

LIMERICK ASSIZES.

FRIDAY, AUGUST 9.—This day Thos. Bourke was put to the bar, charged with the murder of Thomas and Margaret Dillon, at Moyle, in the County of Limerick.

A considerable portion of the day was occupied in trying challenges, put in by Counsel for the Prisoner, to several persons called to be sworn on the Jury.

When the Jury was sworn and impanelled, Mr. O'Connell, Counsel for the Prisoner, said, though he entertained the highest opinion of the Jury, and had not the most remote doubt of their impartiality, yet it may not be unnecessary to state to them, and he was sure his Lordship would concur in no objection to do so, that they should guard their minds against any unfavourable prejudice to the Prisoner, by reason of the challenges that had been made to several gentlemen, and that they should not suffer their opinions to be governed by any thing, but what should be detailed to them in evidence.

The learned Serjeant concurred in the request and sentiments of Mr. O'Connell, at the same time expressing his confidence, that, to the Jury in the box, the caution was unnecessary.

Mr. Quinn then stated the Case for the Crown as follows.

"The Prisoner stands charged with the murder of Thomas and Margaret Dillon; charged, I say, because whether guilty or otherwise must depend on the evidence that will be produced. The laudable zeal of the Prisoner's Counsel did rise to guard you against the reception of any impression against him; but it might have been spared, for I am before him in reminding you of the benign principle of our law, that every man is to be considered innocent till his guilt be established."

"While I state this generally, I am also called upon to say, that whoever perpetrated the crime, now about to be investigated, is a stain upon humanity, and that the offence is in violation of every principle of public justice and well-ordered society."

"Gentlemen, in the month of September, 1815, Thomas Dillon resided at Castletown, in the County of Limerick. He had a short time before given a pig to his Landlord in payment of rent, and it was received from him. This circumstance aroused the indignation of those persons who are resolved to be governed by, and make others adopt, laws of their own making; they issued their receipt, one of those White-boy notices with which you must be acquainted, that unless the transaction was rescinded, punishment from them would follow. Gentlemen, the laws of the land pronounce punishment on those who violate them; but those new legislators declare, that those who venture to observe them shall be punished. Punishment accordingly was pronounced and inflicted. For the offence I have stated to you the unfortunate Dillon committed, his house was, in the summer of 1815, assaulted and broken open, and himself dragged out and most unmercifully flogged. He had the temerity to give Informations of this outrage, and persons, now unnecessary to mention, were in consequence brought to trial. From the leniency of the Prosecutor, they were only convicted of a riot, tho' capitally indicted. Dillon, aware of the exasperation he had excited against himself, naturally entertained fears for his future safety, but the Crown Solicitor gave him and his wife, who had also given evidence on the trial, protection, as long as they were apprehensive they required it. In some time, however, they returned home; but on the night of 15th of September, their house was again assaulted by an inhuman banditti—The Prisoner at the bar, according to my instructions, was a prominent performer in that transaction. Dillon and his wife, on hearing the noise, got out of bed, and as the former proceeded to the kitchen, saw the door broke open; he retreated, and as he did so, was shot. His unfortunate wife was then brought out to undergo a murderous execution; she had an infant child in her arms; but even with death staring her in the face, the impulses of nature were feelingly and impressively displayed. The ruffians sought to take the child from her, but she clung to it till forced away by the most cruel force. She called for mercy, but they told her she had none when she was giving her evidence. They repeatedly stabbed her, and before she had yet fallen, the Prisoner discharged a blunderbuss in her mouth, and finally despatched her."

"Gentlemen, these circumstances will appear in evidence before you. I set out by stating, that the offence, at which human nature shudders, cannot affect you in anticipation of the Prisoner's guilt; but the facts will be proved, and, upon their being brought home to him, will rest your verdict."

"There is a circumstance connected with this case, Gentlemen, which upon all occasions should be jealously watched, and which therefore it is the more necessary I should explain. The murder took place in September, and it appears Informations were not lodged for several months after. Gentlemen, I account for it thus—it will be for you to say whether satisfactory or not—The deceased had fallen victims to their having given evidence, as will be proved to you in a subsequent part of this trial, by the exclamation of the wife, 'Lord have mercy on my soul!'—and the reply of the ruffians, 'You had no mercy when you were giving evidence on the bench.'"

"Gentlemen, as I said before, this accounts to me for the delay of persons in giving information, for, with the dreadful example that was made, terror and apprehension may be well supposed to operate on others."

"Gentlemen, I am not surprised to observe the interest this case has excited. I am glad to see the vast population that has assembled to hear this trial. It may not be unusual; because every well-minded auditor must be convinced, that the ends of public justice, and the laws of society, are interested in the result. Whether the Prisoner be one of the barbarians, nothing can determine but the evidence. If he be innocent of the dreadful crime, he will go free, and his liberation will afford an instructive lesson to the People of the value of those laws, and that constitution, they are in the habit of violating;—they will perceive, that enormous and crying as the crime is of which he is accused, the sober tenor of the law is not to be diverted from its impartial dispensations, and that the truly innocent will be speedily acquitted. But if the Prisoner be guilty, the People will also learn, in the awful doom that will await him, that it is in vain to struggle with the laws, and that the Government, when those laws are violated, are determined and prepared to exterminate the offenders."

Bridget Dillon was the first witness examined. She was but 14 years of age. It would be altogether impossible to describe the feelings which were excited by her testimony and appearance. It was known, that she had been a concealed spectator of the murder of her father and mother, and the firm, consistent, artless, and natural manner in which she told the horrid tale, during which she frequently looked with horror on the Prisoner, made an impression on the Court and Auditor, that would have rendered it dangerous to guard you against the reception of any impression against him; but it might have been spared, for I am before him in reminding you of the benign principle of our law, that every man is to be considered innocent till his guilt be established."

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Thomas Wall was next examined. This witness, a labouring countryman, deposed, that he lived within a quarter of a mile of the deceased Dillon's house; he recollected, he said, the night before the morning Dillon and his wife were found dead. Upon that evening, a man (the witness was cautioned not to name him) came to his house about dusk, as he was in the habit of doing, and remained some time. Shortly after he went away, a dog of witness's bogan to bark, which induced him to go out, when he saw a man with a gun passing by, and taking the direction to an old fort near Dillon's house. Witness crept along by a ditch, and concealed himself near a gap thro' which the man must pass, which he did shortly after, when witness recognised him to be Bourke, the Prisoner at the bar. Witness then returned to his own house, and in some time the man who had been with him in the evening called again, to whom he mentioned what and whom he had seen. The man went away, and witness got up to shut the door after him, and saw he was not going in the direction of his own house, but towards the place that Bourke had gone to, which induced witness to follow him, and on coming to the top of a hill he heard voices, and lying down in a ditch saw five persons. One of them took the gun from Bourke, who was of the party, and handled it, but returned it to him. Bourke then asked, if the rest were come to the ground appointed; to which another answered—'they must be by this time.' Another of the party then said, 'Castletown was never so lonely as to-night.' 'How could it be otherwise, when the women are all out of it?' observed a second. 'Castletown will never be lonely enough,' said a third, 'till Fitzgerald and Lingford are got rid of.' 'The five men then went towards Dillon's, and the witness to his home. The next morning, he saw Dillon and his wife lying on the road, the pigs and dogs drinking their blood; the face of the former was broken in, and near him was a large stone; the head of the latter was all battered, and she had a wound near the arm."

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Thomas Wall was next examined. This witness, a labouring countryman, deposed, that he lived within a quarter of a mile of the deceased Dillon's house; he recollected, he said, the night before the morning Dillon and his wife were found dead. Upon that evening, a man (the witness was cautioned not to name him) came to his house about dusk, as he was in the habit of doing, and remained some time. Shortly after he went away, a dog of witness's bogan to bark, which induced him to go out, when he saw a man with a gun passing by, and taking the direction to an old fort near Dillon's house. Witness crept along by a ditch, and concealed himself near a gap thro' which the man must pass, which he did shortly after, when witness recognised him to be Bourke, the Prisoner at the bar. Witness then returned to his own house, and in some time the man who had been with him in the evening called again, to whom he mentioned what and whom he had seen. The man went away, and witness got up to shut the door after him, and saw he was not going in the direction of his own house, but towards the place that Bourke had gone to, which induced witness to follow him, and on coming to the top of a hill he heard voices, and lying down in a ditch saw five persons. One of them took the gun from Bourke, who was of the party, and handled it, but returned it to him. Bourke then asked, if the rest were come to the ground appointed; to which another answered—'they must be by this time.' Another of the party then said, 'Castletown was never so lonely as to-night.' 'How could it be otherwise, when the women are all out of it?' observed a second. 'Castletown will never be lonely enough,' said a third, 'till Fitzgerald and Lingford are got rid of.' 'The five men then went towards Dillon's, and the witness to his home. The next morning, he saw Dillon and his wife lying on the road, the pigs and dogs drinking their blood; the face of the former was broken in, and near him was a large stone; the head of the latter was all battered, and she had a wound near the arm."

This witness was cross-examined by Counselor O'Connell, as to the period he gave his informations, which it appeared he did not do for a considerable time, and which he explained by urging the fear he was in of being murdered himself, if he did. He was also questioned about his knowledge of a reward for convicting persons for the murder? He said he did not expect any, and that he had given his informations before he knew of any being offered."

John King was the next and last witness for the prosecution, and his evidence was conclusive as to the guilt of the Prisoner, corroborating, in every particular, the testimony given by the child. Being sworn, he deposed that he knew Dillon, the deceased, and his wife; they lived near each other in the house, when she ran out her father, and soon after two men came in, and asked her little sister for the bayonet. It was in a potato barrel near the bed, and she gave it to a man who wore white trousers. They said they would not hurt her, and went away, shouting. Witness came from her hiding place, & again went to the window, and while there, the men returned, and one said—'the devil would not kill the dog,' and one of them took up a big stone, and broke his face with it. They then went away. 'Twas on a Friday night, and on the following Sunday her father and mother were buried. She staid in the house in the meantime, and I gave the pot to my Aunt,' said this interesting poor creature, 'for it was she who sewed my father's mouth.' All the people in the neighbourhood refused to let her in, desiring her 'go to the devil;' in consequence of which she went away with her Aunt, with whom she slept on Sunday night, and was next day taken home by the Rev. Mr. Westropp, where she remained several weeks, and was from thence removed to the poor-house, and finally to the jail, from whence she was now brought to give evidence. Two days after her father & mother were buried, she saw one of the men that were at the murder working in a garden, of which she ran and told her Aunt, who desired her not to say a word

of it to any body, or she would be killed too. She recollected, she said, the day she was brought to jail, when Bourke, the Prisoner, and several others, were brought before her; she knew them all, except two, as they were neighbours; she recognised one of them as being one of the two that went in for her father's body; the other was not present then, but she knew him, and he was sent for and taken."

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every bad character, and witness thought he ought to be killed for doing so. Witness had no personal hatred to Mr. Baker; he never injured him, but he was a little against some of his family; there were some of them not good characters. Witness acknowledged he was delighted at seeing Mr. Baker's corpse pass through Bansa in the evening, as he was in the morning at the idea of his being shot. Witness said he did not know whether his evidence would affect the life of the Prisoner, or not; he believed he gave information against thirteen persons for this offence, some of whom were of his own acquaintance. Said he was no Prisoner, but at his own liberty; that he had been in Caher bridewell, and in Caher at lodgings, without any person to watch him; had been in Dublin and in Kilmalham goal, for security, but never as a Prisoner, and had neither soldier nor constable to watch him; posted from Dublin paid nothing, but a gentleman paid for him. Could not say whether he expected money or not; despised the £13,000. Prosecuted for a love of justice; came there to save the lives of innocent men, and his own; the sermon the Priest preached at Bansa after the murder changed his heart; he found he had been doing wrong. He never told any one, nevertheless, till the latter end of February, and then came to Caher, and asked Mr. Barry if Earl Glengall was at home. He assigned as a reason for not giving information sooner, that there was one man who had fled, that he wished should be taken first; that man has not yet been taken. Witness lodged no sworn information till the 3d of March. He had always an opportunity of seeing the newspaper at his father's house, but never looked up the amount of the rewards.

Pierre Archer Butler, Esq. sworn, and examined by Mr. Burrows.—Knew Mr. Baker, and remembered the day he was murdered; was in his company at the Special Sessions of Cashel; saw his body after he was assassinated at one side of the road leading from Golden to Bansa; it was within the field of Ballymakedey Castle; from the appearance of the body, he could not have been long killed at the time—his cravat was still on fire; it was where the Drepark walls form an angle. When witness saw the body, it was between four and five o'clock in the evening, or about 20 minutes before night-fall.

Michael Meenan, sworn.—Lives at Thomastown, and remembered the day of the murder. On witness's going that day towards Ballymakedey, between two and one, to cut some handsticks, he saw Patrick Keating. Witness had plastering work at Lismauce; Keating passed on, towards the Castle of Ballymakedey. Witness's brother John was with witness when he met Keating.

Cross-examined by Mr. Campbell.—One Mulowney lives about half a mile nearer to the scene of the murder than the witness, as does one Fogarty.

Richard McDermott, examined by Mr. Pennefather.—Lived in Bansa last November, and remembered the day Mr. Baker was murdered; was making up hay in his haggard that afternoon. Patt Keating came into his haggard same evening, about three or four, and remained there till some time after six. He spoke to witness—and witness saw him next morning, when he came with some empty bags he had promised the night before. Witness observed that, the evening before, Keating seemed anxious to be noticed; he observed to witness, next morning, that it was fortunate for him (Keating) to have such a witness as he (McDermott), in case he (Keating) should be charged with the murder.

Mr. McDermott is a respectable, smart, and very intelligent person.

Cross-examined by Mr. Scully.—Has known Keating and his character some years; was struck with Keating's conversation; did think he was such a man as might be charged with the horrible crime. Witness knows Doorty's house; Doorty has two sons, and witness heard the two boys were at the scene of the murder a short time before it was committed. Doorty's house is the nearest to the scene of the murder.

Earl Glen-Gull, sworn, and examined by Mr. Felverton.—Remembered the Prisoner being taken into custody; had conversation with him the day after his apprehension; he said he was at home thrashing the whole of the day of the murder. He was taken immediately after Keating lodged his information.

Cross-examined by Mr. McDougall.—Some persons had been apprehended previous to Herrick; believed Herrick had been taken in his own house; was told so; Herrick's house is four miles from Golden.

Patrick St. John, sworn, and examined by Mr. Burrows.—Is Collecting High-Constable, and also Game-keeper to Lord Llandaff; remembered the day of the murder, and saw Mr. Baker that morning between 10 and 11 o'clock, on his way to Cashel. Witness had some conversation with him; witness took notice of some persons who passed; one of them was Herrick, the Prisoner at the bar; he was quite certain of him; and Cullen was then in Herrick's company.

Cross-examined by Mr. Campbell.—Heard one Finn say, that Herrick went to buy cats-wheels that day.

To a question from a Juror.—Knew Herrick three years as living in the neighbourhood.

Matthew St. John, examined by the Solicitor-General.—Son of Pat. St. John, and lives with his father; was acquainted with one Ryan, and also with Herrick, and pointed him out at the bar; witness remembered the day of the murder; on that day, witness was painting rails for Lord Llandaff; went home from his work about twelve o'clock, and staid an hour; came back to work

and had finished about two—at which time he saw Matthew Ryan & John Herrick; one of them wore a blue, the other a grey riding-coat. They were at first about 200 yards distant from him. One of them had his hand across his coat—the coat of the other was loose. They were going towards Thomastown domain, and in the direction of Ballymakedey Castle.

Cross-examined by Mr. Scully.—Witness had been painting near the tower of the great house; Witness used to see Herrick regularly at Mass till he was apprehended.

William Moore sworn, and examined by Mr. Burrows.—Is a shoe-maker, and remembered the time of the murder; knew Ryan who was hanged as long as he knew any one; Ryan lived about fifty yards from witness's house. Mr. Baker was murdered on Monday; and the Saturday before, Ryan called on witness to settle the lock of his gun with his nippers. Saw Herrick the morning of the day of the murder, opposite his own door, and also one Fraher; it was about 8 o'clock; Matt Ryan had his gun under his coat; the others left Ryan's yard—the Prisoner among the rest. Ryan told witness he would soon hear of something being done. The day after the lock was settled, Ryan told witness they had something settled on in Golden. Witness saw Ryan the day after the murder at his house, and Ryan told him the murder was committed; Ryan told witness that Herrick was the very person that fired at Mr. Baker.—[Here Mr. McDougall objected to this as evidence. The Judge decided, that every thing regarding the conspiracy before the murder was evidence; but was inclined to think, that any thing stated by others, as to their acts after the murder, was not evidence.]

Cross-examined by Mr. McDougall.—Witness knew Ryan was a bad character when he said "You'll soon hear something"—yet witness did not caution him to do no mischief. Witness said, that Mr. Baker's murder was nothing to him, nor need he care about it. He here explained he did not see the gun with Ryan on Monday—but had been told on Tuesday by Ryan, that he had it. Witness was told the names of those who had killed Mr. Baker, the morning after he was put to death—and believed every one in the Parish of Golden was told so, as well as himself, and knew them. He said he informed Mr. Wilcox of their names on New-Year's Day, or the day after; Mr. Wilcox did not take his information on oath. Mr. Baker's death gave witness no concern, tho' he never offended him, and lived near. Witness heard of the rewards before New-Year's Day; would not refuse them. He did not come to prosecute of his own accord—but was taken into custody on Friday.

Here, Earl Glengall being asked when it was that Keating gave his information; said, that it was on the 3d of March—but he heard and he believes he was seeking him three weeks before, while he was in Dublin.

Richard Wilcox, Esq. sworn, and examined by Mr. Solicitor-General.—Is a District Magistrate in this County. Knew Mr. Baker; after his murder, was much engaged in seeking discoveries, and took a good deal of information, and from the last witness among the rest, early in January; had information from others. At the time Moore came to witness in Cashel, Keating's information were not lodged. When Moore came to witness in January, he asked if he would be glad to know who were the murderers of Mr. Baker? Witness replied that he would, and Moore said that he had it in his power to tell some of them by name; he then gave the names of four persons, which witness took down in writing; these names were quite different from any he had before heard, tho' he thought he had information against others which were good, as well as of some he could not depend on. Thinking this man was not to be credited, witness threw the names he gave into his desk. Moore never came to him again; witness was acting on other information, thinking them right; witness thought Moore was deceiving him, as others had done; nor never communicated Moore's story till after last Assizes, when, on searching his papers, he found the names, and, from circumstances, they struck him forcibly. Judge Moore (late Prime-Sergeant) was at witness's house then—and witness communicated the facts to him, as well as to the other Crown Lawyers. He caused Moore (the last witness) to be since apprehended, for reasons of a very obvious nature concerning these transactions.

Cross-examined by Mr. Campbell.—Believed several gave false information, with a hope of reward. Often saw the young Doortys—had them in his house in Cashel—thinks they knew a good deal of what passed at Ballymakedey. Does not know where they are now. Really thinks the Doortys saw the actual murderers.

Here the prosecution closed.

DEFENCE.

William Herrick sworn, and examined by Mr. Scully.—Remembered the day of the murder; was in Cashel that day, and left it at three o'clock; when he came home, found the Prisoner thrashing, at which work he remained till night, when he went to bed.

Cross-examined by Mr. Burrows.—Did not hear any thing of Mr. Baker at Cashel, nor that he was to be murdered; Prisoner did not quit the country; when taken, it was the first time he heard of his being charged with the offence. Prisoner was thrashing the whole week after the killing of Mr. Baker. Witness desired Prisoner to buy a pair of wheels from one Tom Finn in the morning of that day; he did not buy them, they being too dear. The night of the murder, witness

had all his family in his house with him, as well as a man who had land in the neighbourhood—and that man stopped there that night and several nights after; the same man was engaged at the plough; witness was sowing the seed, and the Prisoner was assisting this man at the plough.—Witness lives at Ballygriffin—heard it is about four miles from Thomastown; never saw Mr. Baker, or to his knowledge—and never passed by Ballymakedey.

James Toole sworn, and examined by Mr. McDougall.—Knew John Herrick, the Prisoner, and his father; is son-in-law to the latter; Herrick's father came to witness's house to get a horse to set when, the day on which Mr. Baker was killed; and witness went with his horse that day to Ballygriffin, about nine miles distant; got there about half-past three, in company with Herrick's father; the Prisoner was thrashing before them the wheat that was to be sowed. Witness staid there ploughing the whole week; Prisoner remained at home the whole of the evening they got to Ballygriffin, and stopped with witness that night. Witness heard of Mr. Baker's murder the day after it took place.

Cross-examined by Mr. Pennefather.—Witness lives near Ballynattin. Stopped for an hour and a half in Cashel that day, looking at the beauty of the City; he believed the Sessions were going on, but did not go to the Court-House. Herrick's father was walking about the streets also; young Herrick rode—and witness held his own horse in the streets while he (witness) was walking about the town. Old Herrick rode about a mile and a half only—did not ride home; he had no horse; went to the witness's on foot; it was three hours in the day when old Herrick arrived at witness's house. Witness ate his dinner when he came to Herrick's house, and not before. Witness eats his dinner at home usually at twelve or one o'clock; Herrick ate something at witness's house, and witness ate something also. Witness was going with the horse to Herrick's, that was what brought him to Cashel; did not know that going by Cashel was four miles out of his way; does not know what old Herrick was doing; witness was only looking about him; does not know who he was speaking to, or if he spoke to any one.—Remembers all that passed at old Herrick's, but cannot tell why he forgets every thing that occurred at Cashel; always goes to Herrick's through Cashel; never heard of a charge against Prisoner till he was taken. On the 27th, Prisoner was thrashing; on the 28th he was trenching the head-lands.

Judith Egan, examined by Mr. Campbell.—Remembers hearing of Mr. Baker's murder the day after it happened; knows Prisoner and his father; was at their house some time before night-fall to borrow a horse; did not get it, as she was told they would be ploughing next day; witness does not live above a quarter of a mile from Herrick's; she staid there nearly two hours; saw Prisoner there all the time, and left him there after her; it was half an hour after night-fall when she left it.

Cross-examined by Mr. Pennefather.—When she went into Herrick's, saw the whole family sitting at the fire; there was a stranger present, but did not know him; Prisoner asked witness to sit in his chair; they were talking of the badness of the times. Never heard Prisoner charged with murder till the day after he was taken. Heard of Mr. Baker's murder the day after it occurred. After Herrick was taken, witness recollected the circumstances; it was then she recollected the circumstance of the chair. When Herrick's father and mother spoke about it, she said she would not deny the truth; they had come to her and told her their son must be innocent, as she knew he was at home at the time of the murder. Does not know the day of the month on which it occurred—but all the world knows that was the day, as all were speaking about it; counted the days backwards, and made out that was the day; can't say how she counted back; believes it was about four months after Mr. Baker was killed, that Prisoner was taken. Heard of Mr. Baker's being killed the morning after she was sent for to her.

Thomas Flynn, examined by Mr. Scully.—Lives at Ardmore; is employed by Mr. Bagwell, and is tenant to Lord Llandaff; remembers the day of the murder; thinks it was of a Monday; saw Prisoner something after ten o'clock; he and James Cullen offered him a guinea and a half for wheels, and witness would not give them; they came in the direction of their own houses, and went back in same direction; knows where St. John lives—it is at Thomastown gate.

Cross-examined by Mr. Felverton.—Herrick lives near Ballygriffin; Herrick went, not to witness's house, but to the place where he was working, near Ballymakedey Castle; Herrick and Cullen came together into the field, where witness was working.

The evidence on the part of the Defence having closed here, Judge Osborne recapitulated the testimony given on both sides, making the necessary observations thereupon.—The Jury retired, and in about twenty minutes returned with a verdict of Guilty.

The Prisoner stood immovable throughout the trial; and, on hearing the verdict, said, coolly, "Welcome be the Grace of God."

Judge Osborne then rose, and addressed the Prisoner nearly to the following effect:—
John Herrick.—You have heard that verdict which has pronounced your guilt; I hope it has been long since pronounced by your conscience, as much time has elapsed since some of your partners in the perpetration of this heinous act have suffered for the crime. Your guilt is now mani-

fest to the world. The atrocity of the person concerned in this foul deed is of so deep a dye, that I am at a loss to distinguish any shade of difference between that of those who planned and those who executed; but if there be any, the greater crime is yours'. It was their's to harbour the murderous intention—and yours to execute it. As Justice in this world forbids you to hope for mercy here, I exhort you to look with contrition to that source where even the magnitude of your guilt may find mercy. The sentence of the Law, that you be brought to the place from whence you came, and from thence to the gallows, at the period which shall be ordered, where you must be hanged till you are dead; and may the Lord have mercy on your soul!

Same day, James Cullen was tried and convicted of conspiring to murder Wm. Baker, Esq. and the sentence of death was also pronounced on him. We shall report his trial in our next.

Yesterday, Patrick Fraher was arraigned, also charged with a conspiracy to murder W. Baker, Esq. To this charge the Prisoner pleaded guilty.

Judge Osborne then rose and addressed the Prisoner. He hoped, that the unfortunate man had become sensible of the enormity of his crime, and felt a just contrition for it. It was the only consolation he had to offer him—for he knew nothing that could warrant him in holding out his least hope for the Prisoner. There might be circumstances known to the Officers of the Crown, which he could not anticipate; but of this he had no knowledge. He then passed sentence of death on the Prisoner.

Denis Kehoe was next arraigned for conspiring to murder W. Baker, Esq.

The Solicitor-General consented to his being bailed to appear for trial at next Assizes—himself in £100, and two sureties in £50 each.

The Solicitor-General then rose and said, that there was a variety of other persons in custody, charged with the murder and conspiracy; it was not necessary for him to say how far he could go in this affair. He had received information against each of them, but was not prepared to go into their cases, conceiving that the evidence was not fully to his satisfaction. He should, therefore, not press for any longer delay to bring them to trial, but suffer them to be given in charge to the Jury as soon as the Court might think fit. As to Kehoe, the charge had been recently brought against him, and he was, therefore, warranted in holding him over for trial.

We are obliged for the present to postpone going further in our Assizes intelligence, than to say that the three following persons, whom we have not mentioned before, have been capitally convicted:—
Patrick Sizemey, for assault on, and firing at and wounding Nicholas Doherty, Esq.
John Brian, for assaulting and setting fire to the house of Thomas Trilby, at night.
Patrick Brian, for burglary and robbery in the house of John Brian.

KILKENNY, AUG. 17.—Jeremiah Grant, who has occupied so large a portion of the public attention for some time back, was executed at Maryborough on Tuesday, in company with Phelan and Fanning; and, we understand, made, in his own name, and on behalf of his companions in the same ignominious fate, an ample confession of their guilt, and earnestly brought the multitude who heard him to be warned by their punishment to abstain from all crimes against the peace and laws of the country, and to seek for happiness, where only it is to be found, in honesty, diligently, and faithfully discharging their duty to their neighbours, to society, to themselves, to their families, and to their God.—Moderator.

THE FUNDS.
[FROM THE STAR OF AUGUST 14.]
Yesterday, the Stocks experienced a very great fluctuation. Consols were done as low as 60; there were even dividend sellers at 60 for ten minutes, although the lowest price quoted in the Stock Exchange List is 60½. Navy 3 per Cent. were done currently at 91½, though quoted at 91; Long Annuities were done at 16 1-16th down to 15½; but the list states them 16 1-16th down to 15½ only. We cannot account for this misstatement. Various causes are assigned for the daily fall, some of them very silly and contradictory. Some state, and large bills are laid, that the Revenue in the ensuing quarter will be four millions less than it was in the corresponding quarter of last year. Others, that Parliament will meet in October, and that a Loan of Forty Millions will be immediately raised. Some will have it, that a Tax of Twenty per Cent. will be laid upon the Dividends in the Bank, and that Lands, Houses, and Labour, will, on account of the present decayed and declining state of Agriculture, Manufactures, and Commerce, be exempted from any further impost. Others pretend, that the Managers of a certain great House in Threadneedle-street, over which an old Lady has long presided, have been selling out their Funded Property for several days past, and that a Broker of eminence, who has been in the habit of serving the Commissioners for many days, has uniformly taken the Stock out of the names of one or other of these Gentlemen; or out of his own name, large sums having been, on the previous day, taken out of the names of some one or more of these Managers and put into his; and many, perhaps, with some reason, are persuaded, that the Sinking Fund will be entirely abolished, at least for a time, and a corresponding quantity of Taxes be taken off, to relieve the Public from a part of the pressure of present burden.

But is any kind of superior wisdom required to account for an effect inseparable from the present general depression of the value of property of every description? Is and has fallen, houses have fallen, rents have fallen, agricultural produce of every kind has fallen, ships have fallen, foreign merchandise and home manufactures have fallen in price—and shall the Funds alone escape the general depression? Or rather, to speak more correctly, can any good reason be assigned why this species of property should, by any management whatever, be maintained at a greater than its relative value? This is beyond the power of all the Brokers, and Jobbers, and Gamblers of the Stock Exchange. They might as well attempt, by concert, or collusion, or trick, or force, or an Act of Parliament, to alter the length of day and night in relation to the Seasons.

Our decided opinion is, that the relative value of Funded Property is still too high; and if so, it must yet suffer a proportionate depression.—Let the relative value of paper and gold, at the periods when a great portion of the present debt was funded, be compared with the relative value of these two species of currency at the present moment, and it will be seen, we think, that the prices of the Funds are still high.

In this view of the case, which it will not be easy for any person to prove to be erroneous, we may be allowed to express some surprise at the alarm which some well-meaning people entertain, in consequence of the depression of the Stocks. In fact, the possessors of other species of property will not be placed in that situation to which their property entitles them, till the Funds and every species of property have been brought to their relative value; and it is equally the interest of all who ther they perceive it or not, that this may soon be the case. The attempts of individuals to maintain for their own stream a higher than its relative level, may for a little time retard that equal diffusion over the surface which is required for the general benefit; but they cannot prevent it; and the sooner this is effected, the sooner will the pressure which is now so distressing to many cease to be so, by throwing an equal share of the burden upon every species of property. A man may without much inconvenience bear in the open field a shower of rain which would well nigh drown him were he compelled to stand under the gutter of a large building.

Ministers, therefore, so far from endeavouring to retain the Sinking Fund in full operation, could not better serve the general interest than by putting an entire stop to it. It is absolutely unjust to support any particular species of property by financial operations; because this can never be done but by drawing, in one way or another, from the possessors of other kinds of property, the full amount of the difference. Nay more, a greater sum is wrong from the contributors, namely, the whole amount of the expense of the collection. The money now drafted from the community for the worse than useless purposes of the Sinking Fund, would become new capital from time to time, and perform all the beneficial functions which capital does perform—adding to the property of the Landholder, the Manufacturer, the Artizan, and Labourer of every description—may, benefiting the Stockholder himself, by lessening his expenditure, and increasing the wealth of the nation, which is his only security for his capital.

This morning, Consols opened for the Account at 61½, and Money 61; advanced to 61 for Account, and 61 for Money, at twelve o'clock; just at this time, a large Jobber on the Exchange was declared a defaulter for the enormous sum of one million: the Funds instantly fell ½ per Cent. in consequence; by half-past twelve, they recovered, and were done at 62 for account. The Commissioners for liquidating the National Debt gave 62½ for Reduced, for all they purchased this morning, and were served by the jobbers in general.

[FROM THE COUNSELLOR OF THE SAME DATE.]
It sometimes happens to nations, as well as to individuals, to have a fit of ill humour or low spirits for which no sufficient cause can be assigned, and which disposes them to foresee imaginary dangers, and to view every object in the most unfavourable light; and such a fit is never more likely to occur than after a period of great exertion and extraordinary success. We cannot, therefore, be surprised at the readiness with which what we know to be the most unfounded reports have lately obtained credit.

Of these, the first we shall mention is the rumour industriously circulated, that Parliament is to be immediately called for the purpose of concluding a Loan. It is a little curious, that while this rumour formed the general subject of conversation on the Stock Exchange, the Council was actually sitting at Carlton House, to sign an order for a long prorogation as the ordinary forms of Parliament admit; and there is not the smallest probability, that it will actually meet before Christmas.

The next unfounded rumour to which we shall advert, is that of the inability of the French Government to pay the Contributions under the Treaty. We happen to have the means of knowing, that these contributions have not only been regularly paid on the very day on which each instalment became due, but that there is actually a considerable sum in the military chest at Paris, arising from this source, beyond the immediate wants of the service.

The last, and certainly the most absurd and ridiculous of the rumours, is, that it is in the contemplation of the Government to reduce the dividends of the public Stocks. We have not only the most positive authority for stating that

no such idea has ever been in contemplation, but we should have thought that it could hardly ever have entered into the mind of any man except Lord Cochrane.

It is, indeed, said, that Lord Cochrane having asserted in the presence of the Chancellor of the Exchequer, that the interest of the National Debt must be reduced one-half, and not having been contradicted, many people have supposed there was some foundation for his statement.—Surely, few of our readers can want any argument to prove, that the Chancellor of the Exchequer could not have done any thing more unbecomingly and absurd, than to enter into a financial argument with Lord Cochrane, at a meeting for the relief of the Poor. That on any proper occasion he would be neither unwilling nor unable to answer him, might be sufficiently inferred from what Lord Cochrane himself stated, viz. "that the arguments which he used would not be endured in the House of Commons." The Public will not long hesitate between the judgment of the House of Commons and Lord Cochrane's assertions, nor be in doubt whether the arguments which he used, and they would not endure, would be rejected on account of the corruption and prejudice of the House of Commons, or the absurdity of the arguments themselves.

The Funds this morning are 1 per Cent. higher than they were yesterday. The absurdity of the rumour in circulation has been fully exposed.

LONDON.
WEDNESDAY, AUGUST 11.
Among the donations recorded in our columns to-day for the relief of the poor, one will be found which must have emanated from a truly English heart, and which sets an example above all price. The donation is given in these terms:—
"A voluntary penalty for indulging in a month's excursion on the Continent, £25."

We learn that the fleets of the two rival Chiefs of St. Domingo, Petion and Christophe, are at sea in search of each other.

Yesterday morning, at half-past five o'clock, the Duke of Wellington, with his Staff, left town for Brussels, where he is expected to remain a few days.

The three Garrison Companies are immediately to be reduced.

Cons-Exchange, Aug. 14.—We had very little business doing this morning, there being but few buyers of any grain at market, consequently the sales in general were heavy, but there is no alteration in the prices of any article.

THURSDAY, AUGUST 15.
New to this day at Twelve.
3 per Cent. Cons. 61½; 4 per Cent. 77½
Ditto for Acc. 62 61½; 5 per Cent. 92½
3 per Cent. Red. 62 61; Omnium (uncertain) — pr.

We have received the Paris Papers of Sunday and Monday. Two trials are about to occupy the attention of the Correctional Tribunal of Paris, and they deserve importance from the nature of the charges against the individuals to be tried. It is for writing and preaching against the Concordat concluded in 1801 with the Pope, and against such Laymen as are in possession of national property belonging to the Clergy.

An article from Marseille, notices with much satisfaction, that the persons belonging to the English Consulate wear the white cockade as well as the black. This proof of good understanding between the two nations destroys, says the article, "the absurd reports which disaffection had spread, that the English were all of the same opinion with Wilson, Bruce, and Co."

The superb royal manufactory of tobacco at Toulouse has been burnt down; and some of the Papers hint by design.

General Drouot (Feron) has been condemned to death. He is in America.

The French Funds are 57.

The Waterford Chronicle.
TUESDAY, AUGUST 20.
The London Papers have furnished very little intelligence worthy of attention. The state of the Money-market and the distresses of the times are subjects upon which they dwell at considerable length, and they might as well be silent, as they give little information, and can do little good.

The camp of exercise in Bohemia is again mentioned, and it is said, that the Emperor of Austria, and the King of Prussia, are to be present. The latter Monarch had not arrived at Carlsbad, having been detained on the road by indisposition.

Some papers by the Dutch mail still speak of military preparations in France for an expedition against St. Domingo.

All the American subjects, confined by the Spaniards in Santa Martha and Cartagena, were delivered up to the Commissioner sent in the United States frigate Macdonald. This measure was such as became the dignity of an independent People.

One of the Paris papers very gravely announces, that the Pope has made a representation to the English Government to solicit the abolition of the sale of tithes.

The mail of Friday was due when we went to press.

John Shea, convicted at the late Assizes of a burglary and robbery in the house of John Power, at Clondanilly, on the 22d of December last, was executed on Saturday in front of the County Gaol, pursuant to his sentence.

MARRIED.—On Thursday, at the Parish Meeting House, Cork, Mr. James Whelan, of this City, to Miss Mary, second daughter of the late Mr. Joseph Hill, of Cork.

STAMP-OFFICE, DUBLIN,
AUGUST, 1816.
STAMP ACT, 56th GEO. III. CHAP. 54.
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COMMENCING 5th JULY, 1816.

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By Order of the Commissioners, P. F. HOLMES, Secy.