

Fair Murders & Miscarriages:

Transportation of Irish Criminals in the 19th Century

Dr. Christine D. Myers
Monmouth College

Sir Matthew Barrington, Bart., Crown Solicitor in Ireland for the Munster Circuit, said that in Ireland transportation is a punishment more dreaded than any other, if carried into immediate execution. As compared with the punishment of death he produced the following fact:—Up to the year 1829 the homicides in Ireland were so numerous that there never was a circuit where there were not about fifty homicides or violent assaults to prosecute. Not meaning regular murders, but what were distinguished in Ireland as fair murders; that is to say, murders in fights, at fairs and markets. In one instance, there were twelve men killed in one fight in Kerry; they were beaten into the river, and as they struggled in the water to get on to the land, the conquering party on the land struck them with stones on the head, and the lives were sacrificed; that was near Listowel. At that time the punishment for the most violent homicide within a shadow of murder was a long imprisonment. These cases would be treated as murder in England, which in Ireland arising out of fights at fairs, though the parties went there with the intention of fighting, were not considered murder; they were all treated as manslaughter. The punishment for assaults was a long imprisonment, according to the nature of the offence, although a most violent assault, if it was such as, though endangering life, or striking off a limb, or fracturing a skull, did not involve previous malice, so as to bring it under the Ellenborough Act. In the year 1829 the punishment was altered, and the Act of that year substituted transportation as the punishment for manslaughter, and for violent assaults. From that period the cessation of manslaughter in Ireland is extraordinary, and the fightings at fairs have gradually subsided, till there is now scarcely an instance of a homicide committed at a fair or at a market. Previously to 1829 there was scarcely a fair at which a homicide was not committed.

~ *Annals of British Legislation: Being A Classified and Analysed Summary of Public Bills, Statutes, Accounts and Papers, Reports of Committees and of Commissioners, and of Sessional Papers Generally, of the Houses of Lords and Commons; Together with Accounts of Commercial Legislation, Tariffs, and Facts Relating to Foreign Countries*, Vol. II, edited by Leone Levi (London: Smith, Elder & Co., 1857), p. 63.

The Blacksmith



But THE ARMS left the timorous jury no choice;
The found "GUILTY" - and then rose the Judge's mild voice,
"Transportation" the sentence - but softly 'twas said -
(Like summer wind waving the grass o'er the dead).

And Phaidrig, though stout, felt his heart's current freeze
When he heard himself banished beyond "the far seas."
"Oh, hang me at once," he exclaimed; "I don't care
For life, now that life leaves me only despair;
In felon chains, far from the land of my birth,
I will envy the dead that sleep cold in the earth!"