

Mike McGLINCHY (8943)

At the Glasgow Winter Circuit Court, before Lord Ardmillan, on Wednesday, several serious cases were tried.

The most serious case was that of Mike McGlinchy, labourer, who was charged with the crime of rape on Miss Adie, on the 16th July last, on the Broomloan or Dandyholes-road, in the parish of Govan, under most revolting circumstances.

The prisoner, who was defended by Mr McKie, advocate, is apparently between 25 and 30 years of age, and exhibited not the least trace of agitation or excitement while seated at the bar. He is a comparatively mild-looking man, his countenance having none of that expression of brutality which might be expected, considering the circumstances under which the outrage took place.

Lord Ardmillan having asked the prisoner whether he was guilty or not guilty of the crime laid to his charge, the latter replied in a clear distinct voice, "Guilty, my Lord".

Mr Moncrieff, the Advocate Deputy, addressing Lord Ardmillan said – it is certainly, my Lord, neither my duty nor my inclination to say one word that would be in any way make the crime to which the prisoner has pleaded guilty appear worse than it does on the face of the indictment. I rise to say, which I do with pleasure, that in this case, after very deliberate consideration, I think I am acting consistently with my duty in following the course in which all cases of rape has lately been usual in this country, of restricting the pains of law. I therefore relieve your Lordship from what I know would be your Lordship's painful duty, but I think it right further to say that this course has been adopted, certainly after very deliberate and careful consideration, and not without considerable difficulty.

Mr McKie then called the following witnesses to speak to the character of the prisoner:-

John Boyle – I reside in Govan, and lived with Mrs McLoskey in Victoria-street there. I remember Friday, the 15th of July last, being the day before this event occurred. I don't remember whether it was pay day or not. I met the prisoner at the corner of Saltmarket on the Saturday afternoon, the 16th, and we had some whisky in a public house. We went into a show, and on coming out had another dram. When I left the prisoner between 4 and 5 o'clock in the afternoon he'd had three or four glasses of whisky, and was pretty hearty.

Margaret McLoskey – I reside in Govan where I keep a lodging house. The prisoner lodged with me. I think he lived with me about three or four months. He was as quiet a lad as ever resided in my house. He was an inoffensive lad. He paid me regularly. I had a daughter who lived with me. He never attempted any freedom with her in any way. I never heard him use bad language. He made use of no uncultivated language at all which anybody could heed or see. While he was with me he went across to Londonderry to serve in the militia. He served there, but I don't know how long. That was the first or second time he went away from the period he was enlisted. The prisoner said he had a father and mother alive, and that he gave most of the money he got from serving in the militia to his mother, and some to his little brother.

Lord Ardmillan – That's nothing.

John Macgonnigle – I know the prisoner at the bar, and have known him since he came to Scotland – more than eight years ago. I worked with him on the railway. He was a good workman, and the character which he held among his brother workmen was that of a very agreeable person. Everybody who wrought with him liked him. He was quiet – very quiet; and was a modest lad. I never heard him use bad language in my company. I never met women with him on the road; but I have been with him when women would be passing on the road and I never heard him use an immodest word to any of them. I am aware that he served in the militia, and he told me when going away that he was going to Ireland, and would be back again. I belong to the county of Derry, and I know his parents. His father and mother were still living, and he has brothers and sisters. His father was a poor labouring man, and reared his children well as he could on his small wages. I have heard that his mother came over to see him since this affair happened.

Mr McKie then addressed the Court for the prisoner. He said – My lord, the prisoner has pleaded guilty to a serious charge of rape, with very serious aggravations; and, although your Lordship is only aware from the face of this indictment of the nature of the charge, I hope in

passing sentence, you will take into consideration that upon the night in question the prisoner proved to have been, at least so far as we can make out, to a certain extent affected by drink. It is, I think the consequence of that drink that he was led in an unguarded moment, to make the assault and commit the crime upon this unfortunate woman to which he has pleaded guilty in this indictment; but I think if your Lordship will consider the past life of the prisoner at the bar – that he has never been convicted, so far as we are aware of any crime – that he has led a quiet laborious and inoffensive life – and that the only witnesses we can get to speak in regard to his character have given him a character somewhat above that of the generality of people in his condition of life – I hope your Lordship will take these things into consideration, at least allow them to influence you. And, although in general drink is an aggravation of this offence, yet in a peculiar case of nature – a case caused by excitement of passion – it might have been a moment of almost what one might call temporary insanity that he was led to commit this brutal and unjustifiable assault. The prisoner is young, and certainly may yet on that account, notwithstanding a very lengthened sentence, have a period allotted him in which he may reform. If your Lordship will take into account that, notwithstanding the long sentence which must be passed in this case, the prisoner may yet have an opportunity to make amends to society which he has injured, and also to law, by a reformation of life, provided that in your Lordship's discretion that opportunity is afforded him, I would hope, although the crime is a most aggravated one, and he has pleaded guilty to the charges in the indictment, that in the whole circumstances of the case your Lordship will consider that the ends of justice will be satisfied by a long sentence less than that of penal servitude.

Lord Ardmillan, then, addressing the prisoner said – Mike McGlinchey, it is a great relief to my mind, and I am sure it is a great relief to your mind that the public prosecutor has felt himself, after careful consideration, although not without difficulty, entitled, in the discharge of his duty, to restrict the pains of law to an arbitrary punishment. According to the law of Scotland, as still unaltered, rape committed under circumstances such as the present is a capital charge. You may consider yourself extremely fortunate that the prosecutor had felt it his duty not to demand a capital sentence. He has demanded that, I should have had no alternative but to pronounce it. As it stands, however, this is a confession of rape – complicated rape – upon the person of a woman, and committed under circumstances of the gravest and most aggravated character – an outrage such as has rarely happened in Scotland. In the midst of summer, before daylight had altogether departed, a respectable woman walking alone – having retired to no lonely spot, but walking where she was entitled to expect to be free from such outrage – is seized, attacked and assaulted in the most furious manner, grievously injured and ravished contrary to her will, and notwithstanding her resistance. The law of this country protects the honour of a woman as much as life of human being, and there being no graver offence than wilful, violent forcing of the honour of a woman. But the commission of this act under the circumstances here set forth and well known to you was accompanied by violence of such a character as to make this one of the most fearful outrage that this country has ever seen, and therefore the sentence of the Court in your case must be one which protects the public in all time coming from your violence; and it must further be one which will duly warn all others in whom violent passions inflamed by drink might produce such fearful consequences. Having said this, I have not another word to add to pain your heart under these circumstances. But if you have a heart at all, I would, in one word, pray you to remember that what ever may be your guilt, and although now human law can do no more for you than close you up in penal servitude for the remainder of your life, there is a law which you have broken in regard to which mercy may be obtained; and I pray you to remember that your crime, bad as it is, is not beyond the reach of God's mercy. I earnestly beseech you to pray that you may be forgiven one of the gravest crimes which I have ever known to be committed. Pray that you may get a new heart, and that evil passions which led you to this crime may, by the Grace of God, be overthrown in your heart; and if that be the result, even penal servitude for life will be a blessing to your soul. The sentence of the Court is that you suffer penal servitude during the whole period of your natural life.

The prisoner was then removed from the bar.

The Times, Saturday 31st December 1864, p11, col E

Arrived per *Belgravia*, 04 July 1866

Died: 09 December 1884, Fremantle Prison Hospital, aged 41

References and Notes:

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