

MAYN / MAGEE Sarah
CRF 1849 M45
Per *Earl Grey* 1850

Irish Transportation Records

County of Antrim

Having made careful enquiry respecting the case of Sarah Magee from her late mistress Catherine Badge, the Constabulary, the Matron of her Gaol, and Doctor Harkin; and having myself had along interview with her in the gaol at Carrickfergus, I feel no doubt whatever – although she is rather a stupid looking person – that she is a shrewd, cunning young woman, and is perfectly aware of the difference between right and wrong – Her father, in his memorial, states that she is only “fifteen years of age”; but she is over eighteen, and is quite womanly in her appearance: she had not been in service before she went to Mrs Badge, and up to that period, nothing could have been said against her character.

Mrs Badge appears to be a very respected and intelligent young woman; and, whilst she says she would be glad that Sarah Magn were liberated, she expresses her perfect conviction that none other than that wretched girl could have given her the poison – I questioned her closely as to the girl’s motive for committing such a crime – not only against her, but against her child – to whom she sated the prisoner seemed greatly attached, and the only motive she could assign or guess at, she deduced for me the following circumstances. A short time before the attempt on her life, some trifling articles were stolen from the house where she lodged, and as nothing had been stolen from it before Sarah Magee going there, it was reported in the house that she was the thief, and Mrs Badge told her of the report, and said that she “must go before the Priest and clear herself of the charge”. The girl evinced much reluctance to go before a Clergyman in Belfast, but said she would go before her own Priest in the country – who had known her from her childhood; but Mrs Badge said that she would herself take her to a Clergyman next morning, and it was on the evening of the day she said so that the poison was administered – Mrs Badge added that the prisoner had seen her lock up a few pounds two or three days previously, and had frequently asked her to show her her clothes – and she seemed to think that the girl might have intended to possess herself of these things, as well as to revenge herself for the threat to take her to confession. When I had the prisoner brought to me in Gaol, I asked her age, how long she had lived with Mrs Badge, and if she had been kindly treated by her; and on her answering my last question in the affirmative I said to her abruptly, “Then how can you account for having made an attempt on the life of a kind mistress?”

She seemed both confused and distressed hung down her head, remained silent for about a minute – and just as I thought she was about to reply, the Chaplain of the prison most inopportunately entered the room, sat down to write, and she continued silent. Seeing that the gentleman referred to intended to remain, and that she appeared more reserved than before his entrance, I had her removed to the Matrons apartment, and on my repeating my question to her there, she at once, and boldly, declared herself innocent, and asserted that she had “not had a fair trial”, for the Doctor (Harkin) had not stated that she “had taken some of the poisoned gruel” herself – “or he had known it was the case” from the blister on her tongue”, and although he had sent her an emetic and had declared “that her not having been in the same state as her mistress was owing to her greater strength of constitution”. She stated that the prison was most likely put into the pot – and not into the bowls – by Anne Fog, who hated her because Mrs

Badge had made her some presents, and who therefore wished to get her blame for making her mistress sick, and she complained bitterly that she “had not been fairly identified by Mr Heyburn” – the apothecary who had sold her the poison – for he said when he first saw her that “he thought” she was the person who had bought the arsenic from him, and when he saw her again “he swore positively” that she was that person. Her quiet, self-possessed manner, and these observations, at once satisfied me that I was speaking to an intelligent person- in every way accountable for her acts; but as I thought - on a perusal of the Information and the evidence against her – that there had been much want of system in the chemical examination of the vessels alluded to, I determined to make what enquires, I could on the subject of her allegation, and especially as regarded her identification by Mr Heyburn – who is reported as given to intemperate habits, - and having made such enquiries, I am quite convinced that all her statements, in their essential points, are without any just foundation. Doctor Harkin has informed me that when he went to Mrs Badges, in the first instant, he was told that Sarah Magee had taken some of the poisoned gruel; that he “looked at her mouth and tongue which was perfectly healthy,” but that, “as a precautionary measure,” he sent her an emetic which he was informed she took very reluctantly – “knowing”, as he said, “that she did not require it”, and when it made her sick she went into the yard and discharged her stomach – which was all the inconvenience she suffered.

She was not then suspected, but Anne Fog was, and on the latter’s being shewn to Mr Heyburn, he immediately said that she was not the person who had purchased the arsenic from him; but he gave so accurate a description of the appearance and voice of the purchaser – being perfectly those of the then supposed patient, Sarah Magee – that the prisoner was brought into the room where he was much against her will – and he at once said, “That is the girl who bought the arsenic from me yesterday evening”, upon which she observed “For what should I buy arsenic from you?” It is to be regretted that she was presented by herself to Mr Heyburn, but his previous description of her supports his personal identification of her, and his evidence is further strengthened by the fact that she out of her mistresses’ house at the precise hour when the poison was sold, and by the additional fact - that she was near fainting when she saw him in Mrs Badges room. “The scrapings of the pot” were not analyzed (sic) by themselves as they should have been, and from the manner which the other vessels and their contents had been tossed about and mixed together, it must have been impossible to distinguish the vessel used by the mistress from that used by the maids; but notwithstanding the absence of due process in the matter, it is quite manifest that one bowl was free from poison, or, according to Doctor Harkins opinion, Sarah Magee must have suffered at least in an equal degree with Mrs badge, - as he says that, “No amount of constitutional strength could have enabled her to conquer the effects of such a dose as the other had taken – without medical assistance.” From the importance and unusual features of this case, I have felt it my duty to enter into it fully, and I trust that my desire to convey all necessary information respecting it, and to shew the grounds of my own conclusion on the subject, will plead my apology for the prolixity of this report.

Wm S. Tracey R.M.

Belfast December 1/1849

Mr Tracey is requested to make particular enquiry as to the character of Sarah Magee & whether anything has since come to this or to the knowledge of the Constabulary which could in any way give a clue to this unconscionable transaction.

Can any reason be now even assigned why the prisoner should have endeavoured to murder Mrs Badge & did she live on good terms with her mistress – It further appears from evidence that a concealment took place on the part of the Prisoner, who threw some of the poisoned gruel to the dog for no apparent reason, locked up the bowls, & pot containing the poison in a drawer, the key of which she gave to one of the principal witnesses against her, readily obeying all Instructions, & showing much concern about her mistress.

It should be ascertained from the medical men who have signed her memorial, whether her “mental incapacity,” “weakness of mind” & defective intellect were so glaring a nature as to render her irresponsible for her actions, it is rather strange that Peter Magn should have put out as a servant a daughter, whom he now states to have been incapable of judging for herself.

If the convict was ever before in service with any other family, enquiries should be made, whether she at all appeared to be imbecilic & idiotic, altho’ it may be perfectly correct that the prisoners is a person of weak intellect, it must satisfactorily proved that she is incapable of s discriminating between right and wrong in order to establish that as a plea for favourable consideration of her case.

initialled 22/11/49

W. Tracey Es *R.M.*
Belfast

5.

Signed along the side W. Hutchens 23/11 1849

I John McGowan MD do solemnly and sincerely declare that I have seen and examined Sarah Magn as to her state of mind and find her a person of nervous temperament but quite capable of discriminating between right & wrong. She seems to be a person oof much simplicity of character, but not devoid of intellect. Whether these defects of character may [] her to the extension of His Excellency’s clemency I shall not presume to say and I make “this solemn declaration, conscientiously believing the same to be true, and by virtue of the Provisions of the Act &c &c &c

John McGowan MD

Declared before me this 22nd day of November 1849 at Carrickfergus

Edward Brown []
County of Antrim

6.

R. November 20th 1849

Sir,

I was directed by the Lord L^t to transmit herewith an application received in behalf of Sarah Magee, Prisoner in the Gaol of Carrickfergus, & to draw your particular attention to the statements made therein as to her being a person of weak intellect.

His Excellency being desirous to obtain a full & specific statement as to the correctness of these allegations, I have to request that you will carefully examine this Convict, report whether in your opinion she is capable of discerning between right & wrong, or whether from your own observations her state of mind is such, as would render her a proper object of mercy.

I am &c &c

To
The medical Attendant of the Gaol at Carrickfergus.

7.
Signed along the side W. Hutchens ?/ 9/1849

Carrickfergus Gaol
16 September 1849

Sir,

I beg to inform you, that I have this day received the Warrant concerning the Sentence passed on Sarah Magee to Transportation for Life.

I have the honour to be

Sir

Your most Ob^t Servant

Rob^t Forbes Gov

To The Under Secretary
Castle Dublin

8.
Signed along the side W. Hutchens 11/9 1849

Carrickfergus Gaol
16 September 1849

Sir,

In answer to yours of yesterday's date, I beg to say, that I have not received the Commutation of Sarah Magee's Sentence, and consequently was unable to send her forward with other females Convicts on the 13th inst. and the Constabulary could not defer the removal.

I have the honour to be

Sir

Your most Ob^t & very humble Servant

Rob^t Forbes Gov

To The Under Secretary
Castle Dublin

9
Signed along the side W. Hutchens Nov 1849

To His Excellency George William Frederick Earl of Clarendon, Lord Lieutenant General and General Governor of Ireland-

The Humble petition of Peter Magee of Magheralin in the County of Down.

Humbly Shewth

That petitioner's daughter Sarah Magee aged 15 years at the Assizes held at Carrickfergus in the County of Antrim in the month of July last was held for an attempt to poison one Mrs badge, her mistress of which offence she was convicted and sentenced to transportation for life.

That up till the time of this charge being made against your petitioner's daughter she always bore a good character for proof of which your petitioner refers your Excellency to the certificate attached.

That your petitioner's daughter (although it was not proved upon her trial) has always been considered by those who know her to be of a very weak mind; indeed she is generally considered to be of so weak a mind that she is not capable of acting for herself –

That your Petitioner is a man of weak body and has an aged wife who has been for many years confined to bed and whom he fears if she was aware of this transaction (which she is not) would be hastened to her grave.

Your petitioner knows not whether his unfortunate daughter was guilty of the crime of which she was convicted save by the verdict of the Jury that tried her.

May it please your Excellency to spare your petitioner's unfortunate daughter by ordering her discharge or a commutation of her sentence, and thereby preserve the life of her poor mother, and your petitioner as in duty bound will ever pray.

Peter Magee

Magheralin 7th Nov^r 1849

We the undersigned do hereby certify that we have for many years known Sarah Magee named in the annexed petition, and have always considered her to be of good character, but of very weak mind, and we recommend her to the merciful consideration of His Excellency the Lord Lieutenant.

Date 7th November 1849

I have known Peter Magee for several years as a quiet reputable man of the facts as regard his daughter's mental incapacity I know nothing.

Signature J.P. Co. Down

I have known Peter Magee's daughter 9 years I considered her a girl of weak mind John [M....y] Surg.

I know John [M...y] Surgeon who has given the above testimony to Sarah Magee's weakness of mind & place every dependence on his statement. W Edward Maginn Curate of Magheralin

I have heard from my neighbours that the said Sarah Magee is of weak mind & scarcely to be considered a responsible being but cannot certify it of my own knowledge. Boughy Wm Dolling Rector of Maralin

I know Sarah Magee the person mentioned on the accompanying memorial, and believe her to be a person of weak mind. Patrick McKey P.P. Magheralin, [?Bermond] P.P. Kilbroney, John Irwin C.C.

I have visited Sarah Magee when sick sometime before going to Belfast to live. I asked her state of mind of her parents. They said not right which confirmed the opinion that I had formed from her countenance that she was of defective intellect. Rob^t Bell Surgⁿ V.Liet. &c

From the foregoing certificates I am quite satisfied of the truth of this petition.

Holt Waring Dean of Dunmore Maningstown 17 Nov^r 49

I have no doubt from the above certificate of our medical man Doctor Ball that Sarah Magee is of weak intellect I have every confidence in his judgement & veracity. W. P. ..stone Curate of Shankill Surgeon 17 Nov^r 1849.

10 Signed along the side W. Hutchens Nov 1849

Greenlanes Clontarf Sept 7th /49

Sir

I have the honour to enclose for the consideration of His Excellency The Lord Lieutenant, a copy of my notes of the evidence, given upon the trial of Sarah Magee now a prisoner in this Gaol of the County of Antrim who was convicted before me at the last Assizes of administering poison to her mistress Catherine Badge with intent to murder her and also the recommendation of the Jury in her favor – It did certainly appear a very unaccountable crime to me – considering her youth & character & the absence of any apparent motive. I impressed upon the Jury the obligation not to convict unless they were convinced of her guilt & the possibility that Mr Heyburn might be mistaken as to the person – but they after some time taken for consideration found her guilty accompanying their verdict with the enclosed recommendation. I cannot say that on careful reflection & consideration of this case since, I see any reason to doubt the justice & propriety of the verdict – But I did think it a fit case not to pronounce, sentence of death, accordingly I directed sentence of death to be recorded, & told the prisoner that I should lay the facts of her case before His Excellency who only, could remit the sentence of the law & capital punishment, that, if he should think it right so to do, yet her heinous crime could not pass without heavy punishment, & that I could hold no hope to her of any commutation short of Transportation for Life.

I of course do not mean to suggest a measure or presume to name a limit for the punishment for which the recorded sentence is to be commuted that being a matter entirely for His Excellency's discretion & judgement – upon the facts disclosed on the evidence, & the recommendation of the Jury which I have the honor to transmit for the purpose.

I have the honor to be

Sir

Your Obed^t Serv^t

L Perrin

To Tho^s N. Redington Esq^r &c &c &c

11 Copy note of evidence

Sarah Magee indicted that the 3rd April last feloniously wilfully and of malice af^m th^o did administer to Catherine Badge ten grains of a certain deadly poison to wit arsenic knowing same to be with intent then and the to commit the crime of murder &c

1st Witness Catherine Badge; On 3rd April prisoner had been in my service 7 weeks past I had a child 6 months old; in the evening she asked to go for candles I said I wanted none she then asked to go for soap and I let her go and gave her money to buy it & told her to go to shop in Mill Street this was between 7 & 8 in the evening she staid about $\frac{3}{4}$ of an hour out; on her return asked did I think her long, I asked why she staid so long she said she was delayed in the shop X ; asked was I going to make gruel I said no I did not care for it and would give her some bread; she said do mam you are nursing and the baby may annoy you during the night, I told

her to get meal and make some when she went into, where, I kept the meal got some in a bowl and went down stairs, in some time returned with two bowls of gruel she placed them on the opposite sides of the table – she put a chair next one and sat down next the other herself she had the baby on her knee I sat on the vacant chair; she got a teacup and took some out of my bowl for the child I asked her why she did not take out of her own bowl she said it was too hot, she was feeding the child who rejected it I took about 1/2 the bowl my stomach got affected I asked why the gruel had such a bad taste she said she made it in a pot in which fish had been boiled, that she did not know anything about it till it was too late, my stomach turned, I was obliged to go into bedroom retched – the baby remained with prisoner, in about ¼ of an hour the baby became very sick throwing up the prisoner gave the bowl to the dog on the floor which lapped the contents dog vomited don't know what became of the other one bowl went upstairs and was sick again in the same way and then sent for Dr Harken I was very ill can't express, was three weeks ill.

(note alongside – X this witness said was a question prisoner who was a stranger in Belfast often asked, when coming in from a message)

Cross examined was on the sofa when the Dr came got this girl from the country had given her presents she was in the habit of feeding the child, had let her go to see her friends some days before had made presents to a former servant Foy missed blanket complained of Foy got it back breakfasted late 12 O^{ck} had tea between 4 & 5 p.m. prisoner was unacquainted with town. Miss Gribben Mr & Mrs Walter Mr & Mrs Gilman Ann Foy & two men lodgers resided in the town prisoner appeared kind in disposition and conduct.

2nd Witness; Ian Gilman lodged in house with Mrs Badge saw her supping a bowl of gruel & prisoner in the room Mrs Badge was seized ill with pain in the right side put her hand on her stomach I saw the dog vomit Mrs Badge came up to my room I saw nothing wrong with her then she went down the girl called me and I went down she was very ill prisoner was there, Mrs B screamed out, said she had got Julep the infant was screaming, I saw prisoner take the bowl then and give it to the dog; the dog vomiting; did not see the dog vomit the 1st time I was in the room; the prisoner appeared to be much concerned for her mistress Dr Harken ordered Mrs Badge to be put to bed prisoner threw ashes on the dogs vomit, the wet was cleaned away by her Dr Harken scraped took up a small portion of the dogs vomit in one of the bowls and a pot were locked up in a small cupboard in the drawing room by the prisoner who gave me the keys which I kept 'till ½ past 6 next morning I placed them under Mrs Badges pillow I returned in the forenoon & found the keys in the same position I took them and kept them in my possession till Thursday about eleven when 'twas opened the bowls and pot were taken but scraped the pot was scraped into the bowl by Baxter police constable who took the bowls away in the same state unwashed.

Cross; now said that Dr Harken directed the vomit to be taken up and that prisoner did so & put it in one of the bowls (asked as to Cholera and its prevalence) 'twas the prisoner told witness Mrs Badge was ill Mrs Badge came up to my room to look at some pictures after the 1st illness they were bowls of this size and were put into the cupboard by Dr Harkens direction by prisoner.

Third witness Margaret Gribben Mrs Gilman gave me the keys at 10 a.m. (5) sharp I kept them an hour & returned then to her I did not open the cupboard; the morning she was going to the court house she left the keys with me till she returned.

Cross: I was not at court house I saw no cupboard opened that day.

Fourth witness Anne Foy was in Mrs Walsh's employment, there was a common kitchen saw prisoner there she asked me could she get some gruel made, & I said she could, she put the pot on the fire and immediately after I went upstairs about my business I returned in about ½ an hour prisoner was at the fire making gruel, when twas made she brought the pot and two bowls into the scullery she remained 4 or 5 minutes, she brought the bowls laid them on the table, she continued for a minute before she lifted the left hand bowl and then she took the bowls and brought them upstairs, both nearly full of gruel, the pot remained in the scullery 'twas Mrs Walshe's there had been no fish boiled in that pot for a week or ten days before I had the charge of it 'twas clean, at the time prisoner got it, to boil the gruel.

Cross: near an hour after Mrs Walsh put some water into it in scullery witness knows nothing more about the pot.

Fifth witness Alexander Harken M.D. visited Mrs Badge on third of April found her in great debility cold extremities sunk eyes as if in collapse quick small pulse appearance of approaching death vomiting and purging threw up everything that was administered retched frequently my opinion is that she was suffering from irritative poison she was unwell for a fortnight getting better every day saw vomited matter on the floor covered with cinders I ordered it to be collected and placed in the bowls which I directed to be locked up I sent the prisoner for the pot which she brought and I ordered them all to be locked up together. I got two bowls from Baxter and brought them to Doctor Hodges.

Cross: prisoner appeared anxious about her mistress obeyed my directions readily brought up the pot quickly made no delay the marks of a spoon at the bottom partially scraped it did not appear to have been wiped.

Sixth witness Wm Baxter saw Mrs Gilman open the press; put the scrapings of the pot into one bowl in which there appeared to have been gruel and into the other pot some mixture having the appearance of gruel. I marked the bowls and gave them to Dr Harken without delay.

Seventh witness Wm Hayburn I keep a shop in Mill Street about 7 p.m. 3rd April prisoner came into it, she asked for 1d worth of arsenic for her master to kill vermin I asked his name she said Samuel Riddle 21 Hammil Street; gave her name Anne Corbet, I gave her 1 & ½ drachms of arsenic for 1d.

Eighth witness: John Frederick Hodges Physician & chemist got 4 vessels from Baxter a table spoon full oof gruel 3 tablespoon fulls of mixture of potatoes skins & gruel in No 1 there was arsenic in No 2 arsenic in larger quantities -at least 2 grains there was a mere trace in the others 5 gains would destroy life.

For defence First witness Th^s Brown lives at Magheralin about 11 miles from Belfast is a neighbour of prisoner's father has known them long she is a girl of good character her family respectable she was particularly kind to children she was some time in my service

2nd witness James Magee has known prisoner & her family her character generally good & fond of children

Verdict Guilty L. Perrin

Recommendation of Jury

We strongly recommend the prisoner to the merciful consideration of the court from her youth and previous good character.

John W Campbell, Hayh Davidson, Thomas Adams, John Huey, Arch^d Black, Andrew Martin, Robert Huey, [Bristour M...], John Gardner, William Watson, James Huey John Watson

INFORMATION REQUIRED IN THE CASE OF ANNEXED PRISONER.

Name Sarah Magee

Age 18

When committed 28 April 1849

When convicted of offence 27 July 1849

Tried before whom, and sentence. The Right Humble Justice Perrin

Death Recorded

Conduct in Gaol Very good

Previous character and circumstances and if before convicted. So far as I can learn her character was very good – up to the time of the unhappy occurrence, for which she is now under sentence. She appears to be a person of rather weak mind, and evidently very inexperienced. She was never in prison before.

Health Good.

To His Excellency Lord Clarendon Lord Lieutenant General & General Governor, of
Ireland

The humble application of Peter Magee, of Magheralin, in the C^{ty} of Down, most
humbly and most respectfully prays & supplicates.

Whereas Sarah Magee, daughter of Your Excellency's most humble applicant, was tried at the last Assizes held at Carricfergus City Antrim, and found guilty of administering poison, to one Mrs Badge, of Belfast, for which she was sentenced to transportation for life.

That inasmuch as the Jury in, returning their Verdict, recommended the prisoner to merciful consideration, from her good character, together with the fact of the said Sarah Magee, being of weak & imbecilic mind, as well as oof her youth, being only 15 years of age, and had no malicious motive whatever towards her Mrs with whom she had only lived seven weeks.

That ever since the unfortunate circumstance, the wife of Your Excellency's humble applicant, has become seriously and dangerously affected, and likely to go deranged herself, at hearing of the sentence pronounced upon her unfortunate and only daughter.

Appl^{ct} therefore prays that Your Excellency of Your accustomed Goodness will be most graciously pleased to take into favourable consideration the peculiar fact of his daughter having also aberrations of mind; together with the much more happy circumstance of the said Mrs Badge, in her perfect health, and has no desire whatever that the unfortunate girl should be visited with any vindictive punishment, whatever.

Your Excellency's very humble applicant therefore, by reason of the premises, as well as oof - Your Excellency's wanted Goodness, humbly but confidently hopes, that you will be graciously pleased to take the case under Your Excellency's very humane and favourable consideration, fondly hoping that, Your Excellency will deign to either – benignantly vouchsafe pardon; or otherwise commute the simple & unfortunate girl's sentence, to whatever term of imprisonment Your Excellency of your kind clemency may think proper, and Your Excellency's very humble applicant

as in duty bound shall ever pray

Peter Magee

Of the merits of the girls case I know nothing as she was fourteen miles from where the offense was committed But I have known her father Peter Magee for several years as a quiet honest peaceable man.

Robert Dolling J.P. Down
Magheralin
I believe the statement above to be true.
Boughey Wm Dolling Rector of Magheralin.

We know the contents of the foregoing statement & application to be True & have known the said Sarah Magee from her infancy.

Th^s Brown Maheralin James Magee Magheralin

I have reason to believe the foregoing statement to be true

John [?Mavey] surg

M. officer to the Board of health Maralin

I believe that the above statement is true & that it's a case of great distress to her honest quiet and industrious family with whom I have been intimately acquainted for eleven years.

Rob^t Bell Surgeon & L.A. Obstⁿ &c &c

Since the writing of the above your poor applicants wife lyes in the most imminent danger as her life is despaired of. But hearing that the case is under your excellency's consideration she fondly cheryhes (sic) the hope; that, from the memorable words used by the learned Judge who pronounced Sentence, stating that it was the most unaccountable transaction which ever came before him. The unfortunate but honest Peter Magee who has a large helpless & forlorn family & knowing that the life of his frantick (sic) wife is in your Excellency's power implorcs an answer at your Excellency's convenience & any commutation on the subject will be kindly & with intense anxiety attended to at no [90]? Hereuls Belfast.

Cornelius [..min] B.B.

Direct to James Magee Esq as above

Antrim

M 45 49

Sarah Magee

Administering poison

Death recorded

Committed 28 April 49

Convicted 29 July 49

Report of L Perrin annexed September 10/49

Sept 11/49 Commute to transportation for life

C

Warrant for Judge & Peter Magee inf^d. Sept 11 /49

Further application anx.

Let the law take its course Dec 3 1849

C. 24 /12 1849

I. Peter Magee inf^d

II. Inspector General to remove the convict to Grange Gorman

III. Mr Synott to receive her, & include her name in the warrant

IV. Governor of Carrickfergus Gaol

J.W. Burke

4/12/49