, the new system was primarily aimed at correcting them. In pre-industrial times, it would appear that females and males were punished equally. Women were burnt at the stake, hanged and mutilated. Imprisonment in Bridewells and jails also saw women treated as the same as men and children. Early nineteenth century reforms centred on segregation of the sexes, "but it was not until the arrival of Elizabeth Fry and her committee of Quaker women at Newgate in 1816 that a distinctive regime for women began".⁹⁸ Fry's influence reached Ireland, where she initiated the setting up of women's visiting committees, who would give the female prisoners "regular religious observance" and schooling. Fry believed that

⁹⁸Frances Heidensohn, *Women and crime*, (London, 1985), p. 64.

it was essential that women staff should care for the female prisoners and that the female prisoners should be engaged in paid work.

Early nineteenth century prisons had manifest problems. At the beginning of the century there were in Ireland 41 gaols and 112 bridewells. The former were the county prisons, the latter were secondary gaols to which persons were committed for petty offences" or under civil bill processes for the recovery of small debts". They were generally very small, damp and insecure buildings. With only a limited number of cells, over-crowding was common. Some prisons had a food allowance, but usually the diet was supplemented by food brought to the prison by relatives. Debtors rarely were given any food. In most cases the prisoners slept on either straw or iron bedsteads, the provision of blankets varying in each prison. Most prisons in the early period did not provide segregation between female criminals or debtors, or even the untried. All were confined together, often with up to six in a cell. Lunatics were kept in a "safe cell", if one was provided. Most Irish gaols had no provision for work and no facilities for the instruction of the prisoners. Work that was available came in the form of spinning or heavy manual labour, the latter only open to men.

Most prisons in the early nineteenth century did not apportion much space for the female offenders. The Reverend Forster Archer, Inspector General of Prisons, told the select committee in 1819, of how he regarded "the county of Kilkenny

gaol as one of the best gaols in Ireland".⁹⁹ Separation of the sexes was distinct and foolproof, and there were ten court yards for exercises. Female debtors were not however confined in separate cells, according to Archer as "there were so few female debtors in Irish gaols that it scarcely ever occurred". The lack of consideration for the female debtors resulted as "it did not enter into the contemplation of the gentlemen who planned it".¹⁰⁰

It would seem that by 1819, the view of prison officials of female felons, was that it was essential to separate them from male offenders, that few female offenders existed, and female prisoners did not have different needs to male prisoners.

According to the first rule of the statute 50 George III, c.103, respecting the prisons of Ireland, "it shall not be lawful for any woman to be the keeper of any gaol".¹⁰¹ This it seems was strictly enforced, not like the eight rule "that Debtors be separated from felons and other offenders male and female separated".¹⁰² In Lifford Gaol, in Co. Donegal, over-crowding meant that the women were able to communicate, by shouting from the windows, with the men in the male court-yard, and on occasion the two sexes could see each other. Plans however had been drawn up to rectify this immediately. As it was "all prisoners of all descriptions, even young offenders can converse with the women,

⁹⁹Report from the select committee on the state of gaols, H.C. 1819, p. 195.

¹⁰⁰Ibid., p. 195.

¹⁰¹Ibid., p. 203.

¹⁰²Ibid., p. 203.

especially at the time of the distribution of provisions, when they come to the grates".¹⁰³

Although the use of leg-irons had been discredited, and evidence was given that most prisons had stopped using them, especially on women, the Bridewell of Galway was an exception. At one point it contained ten prisoners, a male lunatic and nine females. All were confined by "light leg irons", and "chains on their legs".¹⁰⁴ Most of these women appear to have been either prostitutes or vagrants, who were to be kept there until the magistrate determined. One woman had been there almost a year, another for seven months. There was no female attendant, just the keeper's wife, who presumably filled the role of looking after the women. The inspector went on, that as soon as the place was discovered it was closed down. Prior to this, a fifteen year old girl was committed for "seducing a young woman to go on the town with herself", her punishment whilst incarcerated being a diet of bread and water, being put in irons and "that she was to be well whipped".¹⁰⁵

All gaols examined by the Inspector General during the period were prone to over-crowding and he accredited the lack of separation to the increase of female offenders, as prior to 1814 "so many are not sentenced to transportation as before that period". The Inspector General attributed this "to the number of females that heretofore were committed from the seaport towns of Ireland, to the circumstance of their being left without their

¹⁰³Ibid., p. 208.

¹⁰⁴Ibid., p. 211.

¹⁰⁵Ibid., p. 212.

protectors, their fathers, husbands and brothers; and that since the return of a great number of their parents and protectors from the wars, they have been maintained by the relative labour of their kindred, and not for subsistence obliged to rob or steal;"¹⁰⁶

It does appear that there did exist some of the old world chivalry in the operation of the prison system. Limited space in most gaols meant that separate accommodation for female debtors was either non-existent or only open to the wealthy. At Kilmainham, female debtors were put into the sheriff's room or the gaoler's apartments. According to prison rules, "a woman claiming a room is, by the order of the court, to be preferred, if she chooses to go among the male debtors, that is, into a room which pays an allotted rent. She would then certainly have a room to herself, unless there was another female debtor wanting it, and in that case she must admit a partner. If she cannot pay the rent of the room, she is confined in the ward of the female felons".¹⁰⁷

Most of the women in the city gaols and Bridewell were "vagrant prostitutes, taken up in the night, who are generally committed for the space of one month by the district magistrates".¹⁰⁸ A lot of these women suffered from venereal disease, which they tried to conceal from the turnkeys and superintendents "lest their cure might detain them longer than

¹⁰⁶Ibid., p. 216.

¹⁰⁷Ibid., p. 217.

¹⁰⁸Ibid., p. 220.

that in prison".¹⁰⁹ As a result, most did not readily admit to being ill and thus suffered longer, rather than risk staying in prison any more than was necessary.

The building of the Smithfield Adult Female Penitentiary in 1809, although a temporary erection, was a step in the right direction, and an acknowledgement of the need for female prisons. Only about seventy women were picked from those due to be transported. They were given this opportunity, if their character was deemed reformable. They were to receive the same length of time in prison as they were to be transported for, so seven years transportation meant seven years penal servitude. There was however an added advantage, in that imprisonment in Ireland left them in their own country and they would be able to get out early if they behaved themselves. If the women's family would take them in, they would usually get out of prison even sooner. Women who had a trade, such as weaving or spinning, often found it easier to rehabilitate themselves, if they could find work. Those without any skills were not furnished with any training either in the House of Industry or in the gaols. As a result, once they were discharged, the likelihood of them re-committing offences, usually as vagrant prostitutes or thief, was pretty high.

Although the conditions in most prisons improved over the century, over-crowding could never be dealt with sufficiently. Lack of resources always meant that there was not enough educational training, the emphasis being put on religious instruction. A prison reference did not enable women to get

¹⁰⁹Ibid., p. 222.

jobs, in a market where few existed already. A major breakthrough for female offenders, and for the government, came in the form of "Refuges". The spread of philanthropy, both lay and religious, in nineteenth century Ireland, saw an increase in interest in female criminality. Following developments in America and Europe, where refuges were established for those deemed truly reformable, "The Ladies of the Refuge of Mercy, Golden Bridge", were first to take female prisoners.¹¹⁰ Here the female convicts, out on a licence, were bound to remain, until suitable employment was found for them. They worked and prayed, and followed the strict rules which were to be observed at all times. Any troublesome females were returned to prison to do out their full term of sentence.

Whereas in the mid-1850's, police surveillance of men was the priority, after they had been released on licence, these voluntary organisations took almost full control of the discharged female convicts, monitoring their progress and deciding their fate. The states resources were not extended to female dischargees, and so these women were at the mercy of the female religious, who were strongly "imbued with conservative views and values", that they wished to instil in these unfortunate fallen women. According to one contemporary commentator, the system of refuges or intermediate prisons was highly successful;

"the benefits of the controlling power, which conditional liberty, under surveillance, exercises over the men, is obtained [for the women] in even a greater degree than is the

¹¹⁰Irish Quarterly Review, vol. ix, 1860, p. lx.

case with regard to male convicts. The managers of the refuge here take the place of the police and the powerful influence of patronage societies...are brought to bear with best results".¹¹¹

Ironically, the St. Vincents Female Reformatory, Golden Bridge was formed by a number of "Catholic Gentlemen interested in the Reformation of Female Convicts".¹¹² It was felt at the time, that the reformation of female offenders was far more difficult than the task with men. Mary Carpenter, in discussing the differences between male and female juvenile delinquents, quotes several official's opinions that this was the case. She finally concludes: "Let us, then, admit it to be a fact that young girls when low and degraded are worse than boys in similar circumstances". The reason Mary Carpenter gave for this was "that in the case of the girls there is greater departure from what ought to be their education and training, even than in that of the boys".¹¹³ This commonly held view stemmed from the Victorian virtues imposed on girls and women. The young girl received her training in life from her mother, so that she too could accept what nineteenth century society deemed her proper role in life. Such an important yet ultimately restrictive role in life, placed the female, naturally it was believed, on higher moral ground than the naturally rebellious male, and thus it was

¹¹¹Quoted from Patrick Carroll, Reform and rehabilitation, (unpublished MA thesis, Maynooth College, Maynooth, 1991), p. 140.

¹¹²I.Q.R. vol. ix 1860, p. lix.

¹¹³Mary Carpenter, Juvenile delinquents; there condition and treatment, (New Jersey, 1853), p. 85.

deemed a longer and harder fall into any form of vice. As a result, it was equally difficult to climb back up to society's acceptable standards:

"The difficulties which oppose the Reformation of male criminals, are great and lamentable; but they can in general, when they receive their freedom, procure employment in out-door labour, and in the army and navy, whilst a woman, however penitent, on leaving the prison, finds every means of honest occupation denied to her. She is tainted with the plague spot of the prison; she cannot obtain work, or food, or lodging; even the workhouse will frequently object to her, as she belongs to no union; she is driven back amongst her old associates; and her last state becomes worse than the first".¹¹⁴

The success rates claimed by the Refuges were very good, but it must be remembered, it was only those prisoners who gained their licence by strictly adhering to the rules, who got the chance to enter, and limited numbers that these intermediate prisons could take, furthered reduced the difficulties posed. Between April 1, 1856 and March 1, 1859, Golden Bridge received 208 women. By that time, 129 women had been provided for. Forty had emigrated, 27 went to institutions, 38 returned to their husbands and families, 4 went to Magdalen Asylums, 3 married and 1 escaped. Out of the 129, only 8 had their licences revoked and were returned to prison.¹¹⁵

"Extensive and perfect" laundries were built so that the women had work and land was purchased so that they could be

¹¹⁴I.Q.R., vol. ix, 1860, p. lix.

¹¹⁵Ibid., p. lx.

instructed in farm labour and in proper management of the dairy.¹¹⁶ The money made from such exertions went essentially in the maintenance of the Refuge, that primarily relied on voluntary subscriptions to keep open. As a result of such training, these women were in a better position to gain employment, thus giving them the choice of a crime-free life. However, such institutions, conservatively based, kept women trained and employable, only in the fields of work considered suitable to the society they were re-entering. At the same time, the economic and social changes effecting nineteenth century society, meant that the areas in which women pre-dominantly worked, i.e textiles and farm labour and dairying, were either severely limited due to the effects of the industrial revolution or under the threat from male competition. After the famine, most women found employment in domestic service, doing tasks which most women, from an early age were trained to do. The crucial necessity in gaining this and most jobs open to women, was a reference, detailing the woman's honest and trustworthy nature. Female offenders, despite their skills, were always disadvantaged here.

It appears that society's dread of female convicts, rather than it's sympathy for their plight, initially motivated and funded the opening of intermediate prisons in Ireland. As already mentioned, crucial in the genesis of such attitudes, was the decrease over the early part of the century, in the numbers of female felons being transported. It was deemed better for the female convict and society, that she go to a new country, where

¹¹⁶Ibid., p. lx.

she might find an honest means of livelihood, as her character was unknown. According to the author in the Irish Quarterly Review, it was due to "the utter destitution and hopelessness of a female (especially a convict) discharged from prison..., that after transportation ceased as a punishment for male convicts, females were still sent by the Government to Australia".¹¹⁷ The benefit to Victorian society was that if the female felon did not reform "she did not fall back into the stream of society in the mother country, and contaminate it by the contagion of her example".¹¹⁸ When transportation ceased altogether, these "Catholic Gentlemen" feared the consequences of the onslaught of numerous convict women "soon [to] be turned loose on the community".¹¹⁹ Whether or not, this fear was quite as vivid in reality, as it appears printed in the Review, or whether this was just a means of raising funds, is hard to tell. The feeling however is that this society must have had some doubts or anxieties about the consequences of convict women, once discharged from prison, re-entering society, penitent or otherwise. All in all, it was felt that the establishment of Refuges was necessary for "our social well-being" and hence they were erected.

As part of the new prison system, convicts had to pass through thirteen penal stages. The first stage, was served by both sexes, in separate confinement in Mountjoy. Women convicts stayed in Mountjoy for the second or reformatory stage, whereas

¹¹⁷I.Q.R., vol. vi, 1856, p. xxv.

¹¹⁸Ibid., p. xxv.

¹¹⁹Ibid., p. xxv.

male convicts were transferred to Spike Island. The third or intermediate stage was also different for both the males and females. The men went to an agricultural prison at Lusk, whereas the women were let out on special licences to the Refuges, like Golden Bridge. In the penal stage, convicts whose behaviour "was recorded as exemplary" were eligible for promotion into the third class, being classified each month under the heads of school, industry and conduct.¹²⁰ Women spent a minimum of four months of good conduct trying to achieve this standard, whereas men had a minimum of nine months. The better the convict was, the sooner they moved along and for women, the quicker they got into a Refuge. A complex system of marks was used to record each individual's behaviour. These were then entered into the Convict Classification Registers for each individual, with the comments of the Governor and the Chaplain. A column was also designed for the punishments women received, whilst in prison. To further reinforce the classification system, different coloured uniforms and badges were appropriated to the different stages convicts passed through. The whole "system produced one of the earliest attempts, in the penal arena, at systematic behaviour modification on the basis of punishment-gratification psychology".¹²¹ Although the system worked equally for female and male convicts, the fact that women were able to pass through the system in less time than the men, seems contrary to that felt by reformers, like Mary Carpenter, that the reformation of women was more difficult. However, it would seem that these women did

¹²⁰Patrick Carroll, *Reform and rehabilitation*, p. 127.

¹²¹*Ibid.*, p. 125.

conform to the standards established, just as well as the male prisoners and in fact were deemed more reliable than the men by being sent to Refuges, which were beyond the jurisdiction of the Prison Board. In both the Protestant and Catholic Refuges, the female convicts were not locked in. However, the penal system was designed to deal with male prisoners, their crime and delinquency. "Thus the various harsh punishments, the stage systems and marks were inappropriate for women who were far less frequently convicted and whose numbers were declining".¹²² As the century progressed, the declining numbers of women entering prisons, meant that the "small, disparate and hard-to-handle group of women did not fit easily into the centralised, national system which aimed to standardise conditions in local prisons".¹²³

Turning now to the Convict Classification Registers, it is hoped that a picture of the incarcerated female will emerge. Once again, the crime women were imprisoned for, was theft, usually of money or wearing apparel. As these registers contained women serving penal servitude, they contained the most serious of offences. This explains the large number of assaults, murders and manslaughters. The sentencing of these women appears the same as the sentencing looked at in the petitions. The felony of theft or larceny, as it was more commonly called, received between five and seven years penal servitude, the pre-1850 equivalent being seven years transportation. Murder, in

¹²²Frances Heidensohn, *Women and crime*, (London, 1985), p. 65.

¹²³*Ibid.*, p. 65.

most cases, received life, often commuted from the death penalty.

The C.C.R.'s from Mountjoy Female Penitentiary, tells us the name, age, crime, date of conviction and sentence of each women. Where applicable, the length of time each woman spent in solitary confinement is given, as are the punishments they received for misconduct within the prison. The Chaplain gives a brief synopsis of his opinion of the character of the prisoner, as does the Prison Director. Any previous convictions are outlined, as are any other known character assessments. A complex list of credits is also marked out for each individual, acquired so as to move through the classification system to eventual discharge. The overall majority of these women, received an early discharge from Mountjoy, serving the remainder of their sentence, if even that, in Golden Bridge or the Shelter at Harcourt Street.

Most of the women convicted were aged between twenty and forty, and all of them were serving sentences of at least five years penal servitude, for crimes ranging from larceny up to murder. These crimes were considered very serious, all falling into the categories of crimes against property or crimes against the person. There were no debt cases or forgery convictions, which were prominent in the P.P.C's up to 1836. Nearly half of all the prisoners had previous convictions, in most cases, along the same lines as the offence they were now convicted of. The number of times a prisoner was convicted is also given, which for some women, like Mary Moron, with 118 previous convictions, meant a life of crime.¹²⁴ Although Mary had only been previously convicted of larceny (the crime for which she was now serving

¹²⁴C.C.R., no. 2273.

seven years penal servitude) four times, the other 114 convictions being for drunken conduct, it meant that her character was well known and she would be always associated with crime. It was recorded in the register that she was known since 1859, fourteen years previous to this conviction, as a prostitute, no doubt ascertained by police surveillance. Although she had been in prison before, her behaviour during this sentence did not make her stay very easy. Mary lost her merit badge for a total of eight months, for destroying prison property, assaulting a fellow prisoner and refusing to work. She had at least a total of seven days in "close confinement", and at least a full week on a bread and water diet. For this prisoner, five years was spent in Mountjoy before being sent to Golden Bridge. Mary's conduct there was presumably better, as she was not returned.

One of the youngest prisoners in the register was Alice Dowdall, who received a five year sentence for the theft of a hundred pound Bank of Ireland note from her mother, in 1875.¹²⁵ This was a considerable sum of money during this period, especially for working class people like the Dowdalls. The child was only sixteen, and up to this she had already received three convictions for assault and disorderly conduct, and was "known since" 1874, meaning known to the police. Alice spent six months in solitary confinement, between 1875 and 1878, afterwards being sent to Golden Bridge. Within two months of entering Mountjoy Female Penitentiary, Alice was on a bread and water diet for having an article hanging out the window. By the following

¹²⁵C.C.R. no. 2254.

month, she received three days close confinement and a bread and water diet, and after being reported to the Prison Director, for destroying prison property, she was ordered to pay the cost of the damage. Her next three offences were recorded as "ringing her bell too much", which resulted in eight days close confinement. Two more reports of damage to prison property, an assault on a fellow prisoner in school and "being excited in her cell", earned her reports to the Director, a potato diet, then a bread and water diet, she was not allowed attend for a week, and she had all her hair cut off. Such punitive measures obviously has a great effect on the girl, physically and mentally, but they achieved some success, as there is no more accounts of misconduct after December 21st 1876.

It is clear from the information given, that the prisoners in Mountjoy, were expected to serve their time under harsh rules of silence, separation and hard work. The regime was hardly inviting and few women would have deliberately committed crimes to go to prison. But judging by the high numbers of re-committals, their life of crime was not easily deterred. Bridget Fox was forty two years old in 1875, serving her 32nd prison sentence for "feloniously stealing a coat".¹²⁶ Her first conviction had been twenty two years ago in 1853. over those years she had been in prison in Longford Gaol and Kildare Gaol. In addition to this she had three times been committed for trial, 1852, 1869 and 1871 from Longford Gaol, and twice from Mullingar Gaol, and was in each case acquitted. Although this conviction

¹²⁶C.C.R., no. 2255.

came from the Longford Sessions, her previous convictions had been in three separate counties, committing felonies of theft in them all. Bridget had also been convicted twice for vagrancy and eleven times for being drunk and disorderly. The woman's conduct did nothing to improve her situation - destroying prison property on four occasions - attempting to cut her throat, after two years in prison, with the handle of her bin. Two years later, she was discharged to Golden Bridge.

Many female criminals moved their operation from county to county, presumably to avoid detection by local constables, and to start anew on an unsuspecting public. In addition to this, if they stayed out of towns or counties where they had already gained a conviction and thus a record, they could attempt to claim any subsequent crimes as their first. It seems that records followed a prisoner from the particular gaol she had been previously incarcerated in. For instance, the woman if convicted in Limerick at the Spring Assizes, went to Limerick Gaol, prior and usually after her trial. After a certain period of time she was transferred to Mountjoy Female Penitentiary, along with her record.

Not all prisoners could take advantage of being sent to a Refuge. Sarah Druisly was to serve a five year sentence for larceny.¹²⁷ Her record showed she had been convicted twenty eight times for assault and disorderly conduct, and she was a prostitute. Sarah spent three years at Mountjoy before being discharged into the hands of the Shelter at Harcourt Street. After only two months in the Refuge, her licence was "revoked for

¹²⁷C.C.R., no. 2270.

having shown a disposition to idle and disturb....." . Sarah returned to Mountjoy Female Penitentiary where she remained for a further 18 months. Mary Donohue, 23, was also given a licence to go to Golden Bridge, after serving four years in Mountjoy.¹²⁸ It is recorded in the register that "this prisoner is subject to occasional outbursts of violent mental excitement, attacks are apt to occur suddenly and attempts suicide". The licence granted was cancelled in consequence of her violent conduct, and she returned to Mountjoy to serve the rest of her sentence.

Female prisoners that could not be controlled by the prison warders or were deemed insane by the prison doctor, were transferred to the Lunatic Asylum, Dundrum, permanently or until they were cured. Out of the 178 women in the register, thirty spent time in Dundrum. Mary Alberton, 23, convicted of larceny, was transferred from Mountjoy to Dundrum for a period of two years.¹²⁹ Although no medical officer examined her according to the register, the Chaplain remarked that she was of "little intelligence, not warmhearted and of meagre information on religious matters". Other comments regarding female prisoners sent to Dundrum, given by the Chaplain included "fearfully wicked and hopelessly unmanageable" and "completely mad, not safe". Only one female murderer out of twenty was transferred to Dundrum.¹³⁰

¹²⁸C.C.R., no. 2275.

¹²⁹C.C.R., no. 2276.

¹³⁰C.C.R., no. 2331.

CHAPTER FOUR

THE TRIAL OF MARGARET AYLWARD: VICTIM OF THE RELIGIOUS WAR OR ZEALOUS PROSELYTIZER ?

The following trial information was taken from the "Freemans Journal", the "Nation" and the "Evening News". Margaret Aylward was the president of the St. Bridget's Orphanage, Eccles Street Dublin which opened in 1857. Here, children of all states were taken in, usually being sent to Tallaght, for the country air. Mary Mathews was one such child, who entered the orphanage. Her father had died, his dying wish being that the child be raised a catholic. The child's mother had apparently abandoned the family in August 1857, going to the West Indies for a time and at the time of the father's death, she resided in England. Mary Jordan, to whom the father had left the child, felt it was beyond her means to raise the child, and so she ended up in St. Bridgets.

Under the care of the orphanage, the child was sent to Saggard, were nurse Elizabeth Kenny minded her. Mary Mathews, had her name changed and was now called Mary Farrell. On April 3, 1858, Margaret Aylward brought her to the nurse. On June 8, of that year, a middle-aged woman arrived at the home of the nurse with a message. It read as follows: "Mrs. Kenny be pleased to give my messenger the child Mary Farrell, as I require her in Dublin in haste."¹³¹ It appeared that the child and the woman both knew each other and so the nurse thought nothing of it.

On June 19, 1858, the nurse called on Margaret, expressing her regret that the child had to be removed. It was then, and

¹³¹Freemans Journal, 18 Nov. 1859.

only then, that Margaret discovered that the child was missing. Upon examination of the note, it was discovered that the handwriting was not Margaret's, and this was proven in the court. The child's mother, Maria Mathews, brought an action against Margaret for concealing her child from it's mother, so that the said child could be brought up a catholic, the mother being of the protestant persuasion.

Mr. Curran acting on behalf of Margaret, argued in court that "Miss Aylward was a lady of the highest respectability, the president of a charitable institution and she disclaimed in the strongest manner all knowledge of or connivance in the abstraction of the child".¹³² Mr. Justice Hynes inquired whether or not the defendant had "taken steps during the last fifteen months to ascertain the person who forged her name".¹³³ Mr. Curran replied that "Ms Aylward's time was much occupied by superintending the affairs of the orphanage of which she was the president".¹³⁴

Mr. Brennan, QC, argued that it was not Margaret's respectability that was being tried but rather her conduct in relation to the child. Mrs Mathews had been met with resistance when she tried to locate the child in the orphanage, and felt that the "re-baptism of the child" was intended "to baffle her in her inquiries, and to defeat her efforts to regain possession of her child".¹³⁵ Mr Sidney, acting for the defendant, replied

¹³²Ibid., 18 Nov. 1859.

¹³³Ibid., 18 Nov. 1859.

¹³⁴Ibid., 18 Nov. 1859.

¹³⁵Ibid., 18 Nov. 1859.

that the child's name had been changed, "not for concealment, but after a benefactress of Bridget's".¹³⁶

Mr Brereton, for the prosecutrix, claimed that Margaret "had not shown she was free from the charge brought against her, of having illegally, and in contempt of the law and that court, interfered with the custody of the child; that she had not purged herself from the contempt".¹³⁷ Mr Brereton continued that "her conduct was unfeeling and inhuman, and if he felt rather excited in this case, he was sure every honest man in the court, whatever his creed, would agree with him in reprobating this system, by which little children were trepanned and kept from their parents".¹³⁸

The judges recorded a unanimous opinion that Margaret had not "purged her contempt".¹³⁹ The writ of Habeas Corpus, issued June 10, 1858, had not been acted on, and as a result, the court was left "in blindness and darkness as to where the child was". "Bringing up the child Roman Catholic", the judges continued, "may be a justification to herself, but it is no justification for a violation of the law, a violation leading to the most mischievous and injurious consequences".¹⁴⁰ The judges made it perfectly clear that Margaret had broken the law, that it was not her position to carry out the wishes of the child's father, but the courts. Mr. Justice Hayes said in his concluding remarks,

¹³⁶Ibid., 18 Nov. 1859.

¹³⁷Ibid., 6 June, 1860.

¹³⁸Ibid., 6 June, 1860.

¹³⁹Ibid., 13 June, 1860.

¹⁴⁰Ibid., 13 June, 1860.

that Margaret's conduct "for the life of him he could not explain upon any principles connected with good feeling or even common sense".¹⁴¹ Mr Justice Fitzgerald concurred that she was "guilty of contempt over the writ of Habeas Corpus", and she had "failed her duty to the mother, the public and the court".¹⁴² Margaret was released on £100 personal bail and two sureties of £250, to await sentence.

On November 7, 1860, Mr Brereton called for "the strong arm of the court...to teach other persons and deter them from doing such acts as have been here proved".¹⁴³ Essentially Mr Brereton was making an example of Margaret, so as to "prevent persons in her position from acting in such a manner".¹⁴⁴ Sentence was set at six months imprisonment, in the Richmond Bridewell, and she was to pay all costs. Mr Curran argued that Richmond was not the usually place for prisoners convicted of contempt and that there "she will be deprived of the comforts of life, obliged to take a prison diet and to be subject to separate confinement". Mr Justice Hayes was "sorry to commit this lady to a prison where she would be treated with cruelty", but under the law the prison was were Margaret had to go.¹⁴⁵

Margaret had to be removed from the Richmond, as it contained no accommodation for females prisoners, nor was there a female matron or prison clothes for women. As it turned out

¹⁴¹Ibid., 13 June, 1860.

¹⁴²Ibid., 13 June, 1860.

¹⁴³Ibid., 7 Nov. 1860.

¹⁴⁴Ibid., 7 Nov. 1860.

¹⁴⁵Ibid., 7 Nov. 1860.

Margaret was not able to be transferred from the Richmond until a writ of Habeas Corpus was lodged and so at the Court of Common Pleas, Margaret was placed in custody again. Present in court on December 1, 1860 was a crowded gallery, including "several Catholic clergymen".¹⁴⁶ By this time, the whole affair had received wide press coverage and the Catholic press, in particular were engaged in defending the damaged image of Margaret Aylward. The St. Bridget's Defence Committee, wrote to the "Freeman's Journal, stating that the treatment of Margaret during the whole legal process was disgraceful: "We say if the Queen's Bench be allowed to put ladies thru such ordeals it will make itself infamous".¹⁴⁷ They felt that the press coverage from the "Mail" had been awful as they "gnashed their teeth when they found that she did not come forth guilty". In addition to this the Committee felt that Mr Justice Fitzgerald had gone beyond his province, pronouncing her morally guilty.

Margaret eventually served her sentence in Grangegorman Female Penitentiary. The public reacted angrily to her sentence and her treatment in prison. Newspaper accounts of retaliation against the "orange press" were common.¹⁴⁸

In comparison to Bridget Nash's case, Margaret Aylward got of very light indeed.¹⁴⁹ Bidy, as she was more commonly called, was convicted of kidnapping a seven year old child from it's mother and attempting to have the child brought up a

¹⁴⁶Ibid., 1 Dec. 1860.

¹⁴⁷Ibid., 12 Jan. 1861.

¹⁴⁸Nation, 5 May, 1860.

¹⁴⁹P.P.C., no. 2106.

Protestant. Found guilty at Ennis Assizes, she was sentenced to seven years transportation. In her petition, Bidy told her story. She pleaded that she met the child on the road, destitute and abandoned by the mother, who, parted from the child's father to live with another man in sin.

Bidy took the "discarded" child to the Reverend Dean O'Shaughnessy, P.P. of Ennis, who said he could do nothing, and advised her to bring the child to Lady O'Brien Dromoland, "a charitable lady".¹⁵⁰ Before she reached the destination however, the child's mother had her arrested. Bidy denied that she was attempting "to sell the child to be bred a Dromoland".¹⁵¹ Each of her five petitions contained certificates of good character from the Local Inspector of Prisons, Michael Fitzgerald, and from the Governor of the prison, Thomas Darcy. Dean O'Shaughnessy also stated that he felt that the woman's story was true, that she had "instantly brought the child to Ennis" and that she had the welfare of the child at heart.¹⁵² Despite Bidy's excellent conduct in prison and the fact that this was her first offence, her sentence was not altered. It would seem that Bidy was made example of and such a crime was gravely looked upon by society, even when Margaret Aylward came to trial.

¹⁵⁰Ibid., p. 2.

¹⁵¹Ibid., p. 2.

¹⁵²Ibid., p. 4.

CONCLUSION

This thesis has examined women criminals from the time they entered the courts to the time they left the refuges, using various sources. Not all Irish women criminals in the nineteenth century are covered, and each source has its limitations, but it is hoped that a broad outline of these women's lives has been achieved. It has been possible to come to some interesting conclusions and observations about what kind of women they were.

Predominantly, most female criminals came from the poorest sections of the country. Due to the density of population in the cities, most of the criminals had an urban setting. Women committed far less crime than men, in practically every category recorded. Prostitution was always a high figure for female criminals, but whether or not all female criminals were prostitutes is doubtful. Criminality and prostitution were not necessarily synonymous.

Women had very low rates of violent crime attributed to them, even during the Famine, when all other categories of crime soared. Overwhelmingly, women committed petty crimes such as larceny and disorderly conduct and thus their numbers as far as serious offences were concerned, were minimal. Even the items they stole were comparatively small and of little value, but because they stole predominantly from the upper and middle classes, the law of the latter was harsh on them. It would seem fair to say that the criminal activity of women was economically motivated.

Although a considerably high number of women in the petitions and in the convict register had previous offences, it

would seem that few of them gained a steady income from their crimes. Therefore, very few of these women could be termed professional criminals. The high rates of illiteracy among criminal women and the numbers of women who had no occupation, points to the conclusion that a lot of these women were forced into crime in order to maintain themselves and their families. This fact is further reinforced by the number of petitions calling for the release of a woman, so that she may support her family.

It is obvious from the petitions also, that criminal women were aware of the system of petitions, using appropriate language and terminology, and rarely pleading innocent, if there was definite evidence to the contrary. A number of petitions also contained forged signatures from respected members of society, who the petitioner felt would enhance their case. Seeing that the petitioner wrote them herself, they were usually detected.

Both transportation and incarceration, as modes of punishment, were difficult for women. Being treated as prostitutes upon arrival in the colonies, or even beforehand on the ships, hardened any offender. The new prison system functioned clearly to deal with male offenders, and not the ever decreasing numbers of female offenders. The latter received short sentences and this meant that there was little room for the beneficial influences of the system of marks and progressive stages. The creation of refuges was a progression for women criminals; with the benefits of education and training, the women had a better chance of gaining legitimate and properly paid employment and a brighter future.

Many myths exist about female criminality, from the theological belief in the fundamental evil and weakness of women, to the paternalistic belief in women's frailty and gentleness. By looking at real women who committed real crimes, the true picture of female criminality emerges. This study merely touches the outskirts.

TABLE 1.

CRIMES WOMEN MOST COMMONLY CONVICTED ON.

FELONY I.E. THEFT	195
ROBBERY	25
ISSUING AND PASSING FORGED NOTES	25
STEALING ANIMALS	13
ASSAULT AND WAYLAYING	11
LARCENY	8
DEBT AND NON-PAYMENT OF FINES	6
RECEIVING STOLEN GOODS	4
STRIPPING A CHILD	4
VAGRANCY	4
DISORDERLY CONDUCT/LANGUAGE	4
SPIRIT SELLING/DISTILLING	4
MURDER	3
UTTERING BASE COIN	3
PERJURY	2

SOURCE : PRISONERS' PETITIONS AND CASES 1800 - 1836.

TABLE 2.

NUMBERS OF MALE AND FEMALE PETITIONS 1800 - 36.

MALE CONVICT PETITIONS OR PETITIONS MADE ON THEIR BEHALF

3902

FEMALE CONVICT PETITIONS OR PETITIONS MADE ON THEIR BEHALF

343

TOTAL NUMBER OF PETITIONS

4245

SOURCE : PRISONERS' PETITIONS AND CASES 1800 - 36.

TABLE 3. NUMBER OF MALE AND FEMALE ENTRIES IN P.P.C. AND CONVICT REFERENCE BOOK.

<u>YEARS</u>	<u>FEMALE</u>	<u>MALE</u>	<u>TOTAL</u>
1800 - 36	343	3902	4245
1836 - 39	298	4318	4616
1839 - 44	443	4635	5078
1844 - 50	228	3379	3607
1850 - 55	579	4905	4984
1856 - 59	401	1886	2287
1860 - 66	329	3111	3440
1867 - 72	242	2517	2759
1879 - 84	421	3925	4346
1885 - 91	379	4200	4579
1891 - 98	501	522[3] ?	5724

SOURCE: PRISONERS PETITIONS AND CASES, 1800-36, and CONVICT REFERENCE BOOK, 1836-98.

TABLE 4. WOMEN SENTENCED TO DEATH.

<u>YEAR</u>	<u>NUMBER</u>	<u>RESPITED</u>	<u>CRIMINAL LUNATICS</u>
1836 - 39	10	7	1
1839 - 44	11	8	0
1844 - 50	14	11	0
1850 - 55	24	15	3
1856 - 59	3	2	0
1860 - 66	12	6	4
1867 - 72	3	3	0
1879 - 84	21	17	4
1885 - 91	18	12	5
1891 - 98	23	11	12
1899	2	0	2

SOURCE: CONVICT REFERENCE BOOK, 1836-99.

TABLE 5. CRIMES FOR WHICH WOMEN WERE IMPRISONED 1875 - 86.

LARCENY	66
ASSAULT AND ROBBERY	27
MANSLAUGHTER	19
MURDER	20
ARSON	7
INFANTICIDE	3
CONSPIRACY TO MURDER	2
RECEIVING STOLEN GOODS	2
CHILD STEALING	2
ADMINISTERING POISON	1
ATTEMPTED MURDER	1
ROBBERY	1
PERJURY	1
TOTAL OF ALL WOMEN OFFENDERS	152
TOTAL IN REGISTER	178
DEATHS RECORDED	26

SOURCE : CONVICT CLASSIFICATION REGISTER, MOUNTJOY FEMALE
PENITENTIARY 1875 - 86.

TABLE 6. AVERAGE AGES OF FEMALE PRISONERS. MOUNTJOY FEMALE
PENITENTIARY 1875 - 86.

TEENS	6
TWENTY'S	42
THIRTY'S	52
FORTY'S	20
FIFTY'S	15
SIXTY'S	7
SEVENTY'S	1
TOTAL	146

SOURCE : CONVICT CLASSIFICATION REGISTER, MOUNTJOY FEMALE
PENITENTIARY 1875 - 86.

TABLE 7

Arrests, Discharges and Convictions for Criminal Offences in The
Dublin Metropolitan District 1838 - 1990.

YEAR	CATEGORY OF CRIME	TOTAL ARRESTED		TOTAL DISCHARGED		TOTAL SUMMARILY CONVICTED		TOTAL TRIED AND CONVICTED	
		M	F	M	F	M	F	M	F
1838									
	CRIMES AGAINST THE PERSON	3433	752	1225	345	1974	339	181	26
	CRIMES AGAINST PROPERTY WITH VIOLENCE	82	22	31	16	-	-	32	4
	CRIMES AGAINST PROPERTY	3690	3774	2953	2416	150	118	930	702
	MALICIOUS DAMAGE AGAINST PROPERTY	511	224	240	88	257	133	7	1
	FORGERY AND CRIMES AGAINST COINAGE	58	32	28	16	-	1	15	8
	OTHERS I.E. CRIMES AGAINST BEHAVIOUR	17,323	12,513	2,803	1,939	14,480	10,371	4	-
	TOTAL	25,191	17,318	6,272	5,020	16,851	10,962	1,169	741

SOURCE: DUBLIN METROPOLITAN POLICE STATISTICS, 1838-1890.

Arrests, Discharges and Convictions for Criminal Offences in The
Dublin Metropolitan District 1838 - 1990.

YEAR	CATEGORY OF CRIME	TOTAL ARRESTED		TOTAL DISCHARGED		TOTAL SUMMARILY CONVICTED		TOTAL TRIED AND CONVICTED	
		M	F	M	F	M	F	M	F
1839									
	CRIMES AGAINST THE PERSON	2745	643	973	286	1544	302	104	16
	CRIMES AGAINST PROPERTY WITH VIOLENCE	82	25	32	10	-	-	22	4
	CRIMES AGAINST PROPERTY	3821	4171	1775	2448	72	149	1193	803
	MALICIOUS DAMAGE AGAINST PROPERTY	500	269	213	104	274	158	6	2
	FORGERY AND CRIMES AGAINST COINAGE	38	44	21	30	1	-	9	5
	OTHERS I.E. CRIMES AGAINST BEHAVIOUR	19,367	13,977	2,397	1,881	16,946	12,096	9	-
	TOTAL	26,553	19,129	5,411	4,759	18,837	12,705	1,343	830

Arrests, Discharges and Convictions for Criminal Offences in The
Dublin Metropolitan District 1838 - 1990.

YEAR	CATEGORY OF CRIME	TOTAL ARRESTED		TOTAL DISCHARGED		TOTAL SUMMARILY CONVICTED		TOTAL TRIED AND CONVICTED	
		M	F	M	F	M	F	M	F
1840									
	CRIMES AGAINST THE PERSON	1559	438	557	183	927	228	32	14
	CRIMES AGAINST PROPERTY WITH VIOLENCE	84	20	29	11	-	-	23	2
	CRIMES AGAINST PROPERTY	3052	3553	1480	2135	70	118	903	641
	MALICIOUS DAMAGE AGAINST PROPERTY	438	264	205	89	223	169	1	4
	FORGERY AND CRIMES AGAINST COINAGE	30	23	19	13	-	-	6	4
	OTHERS I.E. CRIMES AGAINST BEHAVIOUR	14,313	12,984	1,499	1,312	12,759	11,670	34	-
	TOTAL	19,476	17,282	3,789	3,743	13,979	12,185	999	665

Arrests, Discharges and Convictions for Criminal Offences in The
Dublin Metropolitan District 1838 - 1990.

YEAR	CATEGORY OF CRIME	TOTAL ARRESTED		TOTAL DISCHARGED		TOTAL SUMMARILY CONVICTED		TOTAL TRIED AND CONVICTED	
		M	F	M	F	M	F	M	F
1850									
	CRIMES AGAINST THE PERSON	3576	1032	1740	505	1747	509	39	12
	CRIMES AGAINST PROPERTY WITH VIOLENCE	103	27	43	18	-	-	33	1
	CRIMES AGAINST PROPERTY	4669	3505	1604	1877	2443	1184	402	231
	MALICIOUS DAMAGE AGAINST PROPERTY	513	261	309	117	201	144	-	-
	FORGERY AND CRIMES AGAINST COINAGE	48	66	29	46	-	-	10	11
	OTHERS I.E. CRIMES AGAINST BEHAVIOUR	29,964	20,480	4,899	4,447	25,051	16,027	8	3
	TOTAL	38,873	25,371	8,624	7,010	29,442	17,864	492	258

Arrests, Discharges and Convictions for Criminal Offences in The
Dublin Metropolitan District 1838 - 1990.

YEAR	CATEGORY OF CRIME	TOTAL ARRESTED		TOTAL DISCHARGED		TOTAL SUMMARILY CONVICTED		TOTAL TRIED AND CONVICTED	
		M	F	M	F	M	F	M	F
1860									
	CRIMES AGAINST THE PERSON	1696	624	417	127	1209	465	52	13
	CRIMES AGAINST PROPERTY WITH VIOLENCE	119	70	72	39	-	-	25	15
	CRIMES AGAINST PROPERTY	1461	1589	522	822	742	546	120	136
	MALICIOUS DAMAGE AGAINST PROPERTY	349	134	146	54	198	74	2	1
	FORGERY AND CRIMES AGAINST COINAGE	35	15	22	9	-	-	11	5
	OTHERS I.E. CRIMES AGAINST BEHAVIOUR	10,617	8,910	947	1,024	9,649	7,824	16	8
	TOTAL	14,277	11,342	2,126	2,135	11,798	8,909	226	178

Arrests, Discharges and Convictions for Criminal Offences in The
Dublin Metropolitan District 1838 - 1990.

YEAR	CATEGORY OF CRIME	TOTAL ARRESTED		TOTAL DISCHARGED		TOTAL SUMMARILY CONVICTED		TOTAL TRIED AND CONVICTED	
		M	F	M	F	M	F	M	F
1870									
	CRIMES AGAINST THE PERSON	1848	598	531	210	1230	357	64	19
	CRIMES AGAINST PROPERTY WITH VIOLENCE	116	21	47	12	-	-	53	7
	CRIMES AGAINST PROPERTY	1500	1087	522	515	736	430	166	101
	MALICIOUS DAMAGE AGAINST PROPERTY	474	162	143	52	323	109	6	1
	FORGERY AND CRIMES AGAINST COINAGE	23	11	12	5	-	-	7	5
	OTHERS I.E. CRIMES AGAINST BEHAVIOUR	17,625	11,529	520	182	17,078	11,339	11	6
	TOTAL	21,586	13,408	1,775	976	19,367	12,235	307	139

Arrests, Discharges and Convictions for Criminal Offences in The
Dublin Metropolitan District 1838 - 1990.

YEAR	CATEGORY OF CRIME	TOTAL ARRESTED		TOTAL DISCHARGED		TOTAL SUMMARILY CONVICTED		TOTAL TRIED AND CONVICTED	
		M	F	M	F	M	F	M	F
1880									
	CRIMES AGAINST THE PERSON	2091	694	626	271	1340	393	86	22
	CRIMES AGAINST PROPERTY WITH VIOLENCE	-	-	-	-	-	-	-	-
	CRIMES AGAINST PROPERTY	-	-	-	-	-	-	-	-
	MALICIOUS DAMAGE AGAINST PROPERTY	-	-	-	-	-	-	-	-
	FORGERY AND CRIMES AGAINST COINAGE	-	-	-	-	-	-	-	-
	OTHERS I.E. CRIMES AGAINST BEHAVIOUR	10,090	6,738	371	73	9,701	6,650	13	11
	TOTAL	14,207	8,252	1,488	648	12,237	12,237	357	84

Arrests, Discharges and Convictions for Criminal Offences in The
Dublin Metropolitan District 1838 - 1990.

YEAR	CATEGORY OF CRIME	TOTAL ARRESTED		TOTAL DISCHARGED		TOTAL SUMMARILY CONVICTED		TOTAL TRIED AND CONVICTED	
		M	F	M	F	M	F	M	F
1890									
	CRIMES AGAINST THE PERSON	1445	674	248	138	1128	511	39	14
	CRIMES AGAINST PROPERTY WITH VIOLENCE	64	8	5	3	-	-	44	2
	CRIMES AGAINST PROPERTY	873	461	148	134	634	270	63	34
	MALICIOUS DAMAGE AGAINST PROPERTY	228	124	36	14	176	106	12	4
	FORGERY AND CRIMES AGAINST COINAGE	9	2	2	2	-	-	4	-
	OTHERS I.E. CRIMES AGAINST BEHAVIOUR	14,297	8,884	327	74	13,964	8,807	1	1
	TOTAL	16,916	10,153	766	365	15,902	9,694	163	55

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