

**Irish Transportation Records, Catherine Smith, CRF 1842 S20 Film 50**

*Stamp:* CHIEF SECRETARY'S OFFICE  
DUBLIN  
Date indecipherable

*Annotation:* W Connor

To His Excellency Earl de Grey Lord Lieutenant General and General Governor of Ireland etc etc etc

The Petition of Owen and Catherine Smith who were convicted at the last Assizes of Longford of a charge of house burning and sentenced to Transportation for life and Peter, James and Mary Smith their children who were also Convicted and Sentenced to 15 years Transportation and Anthony Kiernan who was also Convicted of same offence and sentenced to 15 years Transportation all of whom are present in Kilmainham and Longford gaols

Most Humbly Sheweth

That Petitioners do not mean to impeach the verdict of the Jury well aware that what was sworn against them was quite sufficient to persuade any Jury that petitioners were guilty but notwithstanding Petitioners beg to assure your Excellency that they are perfectly innocent of the charge and it is from the consciousness of their innocence that they have presumed to address your Excellency. Petitioners therefore humbly yet earnestly implore that your Excellency will be graciously pleased to respectfully consider this case and of Your goodness grant them such Commutation or Mitigation of their Sentence as Your Excellency May under the Circumstances think proper.

And Petitioners as in Duty Bound will pray  
Owen Smith  
Anthony Kiernan

May 9<sup>th</sup> 1842

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*Stamp:* Indicipherable  
*Annotation:* W Connor

[Marion?] Square  
May13th 1842

Sir,

In reply to your letter of yesterday enclosing by desire of the Lord Justices a memorial on behalf of Owen and Catherine Smith and others there to state for their Excellencies information that the trials of the Prisoners for setting fire to the house of John Washington Leech, came on before me at the last Assizes for the County of Longford.

It appeared by the Evidence of Leech, that he was awoke at night by the crackling of fire and that he got up with two of his sons & on getting outside they found the house on fire, in various parts of the thatch and roof. The prisoners were all about the house, and on his and his sons running out they ran away, some of the younger prisoners had kettles from which lighted turf dropped, the fire was extinguished with great difficulty. The fact that the house was set on fire and the extent of the mischief were fully proved not only by the Prosecutor and his family but by the Police and neighbours who saw the prisoners early on the following morning and noted(?) in the course of the night. The Identification of the Prisoners noted/proved? on the Evidence of Leech and his two sons who swore very positively to their seeing them, the night was clear moonlight & it was further proved that the Prisoner Catherine had from some [...] with Leech used expressions of a

[threat?] that he should suffer for it in his bed, the prisoners were defended by Counsel & the prisoner Owen produced witnesses to an alibi, I left the case to the Jury upon the [...] of the Prisoners telling them that they must be satisfied that there was no mistake, or that they ought not to find a verdict of guilty –

The Jury found them all guilty and having no reason I think that they had come to a wrong conclusion, and considering the severity of the offence, to which human life might in all probability have been the sacrifice, I sentenced the older prisoners Owen & Catherine Smith who were the father and mother of the other Prisoners Smith and the Master and the Mistress of the Prison Kiernan to Transportation for Life & the other convicts to Transportation for fifteen years. I would here observe to their Excellencies that although the younger prisoners, from the part they had taken in the transaction were in my mind proper objects at least legally for consideration, yet that some excuse might perhaps be found in the relationship in which they stood to the Elder Prisoners & that on that account I should have been disposed at least with regard to the younger female maids not to have ordered them to be removed from this country if I had thought that they would have remained here with any advantage to themselves but from what I learned at the time from those who appeared to know the country, it was not to be expected that their staying here would be attended with good results and the whole family seemed to regard the separation of the parents from their children to different countries a great aggravation of the punishment, the Mother Catherine Smith earnestly entreating me that her younger children, unconvicted two I believe in number might be sent out with them. I therefore passed sentence of Transportation for fifteen years: the shortest period the Statute allowed me upon the younger convicts including the Prisoner Kiernan as to whom at all costs I should have passed sentence of Transportation, and I should have been glad to find that the unconvicted children if it be possible should not be separated from the Mother if that is still their desire & that if their unfortunate parent, I am sorry to report to their Excellencies that the state of the crime in the County of Longford at the last Assize was such as to require example.

I return this memorial  
And have the honor to be Sir  
Your obedient Servant  
Richard Pennefather

The indictment did not lay the offence capitally

E. Lucas Esq<sup>re</sup>

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*Stamp:* CHIEF SECRETARY'S OFFICE  
DUBLIN  
42 MAY 19  
*Annotation:* W Connor

Longford Gaol  
18<sup>th</sup> May 1842

Sir

In answer to your letter of the 16<sup>th</sup> Instant relative to Catherine Smith a prisoner under sentence of transportation in this Gaol.

I beg to state to you for the information of the Lord Justice that the prospects of the prisoners children are very bad – not having anything of their own to depend upon and their relations are too poor to assist them. Their names and ages are as follows

tried – Peter Smith – 16 yr of age ) with their father  
tried – Shaun Smith – 14 “ “ “ ) in Kilmainham  
tried – Mary Smith - 12 “ “ “ ) with their mother  
untried – Rose Smith - 4 “ “ “ ) in Longford gaol  
untried - Edward Smith – 8 “ “ “ ) with an aunt in  
untried - Cath<sup>n</sup>Smith 6 “ “ “ ) the country

I have the honor to be  
Sir  
Your most obedient  
Humble servant  
H McFadden  
Governor

The Under Secretary  
etc etc etc

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To His Excellency Earl de Grey Lord Lieutenant and Governor of Ireland  
Dublin Castle

KILMAINHAM  
PENNY-POST

Owen & Catherine Smith  
Or  
Houseburning – transp<sup>n</sup> Life

14<sup>th</sup> May 1842

The law to take its course as to Owen & Catherine Smith and Anthony Kiernan and enquire the ages and prospects of the 3 children convicted & of the innocent children.

1[ ...] Pennefather ans<sup>d</sup> 16<sup>th</sup>

Gaoler infor<sup>d</sup> d<sup>o</sup>

Report of Gov<sup>r</sup> annexed May 1842

Commute the sentence of the 3 children responsible? to 7 years transportation and let the recommendation of Baron Pennefather as to the untried children be attended to  
*(initials)*