

INFANTICIDE IN THE IRISH  
CROWN FILES AT ASSIZES,  
1883–1900

*edited by*

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## INTRODUCTION

Among the surviving sources from the pre-1922 Irish administration in the National Archives of Ireland are the Crown and Peace records. They consist of hundreds of volumes and boxes of files relating to suspected criminal offences and date from the nineteenth to the twentieth century.<sup>1</sup> The Crown Files at Assizes material within this collection contain the records of cases that were forwarded for trial to the Irish assize courts. The documents, many of which are in a fragile condition, comprise informations and depositions, generally handwritten, sworn before coroners and magistrates prior to a case coming to the assizes. These records were originally used as the basis for the prosecution's case.<sup>2</sup> The depositions consist of the evidence presented by medical practitioners, members of the Royal Irish Constabulary, workhouse inmates and employees, as well as local residents interrogated about the crime and the suspect. The files also contain statements that were made in order to procure a warrant for arrest, police applications for the accused to be remanded, and recognizances to appear if the defendant was released on bail prior to his or her trial. Written confirmation of the verdict returned by the assize jurors is also sometimes included in the file. On rarer occasions, the individual files also include details of the punishment imposed by the judge in the assize court or an account of expenses incurred by witnesses who attended the assize trial.

Each folded bundle in the Crown Files at Assizes packages contains a wealth of information about a particular case that came to the attention of the authorities in Ireland. Depositions, informations and other documents relating to each case were generally pinned or tied together, folded in three, and packaged alongside the records of other crimes detected in that county. The defendant's name was usually handwritten on the front of the individual file, often accompanied by a note of the crime that he or she allegedly committed. Listed crimes included larceny, rape, desertion, assault, manslaughter and murder. Amongst the thousands of files are 115 suspected cases of infant murder or concealment of birth that were forwarded for trial to the assizes between 1883 and 1900. These 115 cases form the basis for this volume.

It is important to note that although the Crown Files at Assizes collection is substantial, it is nonetheless fragmentary and incomplete. Most Crown Files appear to have been destroyed during the attack on the Four Courts in Dublin in 1922.<sup>3</sup> As

<sup>1</sup> It is difficult to calculate a precise figure because some surviving files are not recorded in the N.A.I. catalogue of Crown and Peace files, while other records noted in the catalogue do not appear to exist or have since been lost, either temporarily or permanently.

<sup>2</sup> Brian Griffin, *Sources for the study of crime in Ireland, 1801–1921* (Dublin, 2005), p. 39.

<sup>3</sup> *Ibid.*, p. 40.

a result, files do not exist for some counties for particular years. Nineteen counties are represented in this volume.<sup>4</sup> None of the documents relate to crimes committed in Dublin because criminal cases for the county and city of Dublin were tried at the Dublin Commission Court at Green Street.<sup>5</sup> The N.A.I. collection only contains material relating to modern-day Republic of Ireland counties. Thus six counties of Ulster are not represented.<sup>6</sup> Despite the gaps in the records, however, the Crown Files at Assizes are extremely useful. Brian Griffin has described the collection as ‘a potentially invaluable source for the historian researching serious crimes’.<sup>7</sup> The 115 cases transcribed in this volume reveal how cases of suspected infant murder and concealment of birth were discovered, investigated and tried in the late nineteenth century. In addition, the witness depositions reveal much about Irish society.

Throughout the period under consideration, infant murder remained a capital offence. The term ‘infanticide’ was frequently used at this time to describe infant murder but it was not defined by law in Ireland until 1949.<sup>8</sup> The related charge of concealment of birth was introduced in 1803 and criminalised the act of concealing the birth of an illegitimate child who was subsequently found dead.<sup>9</sup> Under this act, a woman acquitted of murdering her illegitimate offspring could be found guilty of the lesser charge of concealment of birth and punished by a maximum imprisonment term of two years with hard labour. Later amendments extended the concealment of birth offence to include legitimate babies whose births and deaths had been concealed and established the offence as a standalone charge.<sup>10</sup>

Suspected infant murder and concealment of birth cases came to the attention of the authorities in two ways. Firstly, the discovery of the dead body of a baby could instigate a police investigation for the mother of the child. Secondly, the woman herself might arouse suspicion, leading to a search for the dead body of her infant. Historian Allyson N. May asserts that in nineteenth-century Britain: ‘As a variety of witnesses – mistresses, landladies, lodgers and fellow-servants – tell their version of events to the court, the crowded, inquisitive world in which the defendants lived is revealed, a world of gossip and constant surveillance.’<sup>11</sup> The evidence presented in the Crown Files at Assizes reveals that Irish women’s bodies were also monitored by

<sup>4</sup> The counties included are Carlow, Cavan, Clare, Donegal, Galway, Kerry, Kildare, Laois, Leitrim, Limerick, Longford, Mayo, Meath, Roscommon, Sligo, Tipperary, Waterford, Westmeath and Wicklow.

<sup>5</sup> W. E. Vaughan, *Murder trials in Ireland, 1836–1914* (Dublin, 2009), p. 4. The surviving Dublin files date from 1875 and can be accessed at N.A.I.

<sup>6</sup> These records form part of the Crown and Peace files located in the Public Record Office of Northern Ireland. As in N.A.I., the surviving documents refer to thousands of individual cases that came before the courts in nineteenth and twentieth-century Ireland. Some records, however, are currently closed to the public.

<sup>7</sup> Griffin, *Sources for the study of crime in Ireland*, p. 40.

<sup>8</sup> ‘Infanticide Act, 1949’ ([www.irishstatutebook.ie/1949/en/act/pub/0016/sec0001.html](http://www.irishstatutebook.ie/1949/en/act/pub/0016/sec0001.html)) (24 Mar. 2011). An infanticide act was introduced in Britain (including Northern Ireland) in 1922. See Daniel J. R. Grey, ‘Women’s policy networks and the Infanticide Act 1922’ in *Twentieth-century British History*, xxi, no. 4 (2010), pp 441–63.

<sup>9</sup> 43 Geo. iii, c. 58. See also James Kelly, ‘Infanticide in eighteenth-century Ireland’ in *Irish Economic and Social History*, xix (1992), pp 5–26.

<sup>10</sup> 10 Geo. iv, c. 34; 24 and 25 Vic., c. 100.

<sup>11</sup> Allyson N. May, ‘She at first denied it’: Infanticide trials at the Old Bailey’ in Valerie Frith (ed.), *Women and history: voices of early modern England* (Ontario, 1997), p. 24.

those around them. Statements sworn by Royal Irish Constabulary (R. I. C.) policemen regularly indicate that investigations were instigated and actions were taken ‘from information received’, although the local constabulary did not always reveal how or from whom they received such information. In her study of infanticide in nineteenth-century Bavaria, Regina Schulte argues that:

The decisive moment for the discovery of an infanticide – the crime or the person – was in many cases the ‘talk’ that had arisen, the ‘rumour’ that was circulating, or ‘what people in general were saying’ ... The country constabulary, following up ‘rumours’ and ‘talk’ were making use of knowledge accumulated independently of any criminal concern.<sup>12</sup>

The Irish evidence also indicates that neighbourhood ‘talk’ played an important role in bringing cases of suspected infanticide to the attention of the authorities. Local policemen listened to neighbourhood gossip and launched investigations when their suspicions were aroused.

It must be acknowledged that suspected infant murder and concealment of birth cases are recorded in the Crown Files at Assizes collection precisely because the crime was discovered and a suspect or suspects apprehended. Undoubtedly, similar cases remained undetected or unsolved because the body was not discovered or because the perpetrator successfully concealed her pregnancy, labour, and the evidence of her delivery. In addition, as several of the transcribed witness statements in this volume indicate, some individuals chose not to report their suspicions or discoveries to the authorities.

### *The coroner’s court*

Policemen reported the discovery of a dead infant to the local coroner, who after 1881, had to be a qualified and registered medical practitioner or surgeon, a barrister, a solicitor, or a justice of the peace for the previous five years.<sup>13</sup> The coroner, who was required to reside in the district in which he worked, bore the cost of each inquest and was reimbursed from funds paid by the ratepayers.<sup>14</sup> After 1898, coroners became employees of the newly-established county councils and were paid a regular salary.<sup>15</sup>

If an inquest on the deceased child was deemed necessary, the coroner selected a panel of between twelve and twenty-three jurors from the vicinity to ascertain the cause of the child’s death.<sup>16</sup> He summoned relevant witnesses to the inquest, which was generally held in a local morgue, workhouse, courthouse, or public house within two days of the discovery, and questioned each witness.<sup>17</sup> Witnesses who testified at

<sup>12</sup> Regina Schulte, ‘Infanticide in rural Bavaria in the nineteenth-century’ in Hans Medick and David Warren Sabean (eds), *Interest and emotion: essays in the study of family and kinship* (Cambridge, 1984), p. 93.

<sup>13</sup> 44 and 45 Vict., c. 35, s. 2.

<sup>14</sup> 9 and 10 Vict. c. 37, s. 25 and s. 27; 44 and 45 Vict., c. 35, s. 3.

<sup>15</sup> Michael J. Clark, ‘General practice and coroners’ practice: medico-legal work and the Irish medical profession, c. 1830–c. 1890’ in Catherine Cox and Maria Luddy (eds), *Cultures of care in Irish medical history, 1750–1970* (Basingstoke, 2010), p. 47.

<sup>16</sup> Vaughan, *Murder trials in Ireland*, p. 42.

<sup>17</sup> Michelle McGoff-McCann, *Melancholy madness: a coroner’s casebook* (Cork, 2003), p. 22.



## 1. CASE OF KATE KELLY ALIAS KATE KEOGH (1C 26 32)

[In February 1883, the body of an infant was discovered in a canal in County Kildare. An inquest was held on the body on 1 March 1883. Jurors William Staples, James Fegan, Michael Gogarty, Bartholomew Dowling, Patrick Boushell, John Dolan, William Mullen, James Mathews, Richard Higgins, Joseph Riley, Michel Hopkins and Christopher Black found that the 'female infant child was feloniously and wilfully drowned by some person or persons unknown.' Michael Burke, who was paid 2s for removing the body of the infant from the canal to the police barracks, was given an additional 3s for burying the body.

On 2 March, Kate Brady identified the baby as the daughter of Kate Kelly alias Kate Keogh. Thirty-three-year-old Kelly had allegedly given birth to twin girls in Naas Workhouse in January of that year. On 3 March, Brady swore an information to that effect. Constable James Cummins also swore an information on the same date, requesting a warrant to arrest the suspect. On 6 March, Kelly was arrested in Dublin. Cummins swore another statement on the same date in order to remand the suspect.

Evidence in the case was heard at the petty sessions on 12 March. Kate Kelly was charged that 'she at Naas in said county between the 19th day of January 1883 and 28th day of February 1883 unlawfully and with malice aforethought did kill and murder a female infant named Mary Kelly alias Mary Keogh.' The case was prosecuted by Constable James Cummins. Kate Kelly was remanded in custody to await her trial at the next assizes.

At the Kildare assizes held at Naas on Friday 16 March 1883, jurors John Eckford, Alexander Wilson, William Thompson, John Langton, Peter Grady, Thomas Campbell, Peter Clinch, Patrick Whelan, Henry Gee, Isaac Jacob, John W. Simmons and Richard Newcomen found Kate Kelly guilty of murder, explaining that 'we recommend her to mercy under the distressing circumstances.' Kate Kelly was remanded to Naas Prison to await her execution.

On 27 March 1883, a warrant commuting the sentence of death, dated 24 March at Dublin Castle, was sent to James Galloway, clerk of the crown and peace in Kildare. William S. B. Kaye explained that 'I am to request that you will place the said warrant among the records of your office.' The warrant read:

Whereas Kate Kelly alias Kate Keogh has been convicted of murder at a spring assizes and General Gaol Delivery, holden at Naas on the sixteenth day of March one thousand eight hundred and eighty-three and the said Kate Kelly alias Kate Keogh is now under judgement of death for the said offence. And whereas it seems fit to us, and we are pleased to extend mercy to the said Kate

Kelly alias Kate Keogh and that the said sentence of death shall not be carried into execution against the said Kate Kelly alias Kate Keogh and instead thereof that the said Kate Kelly alias Kate Keogh be kept in penal servitude for the term of her natural life. Now therefore we, the said Lord Lieutenant General and General Governor of Ireland, in pursuance of the powers vested in us by law, and in order to carry out such our merciful intentions, do by this our warrant, signed by us, order and direct that the said Kate Kelly alias Kate Keogh be kept in penal servitude for the term of her natural life.

Kelly was accordingly transferred to prison.

In 1886, the Lord Lieutenant of Ireland, Lord Aberdeen, noted his opinion 'that the prisoner Kate Kelly or Keogh should be released on licence at the expiry of five years from date of conviction.'<sup>1</sup> Kelly was accordingly discharged from prison on 18 March 1888. She proceeded to Liverpool and emigrated to Philadelphia on 21 March.<sup>2</sup>

#### 1.1 EVIDENCE PRESENTED BEFORE CORONER ROBERT STOKES HAYES, ESQUIRE, AT AN INQUEST ON THE BODY OF A FEMALE CHILD IN NAAS, CO. KILDARE, 1 MARCH 1883

##### 1.1.1. Evidence of Sergeant John Turner of Naas, Royal Dublin Fusiliers

... I am a sergeant in the 2nd Batt. Royal Dublin Fusileers. Yesterday about ½ past 11 o'clock I was walking along the canal between the gas works and Milbank Bridge, along with Mr J[ohn] Carroll. He pointed my attention to something lying at the bottom about 3 yards from the bank. We got a bough off a tree and raised it up. We could then discover the arms of a child. We left it in the canal and went and informed the police. ... [*Signed.*]

##### 1.1.2. Evidence of Constable James Cummins of Naas R. I. C.

... Being informed by the last witness of what he had observed in the canal I proceeded accompanied by Sub Constable O'Dogherty to the canal about 1 o'clock yesterday. I got a bough off a tree and got what was pointed out to me and brought it to the bank and then found it was a female child. The body was wrapped in flannel in which was tied a stone fully 3 or 4 lb. weight. I had it conveyed to the police barrack and the child the jury are after viewing is the same child. ... [*Signed.*]

##### 1.1.3. Evidence of Doctor Frederick John Falkiner of Naas, physician and surgeon

... I have examined the female infant child and made a post mortem examination of it. The body was in an advanced state of decomposition but I did not discover any marks of violence externally. The body must have been in the water for a fortnight. The child was born alive and breathed and was properly attended to after its birth. I am of opinion the child's death was caused by drowning. ... [*Signed.*]

<sup>1</sup> Memo from Lord Aberdeen, 12 July 1886 (N.A.I., Miscellaneous criminal files, 1862–1888).

<sup>2</sup> Case of Kate Kelly alias Kate Keogh (N.A.I., G. P. B., Pen. 31 1888).

**1.2 EVIDENCE PRESENTED BEFORE BARON DE ROBECK, J. P., AT NAAS, PETTY SESSIONS DISTRICT OF NAAS, CO. KILDARE, 3 MARCH 1883**

*1.2.1. Information of Kate Brady of Naas Workhouse, wardswoman*

... I am a wardswoman in Naas Workhouse and attend to the lying-in patients and about the tenth of January last a woman who gave her name as Kate Kelly came into the hospital and was on same day confined of twins, both females. She had clothes for one child and when the second was born she had no clothes for it. I gave her a baby's dress of my own for it. I had this dress for the purpose of lending it to have children baptized in. She tore a piece [*sic*] plaid petticoat of her own and made the hoods for the children of it.

In about eight days after her confinement, she left the workhouse, taking the children, who were very healthy and strong with her. I did not see her since and that is the 2nd day of March. Constable Cummins produced to me the little dress that I so gave to said Kate Kelly. I am positive that it is the same dress. He also showed me a hood of the same material pattern and shape which I so saw her make for the children. I believe it to be one of the same. One of the children was dark and had dark hair. The other was fair and had fair hair. The dark child was christened Mary, the other Bridget. I saw the body of a child in Naas Workhouse. It had dark hair. I saw the body on yesterday. ... [*Her mark.*]

*1.2.2. Information of Constable James Cummins of Naas R. I. C.*

... From what I was told I went to the canal near the town of Naas. I there saw something in the canal. I fished it up with a bough of a tree. I then found that it was the body of a female baby. This was on the 28th of February instant. We brought the body to the police barrack. It was wrapped up in a piece of piece [*sic*] plaid material and had on a little white dress and other clothes. Inside of the plaid material there was a stone of between three and four pounds weight. I showed the dress and plaid material to Kate Brady on the 2nd instant who identified them as is mentioned in her information just now sworn to.

There was an inquest held on the body on the 1st instant. I have now every reason to believe and do believe that the woman mentioned in Kate Brady's information did place the said child while alive in the canal and pray that a warrant may be issued for her arrest. ... [*Signed.*]

**1.3 EVIDENCE PRESENTED BEFORE WILLIAM ALEXANDER CRAIG, ESQUIRE, MAGISTRATE, AT NAAS, PETTY SESSIONS DISTRICT OF NAAS, CO. KILDARE, 6 MARCH 1883**

*1.3.1. Deposition of Constable James Cummins of Naas R. I. C.*

... From what I was told I went to the canal near Naas on the 28th day of February 1883. I then saw something in the water. I fished it up with a bough and found that it was the body of a female baby. We brought it to the police barrack. The baby was wrapped up in a piece of piece [*sic*] plaid material and had on a little white dress and

other clothing. Inside of the plaid material, there was a stone of between three and four pounds weight. I showed the dress and plaid material to Kate Brady on the 2nd March instant, who identified them as is mentioned in her information sworn to before the Baron De Robeck on the 3rd instant.

There was an inquest held on the body on the 1st instant. From something I was told, I proceeded to Dublin and on this morning I went to Mrs Burke's in Capel Street accompanied by Constable Eastwood of the Dublin Police. We went up stairs and came down with a woman who is now present and calls herself Kate Keogh, whom I have no doubt is the woman mentioned in Kate Brady's information. It was the body of the child that I so found that Doctor Falkiner held the post-mortem examination. ... [*Signed.*]

#### 1.4 EVIDENCE PRESENTED BEFORE GEORGE P. L. MANSFIELD, ESQUIRE, J. P., AT NAAS, PETTY SESSIONS DISTRICT OF NAAS, CO. KILDARE, 12 MARCH 1883

##### 1.4.1. *Deposition of Kate Brady of Naas Workhouse, wardswoman*

... I am a wardswoman in Naas workhouse and attend to the lying-in patients there and that on or about the 10th of January last a woman who is now present and calls herself Kate Keogh but who then gave her name as Kate Kelly came into the hospital and was on same day confined of twins, both females. She had clothes for one child but when the second was born she had no clothes for it. I gave her a baby's dress of my own. I had this dress for the purpose of sending it to have children baptized in. She tore a piece [*sic*] plaid petticoat of her own and made the hoods for the children of it.

In about eight days after her confinement, she left the workhouse, taking the children with her, who were then very healthy and strong and that on the 2nd day of March Constable Cummins showed me the little dress that I so gave to said Kate Kelly. I am positive that it is the same dress. He also showed me a hood which is of the same practical pattern and shape, which I saw her make for the children. I believe it to be one of the same. One of the children was dark and had dark hair. The other was fair and had fair hair. The dark child was christened Mary, the other Bridget. On the 2nd of March I saw the dead body of a child at Naas Workhouse. It had dark hair. ... [*Her mark.*]

##### 1.4.2. *Deposition of Margaret Griffin of Naas*

... I am wife to Patrick Griffin and reside on the Sallins Road, Naas and that on last Christmas Eve, a woman named Kate Keogh and whom I had previously known by that name came to my house. She told me that she was going to Tubber. I noticed that she was near her confinement and asked her was she married. She told me that she was to man named Kelly, a gardener in Dublin. She remained back and forward during the day until about the 22nd [*sic*] day of January when she left as she said to go into the workhouse to be confined. I got a note from Doctor Smyth for her to go there. She came back to the house; I think it was on the 17th of January, the cattle fair day in Naas. She then had two baby's [*sic*] with her. She only remained about half an hour. When she left with Mrs Hanlon she carried one baby and Mrs Hanlon the other. She again came to my house on the following day but had not the children. I asked

her what she did with the children. She said she gave them to Mr Cotton. The children each had a bluish piece of plaid round them. One of them is now shown me by Constable Cummins. One of them also wore a white flannel barrow which is also now produced. When I last saw the children they were healthy and strong. ... [*Her mark.*]

*1.4.3. Deposition of Jane Hanlon of Naas*

... I am wife to Michael Hanlon and reside in John's Lane in the town of Naas and that on the Thursday night before Christmas Day a woman whose name I knew to be Kate Keogh came to my house. She was then near her confinement. She stopped with me until the following Sunday morning (Christmas Eve). She then went to Mrs Griffin's. In more than a week afterwards she again came to my house with Mrs Griffin. I went with them to Mrs Griffin's house. I saw two babies there in bed, which Mrs Keogh said were hers. After some short time she and I left Mrs Griffin's. I carried one baby and Mrs Keogh carried the other to my house. She stopped with me for the night. She left at about half past seven o'clock on the next morning taking the two children with her. I lent her a shawl and on the same evening I went to Mrs Griffin's to look for it. I saw Mrs Keogh. I did not see the children. I asked where were the children. She told me that Mr Cotton took them for four years and that he was hard set to take them. I was in service with her at Mr Winder's of Gormanstown. She then had a blue plaid dress and when I last saw the children they each had on a cape of plaid of the same material and pattern as the dress and which is now shown me by Constable Cummins. When I last saw the children they were both strong and healthy. The day she left was very wet. ... [*Signed.*]

*1.4.4. Deposition of Constable Thomas Eastwood of Dublin Metropolitan Police*

... I am a constable in the Dublin detective force and that on the morning of the 6th of March inst. from information received I proceeded with Constable Cummins to 38 Capel Street, Dublin. I there saw in the nursery a woman who is now present and calls herself Kate Keogh. I read a warrant charging her with the murder of a female infant and gave her the usual caution. She denied the charge. I waited for some minutes before I took her away and in the interval she stated: 'Will they hang me? What will they do with me at all? Will they throw me into Naas Gaol?' She then went on to say that she had been confined of twins and that she threw them into the canal and placed a weight on one of them. ... [*Signed.*]

*1.4.5. Deposition of Doctor Frederick John Falkiner of Naas, physician and surgeon*

... I am medical officer of Naas Workhouse and that on the 1st day of March instant I made a post mortem examination on the body of a female infant. I found the body in an advanced state of decomposition so that it would be impossible to state whether there was any marks of violence originally on it or not. I examined the lungs and found them to be those of a child which had been born alive. I consider that the body must have been at least a fortnight in the water. From its appearance it must have been a fortnight old when placed in the water but it might have been more. I am positive that the child was alive before it was thrown into the water but I cannot say if it was alive

at the actual time that it was thrown into the water. I believe that drowning was the cause of death but I cannot be positive of that. ... [Signed.]

## 2. CASE OF MARY LYONS AND DENIS LYONS (1C 64 67)

[In November 1884, Mary Lyons, aged nineteen years, was suspected of having murdered a baby whose body was found in a dismembered state in a garden in Athlone, County Roscommon. Other parts of the baby's body were discovered in a room that she shared with her father, Denis Lyons, aged forty years, in the town. An inquest was held on the body on 7 November 1884. Jurors John Keogh, Patrick Hopper, Thomas Young, John Galvin, Laurence Minnoch, John O'Meara, William Hannon, William Shine, Joseph Byrne, Denis O'Brien, John Keane, James O'Brien and Peter John Watson found that the female infant died 'by either want of care after birth or by violence at the hands of some person or persons at present unknown to us. That the death of said child occurred about two or three days ago in Athlone in the Parish of St Peter's, Barony of Athlone and County of Roscommon.'

At the petty sessions court on 15 November, Mary Lyons was charged 'that she did at Athlone in the County of Roscommon on or about the fourth or fifth of November 1884 feloniously kill and murder one infant female child and conceal the birth of the same'. On 22 January 1885, her father, Denis Lyons, was arrested in connection with the case. Evidence was heard on the same date. He was charged that 'he did at Athlone in the Co. Roscommon on or about the fourth or fifth of November 1884 feloniously kill and murder one infant female child and did conceal the birth of the same.' On this occasion Sergeant John King, Constable Patrick Dixon, Constable Patrick Falvey, Constable Hugh J. O'Keefe, Constable Thomas Anderson, Constable Philip Leddy and Dr Luke P. Shanley repeated the statements that they had sworn against Mary Lyons on 15 November. Both suspects were forwarded for trial to the Roscommon spring assizes, 1885.

On 11 March 1885, Medical Officer W. Middleton found both father and daughter medically fit to stand trial. At the Roscommon assizes held at Roscommon on 12 March 1885, jurors John Cahill, Francis O'Brien, Denis Beirne, Thomas Scott, Thomas Madden, Patrick Tansey, Thomas Lavin, John A. Payne, Peter Gallagher, Patrick Keenan, Hugh Reilly and James Beirne found Denis Lyons guilty, returning a verdict that the child mentioned in the indictment had recently been born and that the said Denis Lyons did unlawfully endeavour to conceal the birth of said child by cutting up the body of said child and secretly placing the head and trunk of said body



in the garden of one Mary Langstaff and the other parts of said body behind a picture in the room occupied by said Denis Lyons.’ The same jurors found Mary Lyons guilty, outlining ‘that the child mentioned in the indictment had recently been born and that the said Mary Lyons did unlawfully endeavour to conceal the birth of said child by cutting up the body of said child and secretly placing the head and trunk of said body in the garden of one Mary Langstaff and the other parts of said body behind a picture in the room occupied by said Mary Lyons.’ Mary Lyons was sentenced to six months in prison with hard labour.<sup>3</sup> Denis Lyons was sentenced to eighteen months in prison with hard labour but was released in February 1886 on the grounds of ill-health.<sup>4</sup>

**2.1 EVIDENCE PRESENTED BEFORE CORONER J. J. BURKE, ESQUIRE, AT AN INQUEST ON THE BODY OF A FEMALE INFANT AT ATHLONE COURTHOUSE, 7 NOVEMBER 1884**

*2.1.1. Evidence of Sergeant John King of Athlone R. I. C.*

... Yesterday the 6th day of November 1884 ... I got information the head of an infant was found in Mrs Langstaff’s garden in Athlone. I went there and found the head as described on a gravel walk. Constable Dixon, Constable Anderson, the Head Constable, and I searched the garden and found the trunk of an infant in the corner of said garden. ... [Signed.]

*2.1.2. Evidence of Constable Philip Leddy of Athlone R. I. C.*

... Yesterday the 6th day of November 1884 ... I went to the house of Patrick Troy in Patrick Street in Athlone. I went up stairs in said house to a room occupied by one Denis Lyons and his daughter Mary Lyons. I assisted in searching said room. Behind a picture hanging on the wall of said room I found two hands and two feet of an infant and seven other parts of legs and arms of an infant. Those are the parts I gave the doctors a short time ago. ... [Signed.]

*2.1.3. Evidence of Constable Thomas Anderson of Athlone R. I. C.*

... On yesterday the 6th day of November 1884 I went to the house of Patrick Troy, Patrick St. Athlone and made search in the yard of said house. In an ash heap in said yard I found two pieces of paper with blood marks on each piece and a substance like entrails which Doctor Shanly told me was an afterbirth. I gave said substance in charge to another constable when I found it, and placed it with the portions of the body of an infant already found by other constables. ... [Signed.]

*2.1.4. Evidence of Doctor Luke P. Shanley and Doctor P. J. Lyster*

... We have this day made a post mortem examination on the remains of a female child. The head is detached from the body, the spine being divided thro’ the second vertebra. Both arms are removed from the trunk thro’ the shoulder joint, and the hands from the arms thro’ the wrist. There is an incision thro’ three fingers of the left

<sup>3</sup> *Freeman’s Journal*, 13 Mar. 1885. The newspaper mistakenly reported that Denis Lyons was sentenced to eight months in prison with hard labour.

<sup>4</sup> Case of Denis Lyons (N.A.I., C.R.F., L 5 1886).

hand and the 4th is entirely removed. Both legs are detached from the trunk thro' the neck of the thigh bone. Both legs are detached from the thighs thro' the knee joints, and both feet from the legs thro' the ankle joints; the left foot is divided thro' the instep. In all, the remains consisted of 14 pieces, the entire weighing 4½ lbs. From the condition of the lungs we are of opinion that respiration took place, and that consequently the child was born alive. The umbilical chord was untied. From the appearance of the body we are of opinion that it was born within 2 or 3 days. The child was apparently healthy and would have lived had it received proper care, all the organs we have examined being healthy. We have no doubt that the wounds on the neck were inflicted when cutting off the head. There were no indications of strangulation or smothering. We have discovered no cause of death except the wounds described above. The head, trunk and limbs are all portions of the same body. From the appearance of the head with earth and gravel adhering to it, we consider that it must have fallen to the ground from a height, or else the trunk. The injuries seem to have been inflicted 2 or 3 days. From the external appearance of the lungs we consider that the child survived her birth for a very short time only. ... [Signed.]

**2.2 EVIDENCE PRESENTED BEFORE W. H. BECKETT, R. M., AT ATHLONE, PETTY SESSIONS DISTRICT OF ATHLONE, CO. ROSCOMMON, 15 NOVEMBER 1884 [AGAINST MARY LYONS]**

*2.2.1. Deposition of Elizabeth (Lizzie) Emma Langstaff of Athlone*

... About ten o'clock on the morning of last Thursday week I went into my mother's garden with a girl called Mary Gannon to look for a hen when I saw the head of a child lying near one of the flowers beds. The face was turned. I rushed to my mother and told her. ... [Signed.]

*2.2.2. Deposition of Sergeant John King of Athlone R. I. C.*

... On Thursday the 6 Nov[embe]r, from information I received, I went to the garden of Mrs Langstaff, Connaught Street, Athlone and found the head of an infant lying on the gravel path in the centre of the garden. ... [Signed.]

*2.2.3. Deposition of Constable Patrick Dixon of Athlone R. I. C.*

... I am a police constable stationed at Connaught Street Barracks, Athlone. On the morning of the 6th of November 1884, about ten o'clock, I in company with other policemen went to the garden of Mrs Langstaff, Connaught Street. On entering the garden I saw the head of a child lying on the gravel walk not far from the door. I then made further search and found the trunk of an infant child lying near the ashpit in the corner of the garden. The trunk had neither legs nor arms. Constable Falvey and Acting Sergt. Scott in my presence took the trunk into their charge. About half past two or three o'clock when Constable Falvey went to his dinner I relieved him and took charge of the remains for about half an hour and delivered them to him on his return. I again relieved him about half past nine at night and took charge of the remains until half past nine next morning when I again gave up charge to Constable Falvey. ... [Signed.]



*2.2.4. Deposition of Constable Patrick Falvey of Athlone R. I. C.*

... I am a police constable stationed at Connaught Street Police Barracks, Athlone, Co. Roscommon. On the 6th of November 1884 about half past ten in the morning, I with others went to the garden of Mrs Langstaff in Connaught Street, and saw the head and trunk of an infant lying in the garden. I took charge of both head and trunk, and removed them to the house of Patrick Lennon in Connaught Street. At twelve o'clock I gave the remains in charge to Constable O'Keefe, and went to the borough court, came back in an hour and resumed charge of the remains.

At about half past one Constable Anderson gave into my charge a sheet containing some bloody substance, and some papers stained with blood. I then remained in charge of all, until about half past two, when I gave them in charge to Constable Dixon for about half an hour, when I again resumed and kept charge of the remains until about half past six, when I gave them in charge to Constable O'Keefe. In about half an hour I again took charge of the remains and continued in charge until about half past nine. I then gave them in charge to Constable Dickson, and resumed charge about half past nine the next morning and remained in charge until the post mortem examination when I delivered them to the doctors. ... [Signed.]

*2.2.5. Deposition of Constable Hugh J. O'Keefe of Athlone R. I. C.*

... I am a constable stationed at Connaught Street Barracks, Athlone, Co. Roscommon. On the 6th of November 1884 I went to the house of Patrick Lennon where Constable Falvey gave into my charge the remains of an infant. I remained in charge for an hour when I gave them back to Constable Falvey. About half past six in the evening I again relieved Constable Falvey for half an hour. ... [Signed.]

*2.2.6. Deposition of Constable Thomas Anderson of Athlone R. I. C.*

... I am a constable in the Royal Irish Constabulary stationed at the Connaught Street Barracks, Athlone. On the 6th day of November 1884, I went with others to the house of Patrick Troy, Patrick St., Athlone for the purpose of making a search. I had been on that morning in Mrs Langstaff's garden and had seen the head and trunk of an infant child. I went to the back yard of Troy's house, and searched an ash-heap under a shed in the yard. I found, first, two pieces of newspaper with apparently blood stains on them. I poked the heap further with a stick, and rooted up a bloody sort of substance which I carried away on a shovel. I gave it in charge to Constable Patrick Falvey who was in charge at the time of other portions of the body of the child.

I then went up stairs to the room occupied by Mary Lyons and her father, and saw a bed tick on the floor. The centre of the tick was apparently stained with blood. I cut the centre, and took it away, and have had it in my possession ever since. The yard in which I found the after birth is an enclosed yard separated from Mrs Langstaff's garden by a wall about nine or ten feet high, and separated from the next premises on the left hand side by a wall about five feet high. ... [Signed.]

*2.2.7. Deposition of Constable Philip Leddy of Athlone R. I. C.*

... I am a police constable stationed at Athlone in the County of Roscommon. On the morning of Thursday the 6th of November 1884, I in company with others went to the house of Patrick Troy in Patrick Street, Athlone where Mary Lyons, the prisoner, and her father, Denis Lyons, lodged and assisted in searching the premises. In the room up stairs where Mary Lyons lived I found behind a picture hanging on the wall two feet, two hands, and seven other pieces or joints of an infant child. One of the feet was cut across in two at the instep. In all there were twelve pieces. I brought them to the police barrack and kept them in my charge until I handed them over to Doctor Lyster and Doctor Shanley at the inquest. ... [*Signed.*]

*2.2.8. Deposition of Head Constable John Waters of Athlone R. I. C.*

... I am head constable stationed at Connaught Street Barracks, Athlone, Co. Roscommon. On the 6th of November 1884, about half past ten in the morning, I went to the house of Patrick Troy in Patrick Street, and assisted in searching the premises. In a room up stairs where I believe Mary Lyons lodged, I found a bed tick which was stained with blood. The upper part was stained but slightly, but the lower part had large stains. I cut a piece from both sides of the tick. On a table in the room, I found a dinner knife which seemed to have been recently sharpened. There was a stain on the handle, which I believe was a blood stain. In the back yard attached to the place I found blood on a wall, and shortly after, Constable Anderson showed me on a shovel, a substance which I believe was an after birth. I then returned to Troy's house and saw the prisoner in the kitchen and I arrested her, telling her that she was charged with infanticide and concealment of birth. She said nothing. ... [*Signed.*]

*2.2.9. Deposition of Doctor Luke P. Shanley of Athlone*

... I am a dispensary doctor living at Athlone in the County of Roscommon. On Friday the 7th November 1884, I, assisted by Doctor Lyster, also a dispensary doctor, made a post mortem examination on the remains of a female child. We found the head detached from the body, the spine being divided through the second vertebrae. Both arms were removed from the trunk through the shoulder joints and the hands from the arms through the wrists. There was an incision through three fingers of the left hand and the fourth finger was entirely removed. Both legs were detached from the trunk through the neck of the thigh bone. Both legs were detached from the thighs through the knee joint and both feet from the legs through the ankle joints. The left foot was divided at the instep. In all, the remains consisted of fourteen pieces, the entire weighing 4½ lbs. From the condition of the lungs we were of opinion that respiration took place, and that consequently the child was born alive. The umbilical cord was untied. From the appearance of the body we were of opinion that it was born within two or three days. The child was apparently healthy and in our opinion would have lived if it had received proper care. I have no doubt that the wounds on the neck were inflicted at the time the head was cut off. There was no indication of strangling or smothering. We discovered no cause of death except the wounds described already. The head, trunk and limbs were all portions of the same body. From the appearance

of the head and trunk with earth and gravel adhering to them, I believe that they must have fallen to the ground from a height. The wounds described seemed to have been inflicted within two or three days. From the external appearance of the lungs we were of opinion that the child survived her birth for a short time only. When making the post mortem examination, a substance was shown to me on a shovel which was an afterbirth. A portion of the umbilical cord was attached to it.

On the 6th of November I went to the police barrack in Connaught Street, and saw the prisoner. Mr Rodger D. I. R. I. C. in my presence and hearing asked the prisoner if she consented to have her person examined by me and she consented. Mr Rodger then left the room, and I was about to make the examination when the prisoner said that there was no necessity to make any examination as she gave birth to a dead child on the previous Tuesday.

The wounds on the body were incised wounds and must have been inflicted by a sharp instrument. ... [*Signed.*]

### 2.3 EVIDENCE PRESENTED BEFORE W. H. BECKETT, R. M., AT ATHLONE, PETTY SESSIONS DISTRICT OF ATHLONE, CO. ROSCOMMON, 22 JANUARY 1885<sup>5</sup> [AGAINST DENIS LYONS]

#### 2.3.1. *Deposition of District Inspector Samuel B. Rodger, Esquire, of Athlone R. I. C.*

...I am district inspector R. I. C. stationed at Athlone, Co. Roscommon. On the sixth day of November 1884, I sent for Denis Lyons, now present, to question him relative to the murder and concealment of the birth of a female infant child for which his daughter was under arrest. I told him to tell truly all he knew about the matter. He denied any knowledge of it and in reply to my question stated: 'I am a painter labourer aged about 40. My wife is dead. I have only one daughter Mary Lyons aged 18. She and I have been lodging for the last 17 months in the house of Patrick Troye in Patrick Street, Athlone. We had the upper part of the house, one room, to ourselves. There is only one bed in the room and my daughter and I slept together. My daughter was employed as char woman up to Tuesday last by Mrs Rohan and Mrs Dixon.

On Tuesday morning last (4th inst.), I got up as usual and had my breakfast, which my daughter prepared. I then went to my work. My daughter made no complaint of being unwell and I noticed nothing wrong with her. I did not know my daughter was in the family way. I had no suspicion. No one spoke to me about it. About 2 o'clock or near it on Tuesday Mrs Troye, the woman with whom I lodge, went to Mr Rohan, the painter's house, to ask where I was working. Mr Rohan came and told me that Mrs Troye wanted me as the little girl (Mary) was sick and to go up. I went and found Mary sitting on a chair at the fire in my room. Her head was resting on another chair. There was no one with her. I asked her what was amiss with her. She said she had a pain in her stomach and to get her a drink. I thus went back to Mr Rohan to get some

<sup>5</sup> Sergeant John King, Constable Patrick Dixon, Constable Patrick Falvey, Constable Hugh J. O'Keefe, Constable Thomas Anderson and Constable Philip Leddy repeated almost verbatim the statements that they had made on 15 November in the case against Mary Lyons relative to finding of the body of the dead infant. Dr Luke P. Shanley also repeated the testimony that he had made on the same date detailing the findings of the post-mortem examination. These depositions are not reproduced here.

money. I got 2/s and came back and gave Mary one shilling, telling her to get a drink for herself, whatever she liked. She was in the same way when I gave her the shilling. I then went back to my work. Mrs Troye told me when I came to the house that Mary was unwell. She said nothing more, except that anything Mary wished for she would go out for.

I came home between 4 and 5 o'clock and found my daughter still seated at the fire. I asked her to get my supper. She said her stomach was still bad and to go myself for it. I got it and she cooked it and eat [sic] her supper. About 6 o'clock I went out for tobacco and was back in 15 minutes. She was at the fire on my return. I sat down and smoked. She said she was better than she had been but told me nothing about being in the family way. I knew nothing about it. Nothing further passed between us. I went to bed at 8 o'clock. She came to bed about 15 minutes after. I undressed and so did she. She slept soundly and nothing unusual passed during the night. I went to sleep about 9 o'clock and woke at 5 o'clock. She was asleep. I lit my pipe and smoked. I got up at 7 o'clock, leaving her in bed. There were no unusual signs about her or the bed. She must have given birth to the child in my absence. I do not know when she gave birth to it. After getting up I went out to Watson's and returned about a quarter to 8 o'clock. My breakfast was ready and Mary was sitting at the fireside on a chair. She eat [sic] her breakfast, seemed quite hearty and made no complaint of being unwell. I went to work and came home as usual to supper about a quarter to 5 o'clock. Mary was sitting at the fire. She asked me for money for turf. I gave it. She went and bought turf and cooked the supper and we eat [sic] it together. She seemed well and made no complaint of illness. I saw no signs of the birth of a child and had no suspicion.

After eating my supper, I smoked and went to bed at 7 o'clock. I had no conversation with her before going to bed. She cleaned my boots and then went to bed also. She did not leave the room from supper time until she went to bed. Nothing occurred during the night. I got up at 7 next morning, saw nothing strange about her or the room. I went out to Watson's, came back in ten minutes, found Mary up, the fire made, and breakfast getting ready. We had breakfast. I noticed nothing amiss with her. I went to work and remained at it until sent for by you. I declare before heaven today I know nothing about Mary being in the family way, having given birth to a child or making away with the body. All I have stated to you is quite true.' Above statement taken by S. B. Rodger D. I. on 6th Nov[ember] 84.

Of a later hour on same day, 6th Nov[ember], Denis Lyons on being further questioned by me admitted Mrs Troy told him at the door when he came from his work to see his daughter that she thought Mary was in the family way. This was on the 4th Nov[ember] 84. ... [Signed.]

### 2.3.2. Deposition of Head Constable John Waters of Athlone R. I. C.

... I am head constable stationed at Connaught St., Barracks Athlone, Co. Roscommon. On the 6th Nov[ember] 1884 about half past ten in the morning I went to the house of Patrick Troy in Patrick St. and assisted in searching the premises. In a room up stairs, where I believe Mary Lyons lodged, I found a bed tick which was stained with blood. The upper part was stained but slightly, but the lower part had large stains. I

cut a piece from both sides of the tick. On a table in the room, I found a dinner knife, which seemed to have been recently sharpened. There was a stain on the handle, which I believe was a blood stain. In the back yard attached to the house, I found blood on a wall, and shortly after, Constable Anderson showed me on a shovel a substance which I believe was an after birth. I then returned to Troy's house and arrested Mary Lyons in the kitchen.

This morning, I arrested the prisoner and told him he was charged with infanticide and concealment of birth of a female child. The dinner knife and the pieces of the bed tick have never been out of my possession since. ... [*Signed.*]

### *2.3.3. Deposition of Rose Anne Troy of Queen Street, Athlone*

... I am wife of Patrick Troy. We lived at Patrick St., Athlone, Co. Roscommon for two years and ten months and left our house on the Friday after last Christmas Day. I remember the 4th of November 1884. On that day Denis Lyons now present and his daughter Mary Lyons were lodging in a room upstairs in our house. They had occupied that room for more than twelve months. There was only one bedstead in the room. Both father and daughter slept in the room. No one else slept in it as long as they occupied it.

On Tuesday the 4th November about half past one in the day I heard moaning up stairs in the room in which the Lyons lodged. The only person in the room at the time was Mary Lyons. I called up to her and she said she was very sick. I went for her father as quick as I could and in a few minutes he came to my house and went up stairs to the room where Mary was. In about four minutes he came down from the room. I asked him how Mary was and he said she was better, that she had often been worse with a colic pain and that he had to go for some money. When he was outside the door I called him back and said that it was rumoured that his daughter was in the family way. He said she could not be in the family way unknown to him as he was a married man. He then went away and in a very short time came back and went up stairs to his daughter's room. He came down from the room in about four minutes and said to me: 'Mrs Troy, here is a shilling for you. Get Mary what she wants.' I said I did not know what she wanted. He went up stairs again and on coming down said she wanted nothing but a drink of milk. I took the shilling and went and got her a pint of milk.

When I came back Denis Lyons was not in the house and I took the milk up stairs and gave it to Mary who came to the door and took it from me. She looked at the time the same as I had ever seen her. About duskish on that evening I was in my own bed room and I heard a footstep going up to Mary's room. I went to bed about half past eight with my husband and in a very short time I heard the voice of Denis Lyons talking to his daughter up stairs and the sounds of feet trampling on the floor. The daughter was laughing. The next morning I saw Denis Lyons going out of the house about seven. He came back that evening and slept up stairs in his own room. ... [*Her mark.*]

### *2.3.4. Deposition of Patrick Troy of Queen Street, Athlone*

... I am husband [*off* Rose Anne Troy. I remember the fourth of November last. On that day we were living in Patrick Street, Athlone, Co. Roscommon. Denis Lyons was

present and his daughter Mary were lodging in our house in a room up stairs. About half past one o'clock on the 4th November I came home from my work. My wife was in the kitchen. We both heard moaning in the room up stairs where Mary Lyons was. There was no one else in the room. My wife left our house and went for Denis Lyons. He came in in about fifteen or twenty minutes and went up stairs to where his daughter was. In a few minutes he came down. I asked him how his daughter was and what was the matter. He said she was better and that she had often been worse with colic. He went out and in a short time came back and gave my wife a piece of money and she went out, I believe for milk. He then went away and came back about five o'clock from his work, earlier than he had been in the habit of doing by about two hours. He went up stairs and in about an hour came down and went out and in a short time returned with a small parcel under his arm and went up stairs again. Denis Lyons and Mary both slept in my house on Wednesday night and she was arrested there on Thursday morning. ... [*Signed.*]

### 3. CASE OF BRIDGET DRENNAN (1C 26 33)

[Bridget Drennan, a married woman from Newbridge in County Kildare, was accused of the murder of her infant daughter, Eliza Drennan. The alleged offence took place on 24 June 1885 and the baby died on the following day. At the inquest on 27 June 1885, jurors John E. Tuke, Michael C. Flood, Henry Gee, Patrick Donegan, John Hyland, Jeremiah Foley, James Scott, Michael Clare, William Taylor, John Mergin, Thomas Doyle, and John McCarthy found that 'Bridget Drennan did feloniously, wilfully, and of her malice aforethought kill and murder the said Eliza Drennan'.

On 11 July, Constable Charles Blake requested permission to remand the suspect in order to allow him time to summon necessary witnesses. In this instance, Drennan was charged that she 'at Newbridge in said county on or about the 24th day of June 1885 unlawfully, wilfully and of malice aforethought did kill and murder her child, Eliza Drennan, and did further attempt to kill and murder herself'. The case was prosecuted by District Inspector W. J. Greene.

When the case was again heard on 15 July, the charge was slightly amended. Bridget Drennan was charged that she 'at Newbridge in said county on the 24th day of June 1885 feloniously, wilfully and of malice aforethought did with a razor inflict a mortal wound upon one Eliza Drennan of which wound said Eliza Drennan afterwards to wit upon the 25th day of June 1885 died and further that said Bridget Drennan at Newbridge aforesaid on 24 June 1885 unlawfully did attempt to kill and murder