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Roasting a Man Alive: The Case of Mary Rielly, Criminal Lunatic

Pauline Prior

To His Excellency, the Lord Lieutenant General and General Governor of Ireland.

Trusting that your Excellency, through your many generous and kind acts will hear my letter addressed to your Excellency from a poor desolate widow, who is the mother of *Mary Rielly* who is know [sic] undergoing punishment in Dundrum Lunatic Prison Dublin, for the burn inflicted on Mr Dillon which resulted in his death, for which she was tried on the last July Assises [sic] and sentenced to the Above Prison during your Excellencie's [sic] pleasure, she is the mother of four children also her husband is dead and I am a very old woamen [sic] myself and do not expect to live long, trusting that your Excellency will take my sad case into your kind consideration.

And for your Excellency I will ever pray

I have the High Honor to be your Excellencie's [sic] most faithful subject and dutiful servant

Mary Greham, Kean's Entry, William Street West, Galway.²

This article presents the story of Mary Rielly,³ a thirty-year-old widow from Galway, who was arrested in 1887 for the murder of thirty-five-year-old Michael Dillon. She was found guilty of manslaughter "at a time when insane" and sent as a criminal lunatic to the Central Criminal Lunatic Asylum for Ireland. Her story provides a starting point for the exploration of the gendered impact of the criminal justice system in Ireland during the second half of the nineteenth century.

An analysis of Irish homicide statistics for the second half of the nineteenth century reveals a highly gendered pattern of both crime and punishment. By studying the history of women who killed men during this period, it emerges that—unlike men who killed women—these women were unlikely to use the insanity defense. Mary Rielly was the exception to this rule. She was found to be insane at the time of her crime and sent to Dundrum as a criminal lunatic. This article describes the actual events and the medico-legal arguments that led to her conviction. The significance of the case is discussed within the context of similar cases in which the sentence was execution or penal servitude for life. As such, it forms part of a broader research project on crime and insanity in Ireland in the second half of the nineteenth century and contributes to the expanding field of historical research on crime and punishment,⁴ insanity,⁵ and criminal law.⁶

The case of Mary Rielly is also of interest in the context of two current debates—gender and crime and gender and mental health. The first debate is concerned with the gendered nature of crime and its punishment.⁷ It focuses on gender differences in criminal behavior and in legal outcomes. Throughout the world, men feature more visibly in crime statistics than do women, especially for crimes associated with violence. Certain crimes such as infanticide, however, have been linked historically to women. Theorists argue as to the reasons for specific gender patterns of criminal behavior and suggest that as women take a more equal role in economic and public life these patterns will change. In addition, there are gender differences in the ways in which men and women are treated within the criminal justice system. Women have sometimes received harsher treatment than men for the same crime

and vice versa. Reasons given for this differential treatment include arguments about the perceived roles of women and men in society, roles that label men as naturally aggressive and women as naturally passive. Women, who act in a way that is “out of character,” for example by killing a man, may be treated harshly by the courts, while men who kill women may receive lighter sentences because of a general social acceptance of male violence.

The second debate is concerned with gender differences in the experiences and manifestations of mental disorder and in society’s response to these experiences.⁸ In the past, women have featured more prominently than men in psychiatric statistics. This has led to the conclusion that women have higher rates of mental illness than men. However, in recent years, a number of psychiatric morbidity studies in the US and Europe have suggested that most of the early research was based on service use that was inherently biased toward this outcome. Specifically, mental disorders associated with men (such as personality disorder and substance abuse) were excluded from the research definition of mental illness, and those associated with women (depression, anxiety, hysteria) were highlighted. Current research, which includes mental health problems associated with personality disorder and substance abuse, points to a different conclusion—that men show higher levels of psychiatric morbidity than women. Their lower level of visibility in psychiatric statistics may stem from the ways in which mental health services are organized and the lower levels of use of these services by men.

These two debates—on gender and crime and gender and mental health—intersect when crime is linked with mental disorder, personified in the mentally disordered offender, or in the parlance of earlier times, the criminal lunatic. Historically, women predominated in asylums in most countries, while men predominated in prisons. Institutions for criminal lunatics tended to have similar gender patterns to prisons, with men predominating. As might be expected, Ireland was a little different—with men (especially young men) predominating in all of these institutions.⁹

Before 1850 Ireland did not have a specific facility for criminal lunatics. They were sent to prison, from which they were sometimes discharged to the district asylum nearest to their home. This was not a satisfactory situation as far as the prison authorities were concerned, and in 1850 a Central Criminal Lunatic Asylum for Ireland was opened at Dundrum village on the outskirts of Dublin. It predated the establishment of a similar institution at Broadmoor, England (which opened in 1863) and continues to function as the Central Mental Hospital for the care of mentally disordered offenders in the Republic of Ireland. The opening of Dundrum was part of the expansion of both asylum and prison provision in the nineteenth century.¹⁰ It is interesting that this expansion occurred at a time when the general population and the level of serious crime were both decreasing. As shown by Vaughan and Fitzpatrick, the Irish population decreased from approximately 8 million in 1841 to 6.5 million after the Great Famine and to 4.5 million in 1900.¹¹ In parallel, serious crime decreased after 1850. Thus, Ireland was one of the safest countries in Europe in the late nineteenth century.¹²

The new asylum provided a real alternative to the traditional sentences (the death penalty and penal servitude for life) for those who had committed serious crimes and were deemed insane.¹³ A study of the people confined there (as criminal lunatics) reveals a highly gendered approach to murder and manslaughter.¹⁴ Though there were women “criminal lunatics” in Dundrum, they were in the minority; they were more likely than men to have committed petty crimes; and when they killed another person, it was highly likely to be a child.¹⁵ Women who killed men rarely found their way into Dundrum. The Inspectors of Lunacy for Ireland wrote in 1855, “We have no record of a female killing her husband, the most common mode of destruction among women being infanticide.”¹⁶

Because this pattern continued, women who killed men were absent from the medical records at Dundrum. An intensive search of other sources—such as convict records, crime statistics, and court records—revealed information on at least twenty women who were convicted of the murder or manslaughter of men during the second half of the century, but of only one who was acquitted on the grounds of insanity. This was Mary Rielly, who spent four years of her life as a criminal lunatic in Dundrum.¹⁷

Temporary Insanity: The Police Story

As with crimes today, there were different versions of events leading to the crime of which Mary Rielly was accused—the police version, the victim’s version (given by the family), the media version, and the perpetrator’s version. Each of these will be examined in turn.

According to the police report—the Royal Irish Constabulary (RIC) Return of Outrages—events took place as follows:

County of Galway, 23 April 1887: Michael Dillon, farmer’s son, aged 35 years, was burned to death in his house at about three o’clock a.m. He had been suffering from fever for some time previously, and a woman named Mary Rielly was employed to nurse him. On the morning in question, the other inmates of the house were awakened by an unusual noise, and on going down into the kitchen, they found Dillon lying dead on a fire which had been lit in the centre of the floor, and Mary Rielly, in a state of wild excitement, throwing burning coals upon him. As the deceased was unable to leave his bed, the woman must have carried him to the kitchen, and placed him on the fire. *It is believed that she became temporarily insane from excessive drinking.*¹⁸

This version of events was consistent with most of the witness statements given during the court case. It also represented the official view of the crime. As argued by Bourke in relation to the killing of Bridget Cleary, members of the RIC “were the eyes, ears, and often the arms, of the British administration” in nineteenth-century Ireland.¹⁹ They specialized in gathering information on all aspects of local life, as well as in reporting it in a standardized form so beloved of Dublin Castle bureaucracy. In a county that was steeped in Irish language and folklore, the neutral tones of the English language gave the impression of order and control. Even the report of the arresting officer, Head Constable Manus Colleary, upheld the notion of a perfectly rational and calm situation during the arrest of Mary Rielly:

I arrested Mary Rielly in a house in Keans’s Entry in the Town of Galway on the 23rd of April 1887. She appeared to me to be perfectly collected in her mind when I arrested her.²⁰

The constable made no reference to the fact that Mary Rielly was a thirty-year-old widow with four young children, some or all of whom may have been present at the time of her arrest. Neither did it convey any of the sensationalism associated with the crime. It is likely that this was indeed a low-key event as far as Colleary was concerned. Crimes of a domestic nature were much less difficult for the police to deal with than either political or agrarian crimes because of the absence of any danger to the police themselves during the process of arrest.

Alcohol and “Transitory Frenzy”: The Victim’s Story (as Told by the Family)

This is the story of the Dillon family—a mother, two adult sons, and a daughter-in-law—who employed a nurse to help care for Michael, one of the sons, who had typhus fever. On the night of the crime, Thomas (Michael’s brother) slept in the barn with an employee, Peter Flaherty, while the mother and her daughter-in-law slept together in a room off the kitchen.

Michael was being cared for in the kitchen by the nurse Mary Rielly. They were all there, talking and sharing a drink of whiskey until eleven o'clock, when the family left to go to bed, leaving Mary alone with the sick man. There was no indication at that stage that anything was wrong. Early the next morning, they were all awoken by Mary's screams. When they rushed into the kitchen, they found a naked Michael lying dead on the floor, surrounded by remnants of the fire. Mary was screaming and "dancing" around him.

The description of events is contained in the statements given by witnesses before and during the court case at Galway Summer Assizes in 1887. It is clear from these statements that the witnesses had been asked if Mary was drunk at the time of the crime. Two indicated that she showed all the signs of having taken alcohol, while others were not sure. Winifred Dillon (mother of the dead man) gave the following statement:

I awoke and found the two doors of the house open, the nurse Mary Rielly endeavoured to prevent my leaving my own room and flinging fire at me. She also threw a bottle at me. I was in terror of the nurse to leave the room. I saw from the door at which I was standing my son the deceased lying on the kitchen floor surrounded by fire, the nurse hopping about the floor with the bottle in one hand and a tongs in the other.²¹

Mary Dillon (wife of Thomas) could not confirm whether or not Mary was drunk. Her description of the scene on the morning after the crime showed a fairly violent Mary Rielly.

Mary Rielly prevented me from going into the kitchen, she had a tongs in one hand and a broom in the other. She struck me on the head with the broom. I then fainted. I fell on the ground in the room. When I came to my senses I tried to pass out into the kitchen ... Mary Rielly struck me into the jaw with her hand when I came into the kitchen.... I saw Michael Dillon lying on his back on the floor.... Mary Rielly was there, she was jumping on the floor. There was a pint bottle of whiskey brought into the house the night previous, out of which there were three glasses taken. Mary Rielly got a half glass, myself took a half glass, and Peter Flaherty and my husband took one glass each. The bottle with the rest of the whiskey was put into the dresser which was left unlocked. I found the bottle broken in the kitchen in the morning. Sometime after I came out of the room, Mary Rielly was calling me a "devil."²²

When questioned three days later, Mary Dillon was still uncertain about Mary Rielly's state of intoxication.

I saw no one in the kitchen up to that time but Mary Rielly who I could not say whether she was drunk or mad, there was a bottle of whiskey in the house, I saw the bottle broke on the floor.²³

Two of the male witnesses were more certain that Mary was drunk. Peter Flaherty, who worked for the family, said that she asked him for a drink and Martin Beattie, whose daughter was married to Thomas, said she appeared to be drunk or out of her mind.

The purpose of eliciting evidence about alcohol consumption was to bolster the defense case, as there was a strong argument in nineteenth century medical literature concerning the link between homicide and "temporary insanity" or "transitory frenzy" arising from over-indulgence in alcohol.²⁴ In this literature, the impulse to kill or to commit a violent act was often linked to delusions caused by alcohol. However, there was disagreement as to whether or not it removed or reduced responsibility for the crime. For example, Dr. Yellowlees of Glasgow Royal Asylum, writing in 1883 on the acquittal of murder on the grounds of insanity of George Miller, argued:

There can be little doubt as to the correctness of this opinion, though some may demur to the complete exculpation of a man who wilfully drank to excess after so many warnings as to the dangerous condition which drinking induced. Hallucinations or delusions leading to dangerous violence are of course frequent in the insanity of intemperance. Transient delusions of a like kind may follow even a single carouse.²⁵

These delusions sometimes continued after the crime and sometimes did not. It is clear from studying the Dundrum case histories of some of the men who had killed their wives (and used the insanity defense successfully), that the doctors were not always sure what these delusions represented. Were they part of a chronic condition that preceded the crime—leading to the conclusion that the homicide was a manifestation of insanity? Were they transitory—connected to the actual situation surrounding the homicide but caused by alcohol or epilepsy? Were they a clever ploy to explain an act of temporary cruelty—a form of words that would lead to a medical recommendation for an acquittal from responsibility? A good example of a case that brought into question all of these possible explanations is that of Dr. Terence Brodie, a doctor who killed his wife in Spiddal, Co. Galway, in 1886. In the end, the verdict was temporary insanity caused by alcohol consumption. This case had been heard the previous year at the Galway Assizes and may have influenced later cases such as this one.²⁶

In coming to a conclusion on the behavior of Mary Rielly, it was clear to all concerned that before the crime she was a perfectly sane woman with no history of mental disorder. Neither was there any evidence of subterfuge or deceit in her behavior following the crime. The only factor that could be identified as having a bearing on events was the fact that on the night in question she had access to a half bottle of whiskey, which was empty in the morning. This led to the decision by the jury that the crime was indeed the result of a “transitory frenzy,” based on a delusional state, brought on by over-indulgence in alcohol. This was in spite of the fact that no evidence was presented to the court that might have indicated that she had a problem with alcohol before or after the date of the crime.

Roasting a Man Alive: The Media Story

As might be expected, the media of the time made the most of the sensational aspects of the story. The three newspapers reporting the event—the *Galway Express*, the *Galway Vindicator*, and the *Tuam Herald*—gave it coverage as part of normal reporting on court cases heard during the County Galway Summer Assizes in July 1887.²⁷ However, though twenty-nine criminal cases were listed for the two-day sitting of the Assizes, only two received any attention—the Rielly case and that of a man (John Moloney) killed during a fight related to a local boycott. In the Moloney case, the Lord Chief Baron Palles, who was presiding over the assizes, said: “We are living in very disturbed and turbulent times.” It is not clear whether he was referring to agrarian or political unrest in this statement, but it may explain the relatively short amount of time devoted to the Rielly case.

Under the headline, “Roasting a man alive,” the *Galway Express* and *Galway Vindicator* printed almost identical stories:

Mary Rielly, a fever nurse, was indicted that she did at Claregalway in this county, kill and murder one Michael Dillon.... The prisoner at the bar was employed to nurse the deceased Michael Dillon who was ill with fever. The evidence for the prosecution was to the effect, as deposed to by several witnesses, that Michael Dillon was left upon the night on which the occurrence took place in charge of the prisoner; that some of the members of the family were sleeping in the barn on account of the fever being in the house; that all were aroused early in the morning

by the screams of the prisoner; and that upon going in they found the deceased lying almost naked on the floor, surrounded by fires. He was quite dead. Prisoner was seen standing over the body.²⁸

Both newspapers reported the outcome of the case in fairly measured tones without any interpretation of events. The same could not be said for the *Tuam Herald*, which used the less inflammatory headline of “Important Case,” but offered a much more sensational story.

In the case where a woman who was tending a man named Dillon, sick with typhus fever, and who burned him in the insane delusion that thereby she expelled the devil and restored his life, the jury found a verdict of manslaughter.²⁹

Here, another aspect of life in rural Ireland is introduced into the events leading up to the death of Michael Dillon—the influence of superstition on the action of the nurse. Did she believe that Dillon was possessed by the devil and that by burning him, she would restore him to health?

The evidence presented by some witnesses planted the seed for the newspaper story. According to Peter Flaherty (who worked for the family):

When I came to the kitchen door, I saw the deceased Michael Dillon stretched on the kitchen floor. He was surrounded by fire and fire scattered over the floor. I saw Mary Riley [sic] the nurse there having a tongs in one hand and a broom in the other gesticulating violently—Michael Dillon was then dead—I cannot say whether Mary Riley [sic] was drunk or not. When I came to the door the nurse said: “Pether asthore give me a drink and I will soon have Michael Dillon here instead of the Devil.”³⁰

A similar account was given by Thomas Dillon (brother of the dead man):

The nurse Mary Rielly was then dancing about the kitchen floor. She was apparently mad. I cannot say if she was drunk. There was fire scitten [sic] about the house and about the deceased. The man was dead at the time I saw him. I asked her the nurse, why she burned the deceased. She said she was not sorry for having done it and that she would soon have Michael back.³¹

This was confirmed by Martin Beattie (whose daughter was married to Thomas):

I saw Michael Dillon lying on the floor, his head was about three feet from the fireplace and his face towards the door. The body was black as if thrown in the ashes. I saw fire scattered around. I saw Mary Rielly sitting down near the fire place. I asked her what was the matter since I was here last night. She said she “burned him, I done it, and the devil I burned in the place of Michael”. She appeared to be drunk or out of her mind.³²

The discourse of devils and fairies appeared in the literature in relation to three other famous cases in the 1890s in Ireland—that of the Doyle family, in which a thirteen-year-old boy was beaten to death by his family, that of thirty-five-year-old James Cunningham, who was also beaten to death by his family, and that of twenty-six-year-old Bridget Cleary, who died as a result of being held over an open fire by her husband and other family members. In the Cunningham case (like the Rielly case), the killers gave the impression of believing the victim to be possessed by the devil, while in the other two cases, it was alleged that the victim was a “changeling.” The insanity defense was used successfully in both the Cunningham and Doyle cases—resulting in most members of both families being sent to either a local asylum or the Central Criminal Lunatic Asylum (Dundrum). The same was not true for the Cleary case, in which the husband and other family members were sent to prison.³³

There are some similarities in the media coverage of the Rielly and Cleary cases. The phrase “roasted alive” was used in both accounts, and there was an acceptance of the possibility of superstition playing a real part in the factors leading to the killing. In Bourke’s seminal work on the Cleary case, she argues that fairy legends were part of the ordinary discourse of rural life in Ireland at the time, used as part of a mechanism to maintain social equilibrium.

Fairy-legends have been denigrated as superstition, and trivialized in ethnic stereotypes; like any other art form, however, they carry the potential to express profound truths and intense emotions. As we have seen, they are particularly well suited to the expression of ambivalence and ambiguity.³⁴

However, when they were aired in official circles, such as a courtroom, they clashed with the rational discourse of the ruling élite. In fact they represented a completely different “symbolic universe” to that occupied by the police and members of the court system. What is interesting for us at this point of the discussion is that the media reflected both of these worlds—the cool, rational world of official-dom in the city newspapers, the *Galway Express* and the *Galway Vindicator*, and the superstitious world of the ordinary man or woman in the street in the more rural newspaper, the *Tuam Herald*.

Accidental Death: The Perpetrator’s Story

Mary Rielly disagreed with all previous versions of events, though her voice was not heard until some time after her conviction. It is likely that she made a statement at the time of her arrest or trial, but it is not included in the court papers of the time. The only record we have of her story is contained in medical reports from Dundrum—information given to medical staff by Mary Rielly during her confinement there. According to Dr. Isaac Ashe, Resident Medical Superintendent, Rielly said that she was exhausted at the time of the crime, after having cared for her patient, Michael Dillon, for over a week. During the night in question, he fell out of bed onto the fire while she was asleep. She insisted that she did not, at any time, think he was a changeling or the devil. This is the story reported by Dr. Isaac Ashe in June 1890, in his response to the request from the office of the Inspector of Lunatics as to her state of mind:

We have carefully examined Mary Rielly as requested by you, and find that she is at present completely recovered in mental health, no longer presenting the symptoms of melancholia formerly attributed to her. I may add that she entirely denies having entertained the idea that Michael Dillon, for whose murder she was tried, was a changeling; and states, as she has always done, that he was a restless patient during his sickness and must have got out of bed and fallen on the fire of himself, while she, having been awake nurse-tending him for seven days and nights consecutively, was in a state of profound slumber by his bedside.³⁵

The possibility of an accidental death is confirmed in the summary of the medical evidence contained in the memorial (requesting her release) sent in June 1890 to the office of the Lord Lieutenant by Redmond McDonagh, solicitor acting on Rielly’s behalf.

The medical evidence for the prosecution left the facts in grave uncertainty, as it was not clear whether the deceased Michael Dillon. ... was, or was not, dead at the time the injuries were inflicted upon him by fire, as it appeared from the evidence of the doctors that the mark of these injuries would be left had they been inflicted some minutes after death. The Lord Chief Baron left the matter to the Jury, strongly observing upon the uncertainty of this testimony.³⁶

The original testimony of Dr. P.R. D’Alton, who carried out the post-mortem examination, was certainly not conclusive:

I found the head, face, chest and extremities extensively burned. I believe that shock, the result of the burns above referred to, were in my opinion the cause of death. Deceased was suffering from fever and was under my care for some time and very seriously ill. Some of the burns were inflicted before and some after death. The burn on the scalp was of itself sufficient to cause death in his then state of health.³⁷

As Mary Rielly was the only one present in the room at the time that Michael Dillon fell or was pushed into the fire, her testimony was crucial. However, at the time of her trial, Mary was not a good witness. As explained by her solicitor, Redmond McDonagh, in his memorial to the Lord Lieutenant, she remembered very little of the events of the night of the crime.

The Convict was a nurse, and had been for weeks in charge of the deceased. Worn out with sleeplessness and fatigue she seems (according to her own statement) to have little trace on her memory of the occurrence.³⁸

It is clear from the witness statements that nobody saw what had happened in the kitchen that night. Michael was already dead by the time the family came into the room. Whether Mary's distress leading to delusions occurred before or after her patient's death will never be known. However, what is interesting is that the verdict of "accidental death" was not seriously considered as a possible option in the court-room at the Galway Summer Assizes.

As Bourke argued in her discussion of the Cleary case, the kitchen in Claregalway, the scene of the death of Michael Dillon, represented not only the individual life of this family, but the larger events in Irish society in the last two decades of the nineteenth century. This was a society fraught by political unrest and economic deprivation.³⁹ For most of the people in the West of Ireland where this crime took place, life was full of hardship. This was evidenced in the circumstances surrounding the death of Michael Dillon: He had contracted typhus fever, and some members of the family were sleeping in the barn, and the house—in which four adults lived—appeared to comprise a kitchen, a bedroom, and a barn.

Into the middle of the personal struggle for a "good enough" life, came the long arm of government exemplified in the criminal justice system. Years of bureaucratic control from England via Dublin had resulted in a high degree of standardization and uniformity throughout the public services. Classification was used in all aspects of official life, as demonstrated in the courts, prisons, and hospitals. Because of Rielly's poor ability to represent her version of events at the time of the crime, it was categorized as murder, and the perpetrator had to be classified as sane or insane. The crime was also being judged within the framework of other adult killings in the Galway area, many of which were motivated by rivalries related to land or to politics.⁴⁰

Female Criminal Lunatics

As noted previously, Mary Rielly was the only woman who killed a man during this period (1850–1900) to be convicted as a criminal lunatic. As such, she stood out from the crowd of other female criminal lunatics in Dundrum. Those who were there because of serious crime had mainly killed children. For many of them the insanity defense had a particularly female dimension as the killing of children was often linked to puerperal mania or other irregularities in the female reproductive system.⁴¹ The debate surrounding this link is reflected in the article by Dr. Henry Maudsley in the *Journal of Mental Science*, the forerunner of the *British Journal of Psychiatry*.

Irregularities of menstruation, as recognised causes of nervous disorder, may act on different parts of the nervous system in different persons, in one giving rise to

hysterical convulsions or hysterical mania, in another to epilepsy, and in another to suicidal or homicidal impulse. A woman who was in the deepest despair because she was afflicted with the thought of murdering her children, and who frequently ran up and down stairs so as to endeavour to drive away the idea by motion and exhaustion, perfectly recovered on the return of her menses. ... Morbid impulses notably spring up during pregnancy.⁴²

It is interesting to note here that the hysterical impulse to kill was proposed in relation to children only. At the time, it was thought that mental disorders related to pregnancy and menstruation led only to the destruction of the woman herself or her children. The argument on the link between the homicidal tendency and nervous disorders caused by menstruation or pregnancy was not used in Irish medical literature (or indeed in the courts) to justify the killing of a husband or indeed any other adult male or female.⁴³

It was to be expected, therefore, that there was no effort to link Mary Rielly's violent behavior to menstruation or pregnancy. Though no information is given in the official records as to the ages of her children, there is no indication that Mary was pregnant or that she had recently given birth. We know that she was a young widow (aged thirty) with four children and that she worked as a nurse to maintain her family. According to the local physician, Dr. D'Alton, she was a caring and trustworthy woman, capable of looking after sick people in the community: "I found the nurse Mary Rielly, attentive in the discharge of her duties when visiting the deceased Michael Dillon and appropriately fitted for the office of nurse tender."⁴⁴ In other words there was no suggestion of disturbances in her mental state due to a "female" condition. The explanation—of "transitory frenzy" related to alcohol misuse—was one used frequently in the courts in Ireland in cases where men killed women. As noted already, it had been used in the same court in the previous year to explain the killing of Mrs. Brodie by her husband, Dr. Terence Brodie.⁴⁵ It was once again used successfully in Rielly's defense, and she was found "guilty of manslaughter at a time when insane"⁴⁶ and "sentenced to be confined in Dundrum Criminal Lunatic Asylum during the Lord Lieutenant's pleasure."⁴⁷

Thus, Mary Rielly became a criminal lunatic. Her sentence began in 1887 and lasted for four years. According to the scant records on her time in Dundrum, she recovered her sanity and was discharged to the Richmond Asylum and immediately transferred to Ballinasloe Asylum in 1891, on the understanding that she would emigrate from Ireland to the US, where her children and other members of her family lived.⁴⁸ Though the legal outcome for Rielly was extremely stigmatizing and probably ruined her life and that of her family, she avoided the alternative conviction of execution or penal servitude for life. Some of the other women who killed men during the same period were not so lucky.

Women Who Killed Men

As mentioned earlier, convict records and crime statistics for Ireland reveal that at least twenty women killed men between 1850 and 1900. Some killed husbands, while others were involved in family or land disputes. In ten cases examined for this study, women were sentenced to execution or to penal servitude for substantial periods of time.

Three of the women were executed. In County Clare in 1853, Honora Stackpoole, her husband's brother Richard, and his wife Bridget were hanged for the murder of Richard's brother, James, in a dispute over land.⁴⁹ Likewise, Margaret Sheil and her brother Lawrence, from King's County, were hanged in 1870 for shooting Patrick Dunne, a neighbor, with whom they were in dispute over a right of way to a bog.⁵⁰

Three other women were found guilty of murder and were sentenced to execution, but had their sentences reduced to penal servitude for life, with some being released after an average of ten years in prison. Two of the women had killed their husbands, and one her brother. Two of them could be described as “impulse killings” similar to those in which men killed their wives and pleaded insanity. However, the insanity defense was not used. In 1881, Elizabeth Buchanan, from Londonderry, shot her eighty-two-year-old husband during a dispute. She spent over ten years in prison, before being discharged on condition that she emigrate from Ireland.⁵¹ In 1886, Mary Brophy, from Cork, stabbed her brother with whom she was “constantly in the habit of quarrelling.”⁵² Mary was discharged directly to hospital after spending nine years in prison.⁵³ The crime of the fourth woman was not an impulse killing. Catherine Delaney, from Tipperary, who had four children, was convicted of poisoning her husband in 1884. It was alleged that she wished to marry another man. She remained in prison for fourteen years and was discharged to Tipperary after being refused entry to Boston by the US Immigration Commission.⁵⁴ Though her punishment was severe, Catherine was lucky not to have been hanged, as the sentence was to be carried out in a similar case twenty years later. Mary Daly and her lover were hanged in 1903 for the murder of her husband.⁵⁵ The files on women reprieved from execution during this period show clearly that there was extensive debate on each one, as the execution of a woman in Ireland was viewed as highly undesirable.

In addition to the women sentenced to death, four others were sentenced to long periods of penal servitude for killing men, two of whom were husbands. In one case it was clear that the husband had been a perpetrator of domestic violence and that the killing had happened in the middle of a family fight. This was the case of Mary Lavelle, from Mayo, who, together with her son and daughter, was found guilty of the murder of her husband.⁵⁶ Mary was sentenced to penal servitude for life and her son and daughter to ten years each. Both completed seven years in prison and their mother eleven years. All three emigrated from Ireland to the US immediately on their release.⁵⁷

This brief descriptions of some of these cases illustrate the point that the circumstances in the killing of these men by women were very varied. In some cases, there had been an obvious dispute leading to a fight, in some there was alcohol involved, and in some there was known domestic violence. In any or all of these situations, the plea of temporary insanity or “transitory frenzy” leading to violence could have been used. There were legal precedents for the linking of impulsive killings to delusions brought on by irregularities of the reproductive system (in women) or by abuse of alcohol (in men). However, this study has uncovered no evidence of the insanity defense being put forward in these cases. These women were considered rational and therefore responsible for their actions. It seems that it was easier for society to see them as “bad” rather than “mad” when they committed the ultimate crime of not only questioning the authority of the male (husband, brother, or neighbor) but of destroying him. Only in the case of Mary Rielly was that approach different.

Conclusion

What does the Mary Rielly story tell us about social responses to insanity, crime, and gender in nineteenth-century Ireland? Existing research has already revealed that the Irish, as a people, cooperated with the colonial authorities in the large-scale institutionalization of deviant men and women into asylums and prisons during this century. Among them were people who were excluded from society for two reasons—for being mentally ill and for having committed a crime. These were the men and women who made up the population of the Central Criminal Lunatic Asylum in Dundrum, Dublin. Mary Rielly was one of these criminal lunatics. Fortunately for her, she was not regarded as a “bad” woman, as were other

women who had been convicted of killing men during this period of Irish history. Neither was she regarded as a truly “mad” woman, as were some of the women in Dundrum who never returned to normal life.

However, Mary was unfortunate in that she was regarded as having deliberately killed Michael Dillon, a crime she denied during her confinement in Dundrum. This was partly due to the fact that the court system in Ireland in the late nineteenth century devoted very little time to crimes of a domestic nature. During the Summer Assizes at Galway in 1887, the session at which her case was heard, twenty-nine criminal cases were heard within a two-day period. Due to the pressure of time, the legal arguments, based on witness statements, had to be tightly constructed. There was no evidence presented in court of a previous predisposition to either mental disorder or alcohol addiction in Mary or any member of her family. However, the arguments on the link between the consumption of alcohol and delusions leading to a violent act were used to convince the jury of her temporary insanity. These arguments had already been rehearsed in the same courtroom less than a year before in the case of Dr. Terence Brodie.

Of interest to the discussion here is the fact that the legal approach to the Rielly case was exceptional in two significant aspects. First, she was the only woman who killed a man between 1850 and 1900 who was not condemned to either death or imprisonment. Second, the grounds for the insanity defense used by her lawyer had been associated with male rather than female violence. While it could be conjectured that the reasons behind this differential treatment were related to Rielly’s personal characteristics—she was educated, reliable, and financially independent—it is likely that the way in which the criminal justice system operated at the time contributed to the verdict. For lawyers, conviction as a criminal lunatic was more flexible and less punitive than a murder or manslaughter conviction. They were correct in this case, as Mary Rielly was released after four years of confinement—a much shorter period of punishment than that meted out to other women who had killed men during the nineteenth century. She was also given the possibility of starting a new life in America. This aspect of her case was not unusual, as although the transportation of convicts had stopped in the middle of the century, many prisoners continued to be discharged from Irish prisons on condition that they took the boat to the US, Australia, or South Africa.

We do not know what happened to Mary Rielly after her departure from Ireland in 1891. We do know, however, that the label of “criminal lunatic” may have been totally wrong. Michael Dillon’s death may have been an accident that traumatized Mary and sent her temporarily over the edge, making it impossible for her to defend herself. It is likely that what happened to her had very little to do with gender or with mental illness. It is much more likely that this case was an example of a gross miscarriage of justice in a legal system in which there was little interest in domestic crime and no possibility for redress, because of the broader political context of Ireland at the time.

This was the period following the catastrophic famine of 1845–49, when the population halved, due to emigration and poverty.⁵⁸ Even though there was a decrease in serious crime in the second half of the century, Ireland was still viewed by its rulers as a crime-ridden land full of potential revolutionaries. As Vaughan argues, this may have been due to a number of factors including the size and power of the highly centralized police force (the RIC and DMP), the constant revision of legislation to prosecute anyone involved in political conspiracy, disputes over land or sectarian crimes, and the highly interventionist approach of the colonial government into the lives of ordinary people. By the end of the nineteenth century, the police had wide-ranging powers not only to arrest people suspected of involvement in political, religious, or agrarian crime, but also to control such antisocial activities as poaching, the distillation of illegal alcohol, the sale of poison, and cock-

fighting.⁵⁹ It is not surprising that they had no time to investigate domestic crimes and accidents. People like Mary Rielly were of little interest to the lawyers, the politicians, the police, or the media in late-nineteenth-century Ireland.

References

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3. The name is spelled "Rielly" in court files, but later becomes "Reilly" in medical and convict records. The former is adopted except where there is a direct quotation using the latter.
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13. Prior, "Mad, not Bad" (for legal definitions of criminal lunacy, see 508, fn 34); see also McAuley, *Insanity, Psychiatry and Criminal Responsibility*.
14. The data used for this study derive from a number of sources. The primary sources include existing records of the Central Criminal Lunatic Asylum for Ireland for the period 1850 to 1900, held at the Central Mental Hospital, Dundrum. These are supplemented by official documents held at the National Archives of Ireland (hereafter cited as NAI): convict records from the office of the Chief Secretary for Ireland (CSO and CSORP files), court records (IC files), police statistics on crime (CSO ICR files), and a range of related state documents published as parliamentary papers. The discussion also draws on secondary sources from the period, including newspapers and professional literature (both medical and legal).

15. For further discussion, see Prior, "Mad not Bad"; Pauline, M Prior. "Murder and Madness: Gender and the Insanity Defence in Nineteenth Century Ireland," in". *New Hibernia Review*. Winter;2005 9(4):19–36. [PubMed: 16738709]
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