

McKELVEY Mary CRF 1849 Mc14 Irish Transportation Records NLI
Stamped CONSTABULARY OFFICE DUBLIN CASTLE APRIL 15 1849
County of Tyrone
Constabulary Office Dublin Castle 12 day of April 1849

The annexed communication is submitted to the County Inspector for Inquiry and Report.

Signature

The County Inspector

Report

I have made inquiry and beg leave to report that Mary McKelvey was a girl of excellent character up to the time of the unfortunate occurrence for which she was convicted at last Assizes. I have also seen Insp^r. Orr, and Booth two very respectable merchants in this town who engage to send the Girl to America free of all expenses, she is anxious to go there, and I am confident they will perform what they promise.

George Wade

County Insp.

14th April 1849

The Inspector General

&c &c &c

Written at the side W Hutchens 7/4/1849

Derrynoyd House

Draperstown

April 5th 49

Sir

In reply to your letter of the 4th & to the memorial respecting Mary McKelvey convicted before me at the last Assize for the County of Tyrone of infanticide & whose sentence was commuted by their Excellencies to transportation for Life, I have to report that I should consider the Purposes of policy sufficiently vindicated should she be remitted, unless the guarantee, offered in this memorial to migrate to America – Before I left the Circuit Town I received several recommendations of her case on the ground of her former good character. I am well acquainted with the respectability of the two Gentlemen who have signed her memorial & upon their transmitting to the Govern^t a paper certificate of her being aboard an English vessel it is my opinion, that the Royal mercy should be extended to her.

I am Sir y^r ob^t Ser^t

Robert Torrens

Refer to Clerk of Crown for copy of Information.

initialled

August 9 1849

Transmit the memorial to the Constabulary to ascertain previous character keeping back this letter.

initialled

April 11.1849

Done *initialled* April 11

Mary McKelvey Infanticide Co Tyrone Judge Torrens

Written at the side W Hutchens Apl 3

To his Excellency George William Frederick Earl of Clarendon

Lord Lieut: General and General Governor of Ireland

The petition of Isabella McKelvey of Omagh

County of Tyrone, most humbly shewth

That petitioners only sister Mary McKelvey has been convicted at the last Assizes here, before chief Justice Torrens of Infanticide.

She had no lawyer employed to plead for her, has hitherto had a very good character which could be forwarded if necessary. She is not eighteen years of age yet; petitioner and she were both left orphans very early in life and have been servants ever since they could be employed. Petitioner would humbly beg her sister's and her own sad situation to be kindly considered, and if His Excellency would be kind enough to mitigate her sisters sentence in such a way that she could be sent to America, petitioners present employer Mr John Orr, and Mr George Booth merchants both of Omagh would engage to advance the amount necessary to have her sent where she would have it more in her power to reform her character.

If His Excellency will be pleased to consider the situation of his heart-broken petitioner who is by a few years the elder sister and give a gracious mitigation to the sentence so as that petitioner would have it in her power to follow her and spend their days near each other she will be in duty bound ever to pray.

The subscribers know petitioner who is of excellent character and will if His Excellency be kind enough to comply with her request engage to perform their part in having her sent to America.

Geo: Booth

John Corr

Omagh 2nd April 1849

Refer to the learned Judge] who tried the case for report.

initialled

April 3 1849

Down April 4

The [?Inspector. jail] is requested to ascertain the character & circumstances of the Convict.
initialled April 11 1849

Mary McKelvey

Infanticide

Co. Tyrone

Judge Torrens

INFORMATION REQUIED IN THE CASE OF ANNEXED PRISONERS

Name Mary McKelvey

Age 19

When committed 10 July 1848

When convicted 10 March 1849

Tried before Hon. Justice Torrens

Conduct in Gaol Very good

Previous character and circumstances and if before convicted Previous character good,
never before convicted.

Health Good

Written at the side W. Hutchens 5/4/49

Omagh Gaol
31st March 1849

Sir

In the absence of the Governor of this Prison for a few days on leave – I beg to acknowledge the receipt of Their Excellencies' order, commuting the Sentence of Death on Mary McKelvey, to Transportation for Life.

I have the honor
to be Sir
your obd^t Serv^t
Wm McClland
Deputy Gov^r

The Under Secretary
&c &c

Derrynoyd Lodge
Draperstown
Co. Derry
March 27th 49

Sir

I have the honor to report to you for the Information of the Lords Justices, that Mary McKelvey was the girl & committed before me at the last Assizes for the Co. Tyrone of Infanticide & sentence of Death was recorded against her.

I have now to recommend that her sentence be commuted to transportation for Life.

I have the Honor to be
yr obd^t serv^t
Robert Torrens

T.N. Redington Esq
Castle.

County of Tyrone
Mc 14 1849

Mary McKelvey

Infanticide

Sentence of Death recorded

Convicted at Spring Assizes 1849 on March 10th before Judge Torrens

Age 19

Committed 10 July 1848

The Judge recommended a commutation to transportation for Life.

Submitted March 28th 1849

Let the sentence be commuted accordingly. *signature* Mar 28/ 49

Order issued.

Judge inf^d *initialled*

march 29th 1849

Further application annex^d

April 17 49

County Tyrone.

Copy Information of Patrick Malaghan of Tromege County aforesaid taken on Inquest held on the body of a male Infant child aged 3 days, on the 21st of July 1848, before Wm O Orr Coroner

I found the Body of an Infant on yesterday in a Turf hole near Pomeroy about two miles on the Sixmilecross side of Pomeroy about two o'clock I was driving my cows to the Grazing when I found the Body not far from my fathers house there was a wee dog with me that drew my attention to where the Body was on top of the water, when I looked at it I saw its wee head in the clothes. I had heard of a child having been found in the mountains. I drove my cows to the Grazing and then went back & told a Boy named Peter McAleer that I saw like a wee child above the water lying. He came up with me to the place where I first saw the little wee child. Peter McAleer turned the child with a stick in the hole, we went away my father was coming down the road to his work & I told him what I had seen. He came back with me to the place. I saw him take the bundle out of the water in which the child was tied. He laid it on the Bank & sent for the Police to Pomeroy. He let it alone until they came.

Peter McAleer. I am hired with a man named Owen Malaghan in Tromege. I know a Boy named Pat^k Malaghan he was driving out his cows & he came down to where I was and asked me to come up to see the child which was in the water in a Turf hole. I went up with him and saw a child swimming on the top of the water. I touched with a stick and turned it over I went to my work again and left him I saw the Police looking about the Mountains about a week before I heard they were looking for a child. I was in view of where the Body was found. I saw a man riding along the road I sent word with him to the Police at Pomeroy.

Peter Malaghan I live near Pomeroy about a mile on the 6 mile side I remember yesterday I went met my son Pat after my return from dinner he said there was like a child in the water on the Turf hole I looked over to the Turf hole & saw the body floating on the water about a yard off the Road which is the direct Road from Six mile cross to Pomeroy I drew the bundle out to the Bank, it cont^d X the body of a Child it was rolled up in an old red handkerchief or comforter about the body there was an old linen cap on it the Infant was a male Child I remained until the Police came and took away the body of the Infant which I had so found and clothes in which it was rolled with them. The Turf hole was about a ¼ of a mile from my House it is not in view of my house or any other house the place or bog hole where the body of this Infant was found is about a mile from Pomeroy on the leading road to Sixmilecross to Beragh I had seen the Police search all about the place or Townland where I live last week. They said they were looking for a child I have no knowledge of the time or by whom that Infant was left in the Turf hole where it was found. The cap and comforter which have been shown to me by Sub Con Wm Duncan are the same which were on the body of the Infant which was taken out of the Turf hole in the Townland of Tromege.

William Duncan Sub Con stationed at Pomeroy. I heard on yesterday that the body of an Infant child had been found in a Bog hole near Pomeroy Sub Con Robt Craig Doctor Hervey and I proceeded to where the Tromege was found which I was told was in the Townland of Tromege I saw Peter & Pat^k Malaghan & Peter McAleer there. They were standing beside a

turf clump about 4 yards from the leading road from Pomeroy to Sixmilecross & Beragh. When I went forward they pointed out the Child to me, it was the body of a male Infant. There was a worsted shawl and cap and some pieces of cotton & linen on the child. I took the child & things away with me to Pomeroy and from there to Sixmilecross yesterday evening the body which is now under examination by Dr Thomas Robinson is the same which I brought from Tromeey yesterday. I have shown the things or portions of dress were on or around the Child to several persons here today viz Rachel White Elizabeth White and Margaret Robinson who said they has seen those things before viz the shawl & cap I have now shown those portions of dress to Rachel White Elizabeth White & Margaret Robinson. I have no knowledge where or by whom that Infant was left where I found it.

William Duncan Sub Constable

Rachel White widow of Tullyheeran I was shown a worsted shawl a handkerchief this day by Sub Con Wm Duncan I have seen that shawl or handkerchief before. I saw it in my own house it was my own property. I know a woman named Mary McKelvy, I saw her here today on this night 3 weeks past (viz the Friday before last Beragh fair) she came to me, ~~she came to me~~ as I was going to bed, Letty Dick took her out with her to stop with her for the night, she came in to me again on Saturday morning, she was sick when she came in to me on Saturday morning in pregnant state. I know she was about to have a child I went out and when I returned into the house she had been delivered of a child, Eliza White and Infant and Mary McKelvy were the only persons in the house when I returned to the house. The Girl Mary McKelvy and the child remained with me and slept in the same bed with me on Saturday and Sunday night. The child seemed healthy and well the mother said on Sunday that she thought the child would die & as it had a blue ring about his mouth I was shown a worsted or woollen handkerchief her today by one of the Police which is the same that I saw in y house before & which is my property I saw the Girl preparing to make a little cap. I told her on Saturday to take good care of the Child I saw her feeding the Child she said she would take the Child home to the Father of the Child she said his name was Ballantine, she left me on Monday to go as she said with the Child to his Father. I told her not to leave the child outside the house she said she w^d meet him at the end of Beragh the child was alive and seemed healthy and well when the mother Mary McKelvy took him away from my house. I never saw the mother again until I saw her before Mr Coulson and I have never seen the Child alive since the mother Mary McKelvy took him away on the morning of Monday Beragh Fair day. I know the handkerchief by the smallness of it and the way I cut it myself.

Elizabeth White of Tullyheeran I remember this night 3 weeks past I live with my mother Rachel White I did not see Mary McKelvy in the house on that night as I was out she came into my mother's house on Saturday morning from the other House that is Alick Dick's because the men was in the house, she was in the family way and I knew she came there to be confined, she had a child on that day in my mothers house. Bell Hill attended Mary McKelvy when in confinement. I was present, she was delivered of a little Boy alive. I gave the making of a little cap to her I made part of it herself. I saw it put on the child I was shewn a cap here this day it is not the same that I gave her I have seen a worsted handkerchief w^h my mother had, I gave that handkerchief to Mary McKelvy on Monday Beragh Fair's day when she was going away to put about the child there was a worsted shawl or handkerchief shewn to me today by one of the Police. I have no doubt at all but that is the same handkerchief that I gave Mary McKelvey I w^d not wish to swear positively that it is the same handkerchief, as there is many a handkerchief like each other. I have now again seen & examined the handkerchief

and I swear positively that it is the same handkerchief that I gave Mary McKelvey, I know it by the seams on the shoulders. I did not see Mary McKelvey from the Monday morn of alluded till this day. I do not know what she did with her Infant child. I have no knowledge by whom s^d Infant was left where or it was found or why it was left there.

Marg^t Robinson of Tullyheeran in s^d Co^y. I know Rachael White I live next door to her I live with my stepfather Alex Dick. I recollect this night 3 weeks past Mary McKelvey was brought into the house by my mother on that night she appeared large with child, I heard her say to my mother she was sick, she lay in the same bed with me on Friday night she was confined in Rachael Whites on Saturday the next day I was present when she was delivered. My stepfather would not allow her to remain next day. She was delivered of a male child alive, Bell Hill attended her I made a cap for the child on Saturday & helped to make a frock on Monday that was not the cap that was on the child when the mother it away. I gave a cap w^h belonged to my mother w^h I followed after the mother & child with on Monday (last Beragh Fair) & saw it put on the child, Mary McKelvey put the other cap in her breast & took it with her, I was shewn a cap this day by one of the Police w^h is the same cap that I gave to Mary McKelvey & saw put on the child on the Monday "Beragh Fair" alluded to, I know it by a piece of plain cloth w^h was on the front by the borders & by the make of the cap. I did not see Mary McKelvey or her child from that Monday until this day, & have no knowledge of what she did with s^d Infant child, she s^d she w^d leave the child with the father (John Ballantine) on Beragh fair day, that was the day she left Rachael White's house.

Isabella Hill of Moylagh in s^d County I remember the Saturday before the last Beragh fair, Marg^t McSorley called on me at 9 o'clock the ev^g of that day to go and attend Mary McKelvey who was pregnant I went to Rachael White's and found Mary McKelvey there – she was ill when I went there - Margaret Robinson and Elizabeth White were in and out occasionally, she gave birth to a male Infant alive, healthy and appearing to be healthy she said she had sworn already who was the Father and had the affidavit in her pocket. I think she said she was going to leave it with the Father, the woman whom I have just now seen is the person who was delivered of a male Infant on Saturday before last Beragh fair day.

Isabella X Hill (her mark)

Martha Herr of Beragh I recollect Monday last Beragh fair day a woman named Mary McKelvey (whom I have now just seen and Identify came into my house on that day in the forenoon of the day she had an Infant in her arms she said it was born on the Saturday before about 12 o'clock, she left the Infant in my bed and went up street to look as she said for the Father. The child became uneasy, I went & found her and brought her back she left my house ab^t 5 o'clock in the ev^g and took the Infant with her which was alive & appeared in good health I never saw that woman or Infant until this day.

Mary Daly I remember the last Fair day of Beragh I live with my father on the Road about 3 miles from Pomeroy, there was a Girl passed me on the Road on that evening who I thought had a bulk in her arms, I met a Girl on the road about an hour after night again that I thought was like her. I know Constable Roe I don't mind that I had any conversation with him about that Girl, I told Constable Roe that I saw a Girl pass by and that she had something in her arms, I said something also to Constable Henry, I said to the Girl when she was returning I wondered she would travel alone so late, that there would be Ghosts seen down before her there I have no knowledge who left the Infant at Tromeay.

This witness gave her evidence with reluctance and denied conversation w^h she had with Constables Roe & Henry relative to the woman or Girl she met on the Road.

X **Benjamin Roe** Saith on Saturday last I got information relative to the death of an Infant. I went to the House of Patrick Daly, I enquired if they had heard of any woman pass that way Mary Daly (last witness) said she saw a Girl pass by there on the Monday evening of Beragh Fair day, she said she saw her when she was returning and asked where was the child she had in her arms she said she turned round & made her no answer Mary Daly said that she might meet a Ghost before she w^d go to the Bridge she said that the cause of her being out so late as being up to see a still work.

Constable Henry Corroborated this witness as to the statement of Mary Daly.

Mary Quin I remember the night of Monday (last Beragh Fair day) I recollect a Girl having called at my house and asked for a drink on that night. I gave her a drink, she had a child in her arms which appeared to be an Infant, the woman whom I have just now seen is the woman who called at my house and got the drink from me on that night I know a man named Peter Malaghan I went out after the woman & to see whether she would leave the child about the House she passed the Road towards Peter Malaghan I think that was about 7 or 8 oC I did not see that woman again until I saw her on a car with the Police on the Sunday after, I heard a cry which I supposed to be that of a child which was so weak I asked her was it a child she said it was, I threw the shawl off the child, which covered it to see it and saw it was a child which she had in her arms and she asked me if I knew where a widow Delap lived I told her I did not know any one of that name in the neighbourhood.

Isabella McCort I know a man named Perter Malaghan I live nearer to Pomeroy than Mrs Quin I remember Beragh fair night I passed a woman on the Road on that night between 9 and 10 o'clock about ½ a mile on this side of where the child was found on which this Inquest is holding she was going towards Peter Malaghans on towards Pomeroy I have just now being shewn & i^d the woman whose name is said to be McKelvey the shawl and i^d at weaves I have seen as the dress the woman wore who passed me on the Road on the evening of Beragh fair. I said to Constable Roe or Henry that she had not time to go as far as Pomeroy, I cannot say whether there was any child or bulk in her arms she seemed as if she had a bulk in her arms.

This witness also denied a statement she made to Cons Henry & Roe as to where they w^d be likely to find the Child.

James Delap of Cavanreagh I know a Girl named Mary McKelvey whom I have seen here to day she lived in my Father's house I think she came to him in April last and left him the Friday before last Beragh Fair she was in the family way by appearance I recommended her to go to Margaret McSorleys until she would get lighter of foot by which I meant until she would have a Child, I saw her next at Beragh fair, she did not appear then in the family way I asked if she had got lighter off foot or rid of her Trouble she said had, I asked if Ballantine gave her any money, I saw her again during the day she said Ballantine hid on her I saw her again the next day in my Fathers (where I live) about before Breakfast time she had no child with her, I asked her about her child I asked her what come of the wane she said its all as one as if it had been dead born I heard nothing about the child from that time till the next Sunday when the Police came and arrested her when the Police came she came out to the stable where I was, I said to her this is queer trouble your bringing on about this child and what did you do with it I told her to tell me the Truth she said she left it at some house about or beyond Pomeroy she allowed that she left the child at the door street or rather a piece oof it I did not leave Beragh with her on that night.

Margaret Dunlap. I know a Girl named Mary McKelvey she was hired in my Brother in laws house I saw her some short time after Beragh Fair I think it was during the week of the fair she had come back to live with my Brother in law I asked her she how she had come on she said slowly only middling, I asked what about the child she said it was dead born she had the appearance of a woman in the Family way before she went away.

Thomas Robinson Surgeon. I live in Beragh I have this day examined the Body of a male Infant at the Police Barracks at Sixmilecross which I think was not more than 5 days old when he came to his death for this reason the navel string had not fallen which usually takes place about the 4.5 or 6th day after birth, I examined the head minutely and also the lungs & I found the lungs appeared to have been inflated and therefore believe it had been born alive there were also some black spots on the neck deep seated as well as on the surface, the marks on the neck appeared to be the effects of night pressure, the Eyes were somewhat protruded & greatly congested I am of opinion that the marks on the neck were the result of violence or pressure before the body was immersed in water I am of opinion that death was caused by strangulation from the congested state of the face the tongue was also greatly congested as also the cheeks, nose, lips, from the appearance generally and the mark on the neck I have no doubt but the death of the Infant was caused by strangulation prior to the immersion of the body in water. Thomas Robinson Surgeon

Bound in £20 cash to prosecute at next Assizes if called on.

Copy Finding Say that Mary McKelvey of Cavanreagh gave birth to a male Infant on Saturday the 1st day of July 1848 in the Townland of Tully haven Parish of Clogher and County of Tyrone that the said Mary McKelvey did on that night of Monday the 3rd inst d^d strangle and suffocate said male Infant, and afterwards threw the body of the said Infant into a Turf hole in the Townland of Tromege Parish of Termonmaguirk & County aforesaid in which the Body of said Infant was found on Thursday the 20th day of July 1848.

Wm O Orr Coroner.

#17

Copy Information of Rachael White widow of Tully haven taken before R.D. Coulson R.M. on the 11th of July 1848 against Mary McKelvey.

I know a Girl now present named Mary McKelvey. I recollect Friday night was eight nights just I was going to Bed she came to my house alone she sat down the woman of the other house next to mine came in and took her out into her own house where she staid all night the woman's name is Letty Dick upon the next morning Mary McKelvey came into my house I knew she was with child before this I was aware she intended to have the child with me and I let her lie in the Bed I went out of the house and upon my return I found that Mary McKelvey had been delivered in my absence of a child a Boy by a woman named Isabella Hill, after this Mary McKelvey remained with me and slept along side of me until Monday after, her child seemed healthy & well, she told me on Monday morning that she had given the child the breast she was then preparing to go away to Beragh Fair, before this she had told me that the Father of the child was a boy named Ballantine & she further said on Monday morning that her intention was to meet him going to the Fair and if he paid her she would nurse it she had before said she would take it up to him, she went away taking the child with her, and I never saw her since until now.

Isabella Hill widow of Mullagh Upon Saturday eight nights the 1st of July inst. a woman named McSorley met me on the Road and told me that a Girl named Mary McKelvey whom I had known before was lying in the house of Rachael White very ill in labour and that it would

be a charity for me to go to assist her as she had no one who knew anything about it, with her. I am a midwife in the Country, accordingly I went to Rachael White's, I found in the house Letty Dick Margaret Robinson and the Girl Mary McKelvey the latter was sitting on a chair at the fireside, I delivered her of a fine male child, as fine a child as I ever saw alive and well and strong & healthy looking I asked her who was the Father and she said she had sworn it on him and had the affidavit in her pocket, afterwards she told me she w^d leave the child with its father. I bid he do so & do for herself. I did not see herself afterwards until I saw her here now.

Thomas Henry Constable stationed at Sixmilecross I received information that Girl named Mary McKelvey had destroyed her Infant child and I arrested her, I cautioned her not to say any thing against herself. She then told me the child was in a house of a person named Loughran near Pomeroy. I took her there on a car, the people said no such thing had been left there, the girl said nothing nor made no other statement to me.

Margaret Murdock of Beragh, spinster Upon Monday last, the last Beragh Fair day I saw a Girl now present named Mary McKelvey in the fair of Beragh she had a child in her arms an Infant & told me it had been born on the preceding Saturday about 12 o'clock, she said she wished to see its Father John Ballantine to make him give her some money. I had originally met her before going into the Fair upon the Road going to it she said she saw John Ballantine in the Fair and she said she w^d leave the child at his foot if he w^d not give her money I went down with her to a person named Kerr where I stopped she put the child in the Bed and went to find John Ballantine I saw her afterwards about 5 o'clock take the child out of the house alive & well & I never seen her again until now.

Martha Kerr of Beragh I remember the last Beragh Fair day on Monday the 3rd inst on that day a Girl who is now present came into my house with an Infant child & she left it asleep in the Bed, went out, returned again and took it away well and alive, she is called Mary McKelvey.

Margaret Dunlop Cavanreagh I know the Girl now present to be Mary McKelvey. I had heard she was in the Family way & that she had gone away from my brother in laws House to be confined upon some day after last Beragh Fair day I saw her back again at Joseph Dunlops where she had been before I spoke to her and asked her said "Mary how did you come on" meaning how was she when in her confinement she said "Middling" and did not give me much satisfaction she told me the child was dead born no more took place.

James Dunlop Cavanreagh I know Mary McKelvey she lived in my Father's house since April last until a few days ago before last Beragh Fair when she went away to be confined of a Child she s^d John Ballantine was father of, on the Friday before Beragh Fair I recommended her to go to Robert Simpson's wife who had been kind to her as it w^d be the best place to get rid of her Trouble, I did not see her again until the Monday following at Beragh Fair, she had no child with her, but she told me she had been confined and that the child was dead born, she told me the latter about the child being dead born when she returned to my Father's House which she did upon Tuesday the day after Beragh Fair. I asked her what had come on the "waine" meaning the child and she told me it was dead born, when the Police came to arrest her she said she had left it some place about Pomeroy this is all I knew about it, I am not quite sure what exact hour in the morning she came home on Tuesday.

Patrick Malaghan I found the body of a little child on Thursday in a Turf hole near Pomeroy ~~on Thursday~~ about 2 miles on the six mile cross side of Pomeroy it was about 2 o'clock in the day I was driving my cows to the Grazing and not very far from my Father's house there was

a wee dog with me and he smelled it and I looked up and I saw the wee head of the child & clothes. I had heard of a child being buried in the mountains, I did nothing then, but drove on my cows to the Grazing & told a Boy named Perter McAleer that I saw like a wee child above the water lying, he came up with me to the place where I first saw the little child he turned it with a stick in the hole, we did not take it out, but my Father was coming down the road to his work, I told him to come to the place I saw him take out of the water the bundle that the little dog found I put it on the Bank we sent for the Pomeroy Police and let the Bundle alone until they came.

Peter Malaghan Saith upon yesterday my little son Patrick met me when I was going to my work after dinner I live about a mile from Pomeroy on Sixmilecross side of it, my son told me that there was like a child in the water in a Turf hole I was close to it, as it was quite close to the Road I looked at it from the Road as it was not more than a yard off the Road and saw it floating on the water that Road was the direct Road leading from Sixmilecross to Pomeoy and Beragh to Pomeroy I threw the bundle out to the bank from the Bog hole, it was like the body of a young child with an old red handkerchief or comforter about its body, it was a Boy child I remained with the Body until the Police came out from Pomeroy. The Police took away that body of a child which I had so found in the water, together with the clothes upon it I see the cap and comforter now procured by Wm Duncan they are what was found on the child by me.

William Duncan SCon stationed at Pomeroy Yesterday I heard that a dead child had been found in a Bog hole near Pomeroy I proceeded there with Sub Con Robert Craig and Doctor Hervey I went to the Townland and people said near Tromeey I saw a man named Peter Malaghan and little Patrick Malaghan and Peter McAleer standing beside a turf clamp close to a road about 4 or six yards from it which leads direct to Beragh & Sixmilecross when I went forward I saw the body of a child which was pointed out to me, it was a male infant, it had a worsted shawl & a cap and some cotton or linen about it. I took that child away with me & those articles of dress and brought them into Pomeroy I then brought them into Sixmilecross, the Body of the child which Dr Thomas Robinson is now examining is the same child Body which I received from Peter Malaghan yesterday. I have shewn those articles of dress I found on the body this day to persons calling themselves Rachael White Elizabeth White and Margaret Robinson, the worsted shawl was identified by Rachael White, the cap by Margaret Robinson. Rachael White said she had seen the shawl on a child, Margaret Robinson identified the cap as having seen it put upon a living child's head.

Further Information of Rachael White I have this day been shewn a worsted handkerchief by Sub Con William Duncan which I saw before, it was in my own house, it was then my own, I know Mary McKelvey I see her here today, she came to my house on this night 3 weeks, just as I was going to Bed, the neighbours Letty Dick is one of them took her out she stopped there all night on Saturday morning she came into me she had a child that day when I was out as my former information states. Mary McKelvey said on Sunday after her confinement that she thought the child would die as it had a wee blue rim about its mouth but I saw no marks of death about it, the handkerchief which was shewn to me this day belongs to me but I did not see it put on the child I cannot swear to the cap.

Elizabeth White I remember this night 3 weeks I live with my mother Rachael White I did not see Mary McKelvey in the house that night as I was out, on Saturday morning Mary McKelvey came into our house from the adjoining house, I knew it was to have her child she came in, she was then in the Family way she had a child that day in my mother's house a

woman named Isabella Hill attended her as midwife I was present. The child born to her was a little Boy, it was alive I gave her the making of a little cap for the Infant, I made a part of it myself I saw it put on the child she was delivered of, the cap I see today is not the same, I know as it is not muslin and mine was I know a worsted handkerchief which my mother had I gave that handkerchief to Mary McKelvey upon Monday Beragh Fair day last to put round her child when she was going away I have ben shewn a handkerchief by the Constabulary this day which is like the one I gave to Mary McKelvey but I would not like to swear to it as there might be many a handkerchief like others, I have been now again shewn the handkerchief by the Police and I swear it is the same handkerchief I gave to Mary McKelvey to put about her child I knew it by two peculiar seams upon the shoulders I see Mary McKelvey present now I did not see her since she went away with her child to Beragh until this day I know nothing about where she put her child nor anything about it.

Margaret Robinson I live next door to Rachael White with my step father Alexander Dick. I recollect this night 3 weeks Mary McKelvey was brought into our house that night, she slept with me she appeared large with child I heard her tell my mother she was with child and that she was sick. I was with her when she was confined the next day in Rachael Whites who lives next door to me my step father was at home and he would not allow Mary McKelvey to be there Isabella attended her Mary McKelvey was delivered of a little Boy alive I made a little cap for it before it was born, that cap went on it but it is not the same cap which was on it when it went away Elizabeth White helped me to make the first cap, but I changed it and gave Mary McKelvey a cap which belonged to my mother instead. I followed Mary McKelvey when she left Rachel Whites house on Monday of last Beragh Fair and gave her the second cap I saw her put it on the child's head she put the first cap in her Breast and took it away with her I have this day seen in the possession of the Constable a cap which is the same which I gave her that Monday on the Pad road as she was going away and which had belonged to my mother, it was not the first one I helped to make for her, I know it by the Border, the make of the cap and a piece which was in the front of it, My mother had put it in it I know nothing of Mary McKelvey and her child from that time she said she would leave it with the father John Ballantine.

Mary Quin I recollect the last Beragh Fair day it was Monday but I don't know the day of the month I remember a Girl that night between 7 and 8 o'clock to the best of my belief called at my house and asked for a drink she had a child in her arms apparently an Infant I know a man named Perter Malaghan he lives about a good mile from me, the Girl I gave the s drink to is now present I identify her, I watched her as she went away from the house, as she looked light looking she passed on in the direction of Peter Malaghans I saw no more of her until I saw her again the following Sunday in custody of Police I heard the child cry weakly it was alive.

Isabella McCourt I remember the last Fair of Beragh I passed a woman on the Road that night between 9 & 10 o'clock she was within about ½ a mile of the place where the child upon which this Inquest is now holding was found I cannot say whether there was any child or bulk with that woman she was going towards Pomeroy and Peter Malaghans. I did not see her features she had a shawl and pink coat upon her I see a Girl here now I cannot take upon me to say positively, that the coat and shawl she has on her is the same but near as I can go I believe it is so.

This witness not bound no Identification

Thomas Robinson of Beragh Surgeon I have this day performed a post mortem examination upon the body of an Infant male child at the Police Barracks Sixmilecross that child does not appear to me to have been more than 5 days old when it died. The navel string had not fallen which usually takes place about the 4th or 5th day or 6th day I examined minutely the head neck and face of that child the abdomen & lungs I cut away a portion of the lungs and it floated in the water and air had entered into the lungs and therefore believe it to have been alive, upon examination I found no fracture of the head or bones I found black spots upon its neck deep seated as well as superficial its face congested with blood Eyes more or less protruded - from the sockets, the marks appeared to be from very tight pressure, the strings of the cap were not so tight as to cause that beside the pressure was lower down than the string under the throat, the Brain has gone into a fluid state and I can form no idea from it as to congestion, from the congested state of the blood vessels of the face & blackness of the neck I am of opinion that death was caused by strangulation, there was no water in the lungs nor appearance of congestion there which I believe would be the case if drowning were the cause of death I therefore form my opinion that this child died from strangulation previous to its immersion in water. The tongue was greatly congested from the pressure of the neck muscles, also check lips nose and eyelids. I have no doubt about that child having died a violent death from strangulation.

Tho^s Robinson Surgeon

Bound in £20 each.

Examination of Mary McKelvey charged with having murdered her Infant Child aged 3 days by strangling it at Tromeey Barony of East Omagh in said County being duly cautioned &c

States I don't wish to say anything [I'll] not put them to the bother of prosecuting me. [] warrant. I'll] not put them to the bother of prosecuting me or anything else.

Mary X McKelvey her mark.

R D Coulson

21 July 1848