

Transcript for clarity of the petition of Peter Cooney. Copy of original appended.

Peter Couney 2536 Received Portland Prison 7 November 1851

Character since confinement: Conduct Good. Public Works Exemplary. W.C.

To the Right Honourable The Secretary of State for the Home Department.

The Humble Petition of Peter Cooney

Sheweth

That your Petitioner is a labouring man and was tried before Lord Mackenzie and Lord Ivory at the September Assizes holden in Perth 1850 and convicted as a participant of an assault committed on the person of the prosecutor at Dunfermline in the County of Fifeshire on the 24th day of the preceding June.

That your Petitioner believes the assault arose from a drunken riot, and which collected a very considerable number of person your Petitioner being one, but he took no part in any way in the affray and the prosecutor was a total stranger to him.

That on the day your Petitioner was in custody five persons was introduced into the prison for the purpose of identifying your Petitioner as the person who committed the assault but they all declared that he was not the man, and in the following week two other persons who came for the same purpose declared the same

and in the following month of August two other persons who came to the prison for the same purpose positively state he was not the person.

That your Petitioner's fellow labourers made a collection of £6 for the purpose of defraying the expenses of your Petitioners' defences, and the said sum was entrusted to the care of one Thomas Maclaughlan who absconded with the same to drunken leaving his wife and children charged to the parish.

That your Petitioner being only a labouring man had no means of his own and in consequence of Maclaughlan absconding he was wholly unable to employ counsel and was therefore undefended at his trial as also to produce witnesses to prove his innocence they having to come a distance of forty miles.

That your Petitioner if he had been in possession of means of defraying their expenses could and would have produced John Forman, W Corbet (of Bruce Street), Manas Ellis and Jane Gillespie all of Dunfermline, respectable Housekeepers who were present at the time the prosecutor was assaulted and could have proved that your Petitioner had no share whatever in the assault and they are still also alive and residing at Dunfermline and can prove the facts before stated.

That at the trial one of their lordships remarked to the Jury that the evidence seemed to speak altogether of another man and not your Petitioner.

That your Petitioner has resided 12 months at Dunfermline previous to the assault in question and have a sound character for peaceable and good conduct.

That your Petitioner is entirely innocent of the offences in question and earnestly prays for an investigation of all the circumstances and also that the evidence of four witnesses before referred to may be taken. —

That your Petitioner was in separate confinement at Dunfermline, Millbank, & Pentonville prisons of Twelve months and has been upwards of four months on public works, and can appeal with confidence to the authorities as to his conduct while in prison.

Prayer. Your Petitioner therefore humbly prays that you will be pleased to cause an investigation of all the circumstances herewith set forth to be made, and the witnesses at Dunfermline to be examined and as your Petitioner then trusts you will be satisfied as to his innocence of the offence for which he is now suffering that you will cause him to be liberated.

And your Petitioner as is duty bound will ever pray so.

Portland Prison.
17 March 1852

Peter Cooney.



Peter Cooney 2536

Convicted		Age	Crime	Sentence	When received into Portland Prison
When	Where				<i>Chas. A. Finney Committee</i>
26 Septem ^r 1850	Perth	26	Assault	7 years	7 November 1851 Sept. Confined Good Public Works Exemplary W.C.

To the Right Honourable the Secretary of State for
the Home Department.

The Humble Petition of Peter Cooney.

Sheweth

That your Petitioner is an abominable man and
was tried before Lord Mackenzie and Lord Ivory at the September
Assizes holden in Perth 1850 and convicted as a principal
of an assault committed on the person of the prosecutor at
Lumpertine in the County of Perthshire on the 24th day of the
preceding June.

That your Petitioner believes the assault
arose from a drunken riot, and which collected a very
considerable mob of persons. Your Petitioner keeps
one, but he took no part in any way in the affray
and the prosecutor was a total stranger to him.

That on the day after your Petitioner was in
custody five persons was introduced into the prison
for the purpose of identifying your Petitioner as the
person who committed the assault. But they all
declared that he was not the man, and in the
following week two other persons who came for
the same purpose declared the same and in the
following month of August two other persons—
who came to the prison for the same purpose positively
stated he was not the person.

That your Petitioner's fellow labourers
made a collection of £6. for the purpose of depaying

the expense of your Petitioner's defence, and the said sum was entrusted to the care of one Thomas MacLaughlan who absconded with the same to the extent leaving his wife and children chargeable to the parish.

That your Petitioner being only a labouring man had no means of his own and in consequence of MacLaughlan absconding he was wholly unable to employ Counsel and was therefore undefended at his Trial as also to produce witnesses ^{to prove} at his innocence they having to come a distance of forty miles.

That your Petitioner if he had been in possession of the means of defraying their expenses could and would have produced John Forman, ^{the} Corbet (of Bruce Street), Thomas Ellis and James Gillespie all of Dumferline, respectable Housekeepers who were present at the time the assault was committed and could have proved that your Petitioner had no share whatever in the assault and they are still ~~also~~ alive and residing at Dumferline and can prove the facts before stated.

That at the Trial one of the Lordships remarked to the Jury that the evidence seemed to speak altogether of another man and not your Petitioner.

That your Petitioner had resided 12 months at Dumferline previous to the assault in question and bore a good character for peaceable and good conduct.

That your Petitioner is entirely innocent of the offence in question and earnestly prays for an investigation of all the circumstances, as also that the evidence of the four witnesses before referred to may be taken.

That your Petitioner was in a private confinement
at Dumfries. Millbank, & Pentonville Prisons upwards
of Twelve months and has been upwards of four
months on public works, and ever opposed with
confidence to the Authorities as to his conduct
while in those prisons.

Prayer Your Petitioner therefore humbly
prays that you will be pleased
to ~~order~~ ^{cause} an investigation of
all the circumstances hereinbefore
set forth to be made, and the
Witnesses at Dumfries to be
examined, and as your Petitioner
then trusts you will be satisfied
as to his innocence of the offence
for which he is now suffering
that you will cause him to be
liberated.

And your Petitioner as in duty bound
will ever pray.

Portland Brown
17. March 18. 52

Peter Cooney

330

37

Peter Coney 20

Perth Circuit Court

Sept 1850

Assault to the danger of life
of years

Geobert V Unknown
Portland

The jurist says that altho present
at the affair, he took no part in
it, & could have proved his innocen-
ce had he possessed the means of
calling witnesses. He represents
his previous & good conduct
since conviction, & prays that his
case may be investigated.

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L. L. Hill S. H. W.

CIRCUIT COURT OF JUSTICIARY held at *Perth*,
the *Twenty sixth* day of *September* One
Thousand, Eight Hundred and Fifty years, by The
Right Honourable The Lord *Mackenzie* and
Lord Ivory, Two
of the Lords Commissioners of Justiciary.

COURT LAWFULLY FENCED.

INTRAN. *Peter Louney*, railway labourer,
present prisoner in the prison
of *Dunfermline* Pannel

INDICTED and ACCUSED, at the instance of Her Majesty's
Advocate, for Her Majesty's interest, for the Crime of

Assault to the Permanent Injury
of the Person-----

in manner mentioned in the Libel raised thereanent; which
Libel having been found relevant;—In respect of the

Verdict of Assize against-----

the Pannel, the said Lord *Mackenzie* and
Lord Ivory DECERNED and ADJUDGED, and
hereby DECERN and ADJUDGE the said Pannel to
be TRANSPORTED beyond Seas, for the period
of *Seven years* from this date

And that under the provisions and certifications contained in
the Acts of Parliament made thereanent: And ORDAINED
and hereby ORDAIN the Pannel to be conveyed to the
Prison of *Dunfermline*; therein to be detained until
removed for Transportation in terms of the said Acts.

EXTRACTED by me, one of the Circuit Clerks of Justiciary,

Alex. Stuart