

The Waterford Chronicle

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FATAL DUEL AT BATTERSEA. KINGSTOWN ASSIZES.

Friday morning being specially appointed for the trial of the individuals charged with a criminal participation in this unfortunate affair, crowds collected round the entrance doors to the court at an early hour.

The trial commenced at 10 o'clock, and the prisoner was immediately placed at the bar and severally arraigned. Mr. Justice Bayley took the keys into his own possession, and would not suffer any person to enter the Court till past eight o'clock.

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time. The gentleman said to Mr. Clayton, "I have hit you; I am sorry for it." It was said in an anxious and kind way.

Henry Thomas examined—I know Mr L. On the 8th of January I saw him about half past two o'clock in the coffee-room. I heard him speak to a gentleman named Tappes, saying that he had been fighting a duel that morning, and that he was afraid he had shot his opponent.

By Mr. Pratt—Did not Mr L. seem very sorry? I did not perceive it by him much.

By the Judge—Did he appear anxious about it?—He did rather so.

By Mr. Clarke—Do you recollect any observations about officers?—I heard Mr Bigley say he would give notice to the officers the night previous to the affair.

James Fisher—I am a police constable. I was on duty the 12th of January last, near the Circus, Piccadilly. Mr L. surrendered himself to me on the present charge.

Robert Curtis, officer, examined—In consequence of directions I received, I went on the 11th of January, to a spring-house in Chancery-lane, where I found Mr Cox. On seeing me, Mr Cox said, "I know what you want of me." I told him I held a warrant against him for the murder of Mr Clayton.

By Mr. Justice—Did you not say it would be better for him to confess?—He did not.

Cross-examined by Mr Adolphus—I was in conversation with Mr Cox for 10 minutes. He did not tell me he went to Battersea in order to procure Mr C. to accept the apology.

Mr. Clarke, on behalf of Mr Bigley, took a legal objection to the indictment, which was overruled by the Learned Judge.

Several witnesses were then called to the character of the different prisoners, among which was Sir William Ouseley, Captain Baker, of the Royal Artillery, Lieut. R. G. Smith, the Reverend Arthur Onslow, a Magistrate of the county, all of whom gave the respective prisoners, in whose behalf they appeared, an excellent character for humanity.

The Learned Judge minutely summed up the evidence. The Jury expressed a wish to retire, but previous to their going out, after a brief consultation among themselves, the Foreman asked the Learned Judge whether they were bound if they believed the evidence, to find a verdict of murder?

Mr Justice Bayley—If you return a verdict of guilty, your verdict will be guilty of murder. If any circumstances had occurred to my mind, that reduced the offence to manslaughter, I should have stated it to you.

The Jury then retired at a quarter to one, and at half past four pronounced a verdict of Not Guilty.

MILITARY APPOINTMENTS.—COOR PATRONAGE.—LORD GEORGE BERESFORD.

We have heard that allusion will be made in Parliament to certain military promotions which have taken place within our distant period.—There is little doubt that officers of high rank, long experience, and distinguished services, have on many occasions expressed a very indignant feeling at the manner in which vacant regiments have been disposed of.

In the course of the day he said the general arose from his lying called a hypocrite.—He also said he was very happy he had an opportunity of shaking hands with his antagonist before he died.

By Mr. Justice—Did you not say it would be better for him to confess?—He did not.

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A PATRONAGE JURY.—On Saturday last, while the House of Commons were sitting on the alert for Mr Reynolds near Warrington, a wag, probably with a view of presenting total disappointment to the lovers of the cause, threw down a ball, and after dragging it several miles, conceived the mischievous idea of carrying it into Bouverly Market place, it being the market day, and leaving it among the cabbage stalks and potatoes.

The full city of the hands, which at a distance charmed him much, but, as it neared, its dulcet sound, and when within a mile of Bouverly, he beheld himself in the one field with the whole pack, his horror was insupportable, and it was with great difficulty, his clothes being strongly decorated with the beads of the trail, that by ascending a tree, he escaped the danger he was in of supplying them with a morning repast.

Richard Swaine examined—I am landlord of the Red House. On the morning of the 8th of January, I was called up by some persons, and on opening the door, a wounded man was brought in.

MOST FORTUNATE PREVENTION OF A DUEL.

On Thursday evening the magistrates at the Head Police-office received a letter, stating that a quarrel had taken place on that day, between Mr Richard Taaffe, of Cole's-lane, and Mr Murphy, junr., of Castle-market, Dublin, posturers, about the purchase of some pigeons and daws, which from the excitement evinced by the respective parties, it was apprehended by their friends might lead to a hostile meeting on Friday morning, somewhere near Chelmsford-street.

Peace officer Smith was immediately dispatched to the residence of the gentlemen, where he was fortunate enough to find Mr Murphy in bed, whose mother assured him her son was a good, quiet, amenable young man, no way inclined to peace breaking, though it was alleged he had that day broken Mr Taaffe's proboscis, and that she would undertake to prevent him staying up to play with ball and pistol, at school boys play at the moment.

Mr Taaffe he found in his operative apparel, with his shirt sleeves nearly rolled up to his shoulder, dexterously phlebotomizing a large cock turkey, with, at a little distance, a knife and steel; a pair of old holster pistols—one wanting a lock, the other part of the stock; about two pounds of blasting gunpowder, some black shot, and on a table in the distance, a large sheet of paper, with the following awful sentence written thereon:—

"In the name of God, amen—I Richard Taaffe, of Cole's-lane, in the city of Dublin, chicken butcher, being of sound and disposing mind, and strong in body, do hereby constitute this my last will and testament; and first, I bequeath my soul to God, my body to the surgeons, restitutions, medical students and scalp-dressers; and secondly"—(we shall not detail the further bequests, as there is no likelihood of the testator dying the death of a soldier).—Smith took possession of the deadly weapons by which Mr T. was surrounded, and on receiving the assurance of a little boy in his employment, that his master did not know how either to charge or discharge a pistol, departed full of self-gratulation, and repeating as he passed along the appropriate lines of Shakespeare—

That it was a great pity, it was. This villainous salt-petre should be digged out of the bowels of the harmless earth, which may a good tall fellow hath destroyed.

So modestly. We need not say how much we are delighted by the happy termination of this serious affair, and how sincerely we thank the magistrates of the Head-office, for their speedy and timely interposition.

Having made inquiry into the Coffee-house gossip of this day, that a meeting is to take place between the Mulligan man who succeeds Tom Galvin, and Patrick Farling, who was sentenced to transportation on Thursday last, we can give the statement a most unqualified contradiction:—Dublin Paper.

CHAMBER OUTDORE.

A French paper says—At Douay, a man 38 years of age, presents the most remarkable organization. He is said to have the power of contracting his muscles to such a degree, though pretty plump, that his flesh disappears if he had been disembowelled. All his bones project, and he is changed into a skeleton. To this surprising power he adds another, not less extraordinary. He swallows all sorts of poison with impunity, such as arsenic, sulphuric acid, corrosive sublimate, &c., and he devours with the same facility a dog's excreta. The most expert glandular have in vain applied to him through screws, hand-cuffs, and fastenings, for he instantly thrusts them all. A treble chain fastened round his body fell off the instant he was in motion, the secret of which was known to himself only. This really extraordinary man, if he be anything more than a juggler, is named Jean Pierre D'entre; he calls himself a native of Africa, and a descendant of a Quaker father and mother (coloured people the fourth remove from black).

The Turkish Government, desirous to prevent the defection of its Christian subjects in the remote provinces of Servia, has prudently determined to relinquish whatever was arbitrary in its mode of governing them. It has granted them a Charter of Rights, or rather of Independence, which was communicated to a numerous assembly of Deputies of the province in the early part of last month, at the residence of the Governor, Prince Milosch. This Charter confers on the Servians the free exercise of their religion, the right of choosing their Ruler or Governor, as well as of regulating their taxes, their local magistracies, and their internal affairs generally.

All that the Porte now claims is a yearly tribute, of moderate amount, raised in whatever manner the Servians think fit. Prince Milosch, after communicating this boon of a free Constitution, proposed to resign his office; but the unanimous voice of the Assembly declared him the author of his country's freedom, and constituted him its ruler for life, under the name of "Sovereign Prince of Servia;" the dignity to be hereditary in his family. A declaration of grateful acknowledgment to the Sultan was then made by the Assembly, and an oath of allegiance taken to Prince Milosch, who pronounced the Servians a nation of freemen, and pledged himself to the early promulgation of a code of laws founded on those of the most improved part of Europe.—Courier.

Ferguson, the self-taught astronomer, began to converse with a rigid Calvinist, in a stage coach, being met with a rigid Calvinist, in a stage coach, began to converse; but his companion constantly resorted to his favourite topic, quoting Scriptures in confirmation, and exclaiming, "Is not that Scripture?" Ferguson told his fellow-traveller, that according to his method, he could prove the lawfulness of suicide. "Jada went and hanged himself— is not that Scripture?" Go and do thou likewise— is not that Scripture?" Silence ensued.—Sabbey Spectator.

FASHIONS FOR APRIL. (From the Lady's Magazine, Improved series.)

MORNING DRESS.—Plain Batiste gown of a light tint of apple green, or primrose colour. A standing ruff of black muslin very fully plaited, and bordered with vandicked edging of Bedford blue. The gown wraps on one side, the ruff gradually narrows to the hollow, and the edging alone reaches the belt. White buck muslin sleeves; they are full nearly to the wrist; the upper part is supported by a stiffening beneath. A falling is put on the skirt of the dress, nearly as the knees; it is parted and headed by a row of satin to match the dress. The cap is of fine Bedford lace, primrose coloured gauze ribbon; coloured velvet bands to the wrist.

BALL DRESS.—The dress of vapour craps. The short sleeves are parted into two divisions, the upper much fuller and larger than the under. Round the corsage is placed a double fall of vandicked blonde very deep on the back and shoulders, but narrowing to form a ruff, which are confined under a pearl or silver ornament. The skirt is trimmed with two scooped full of chenille fringe, the colour of the dress; each scooped is headed by a satin knot. The ornaments of the hair are of blonde, being what the French call barbes; on one side is placed a bird of paradise plume or a silk feather; round the throat is a narrow velvet ribbon, clasped with pearl or silver band of white satin, edged with vapour coloured satin.

GENTLEMEN'S FASHIONS FOR APRIL. AN EVENING DRESS.—A light blue superfine cloth coat, waist full, rich black velvet collar, the lapels are large, to give a commanding appearance. The coat is of black satin, lined with white gros de Naples, diamond buttons. White kerseymere pantaloons tight to the shape, confined to the leg by four diamond buttons. The pantaloons must not come too near the ankles, to give effect to the embroidered silk stockings. A clasped or ruffled opera hat.

ADDITIONAL NOVELTIES.

The following description of a ball dress, worn at a recent fashionable party was stylish, but certainly somewhat ostentatious.

A light blue coat, with the collar and lapels lined with black velvet, with sugar loaf buttons of either gold or silver, ornamented with patterns in relief. Waistcoat of a new white silk material, thickly embroidered in small bouquets of silver, thickly embroidered light pantaloons of black kerseymere (black elastic lace of the face kind); glazed shoes, and mounted ball dress adopted by the most elegant men in Paris.

Gentlemen's shirts are now trimmed with a very short double frill, which is turned down on the right and left side of the bosom. One side of the frill is closed by a great number of small silver buttons of the slight but firm, and richly wrought. Some dresses of large brilliancy, united by a small chain of diamonds of the most profuse magnificence.

The shirt of silk, fastened by apparently closed before by gold buttons; the opening is however lined, and only large enough to pass the hand through. The crown of hats have decidedly a cone shape, and the brims are small and turned up at the sides. The most fashionable ball gloves are of salmon colour, glazed.

Fashionable hats have their bows made of kid leather, with pointed toes and high heels. The small cones that gentlemen carry to the theatre, or to evening parties, are now of tortoise-shell lacquer. A new style of ribbons has come into use, the back of which is elegantly printed.

CRIME IN DUBLIN.

By the following extracts from the Parliamentary Papers, it will be seen that in the last term, the commitments within the police district of Dublin have decreased one-third from the preceding year; the numbers being, in

1828 1560
1829 1200

This it will be observed occurred in a season, of almost unparalleled suffering and calamity in this metropolis; and we need scarcely say, we should be glad to see returns from London, or any of the considerable towns of England, placed in contrast with it.

A STRANGER IN THE HOUSE OF COMMONS.

A circumstance of unusual occurrence occasioned much conversation and amusement in the House of Commons last night. A gentleman, instead of proceeding to the stranger's gallery, found his way into the smoking room, and asked one of the members to direct him to the gallery. The member, supposing the inquirer to be a new member, unacquainted with the building, pointed to a passage which leads from the smoking room into the body of the House. The stranger proceeded along the passage, and soon found himself in the body of the House. He took his seat on the opposition benches, and was present while some of the items of the navy estimates were voted. At length the deputy sergeant at arms observed him, and suspecting him not to be a member, he asked several members whether they knew him, and receiving from all an answer in the negative, he ultimately requested to know from the individual for what place he sat. The gentleman, who was quite unconscious of having committed any breach of privilege, at once acknowledged that he could boast of as few constituents as many of the Honourable Members who were about him; and that, in fact, he was a country gentleman come to see the House of Commons, as one of the sights of London. He was instantly removed; and it appearing on inquiry, that his conduct was the result of ignorance, he was discharged without payment of fees.—Times.

GRAND NATIONAL CEMETERY.

We shall notice in our next Mr Goodwin's plan for a National Cemetery—a work which has been long wanted in this country, especially in this overgrown metropolis, where the crowding together in close places so many dead bodies is at once dangerous to the health and offensive to the feelings of the living.—London Paper.

THE WATERFORD CHRONICLE

DONERAILE CONSPIRACY

Michael Creagh, Esq. examined by Sergeant Gould—He is a Magistrate, and was High Sheriff during a part of the years twenty-eight and twenty-nine; knows Patrick Daly; authorized him to be on the alert, and acquaint him with the circumstances and intentions of the conspirators.

The line of examination was interrupted here by the Counsel for the defendants.

Mr Freeman remarked that the witness had no right to depose to anything concerning his own precautions.

Mr Sergeant Gould contended he had a right, as P. Daly stated he acted by the orders of Mr Creagh—the testimony of the latter to that effect, corroborating that of the former.

The Court thought that the question may be dispensed with; but if a correct line of examination was departed from or undue evidence received, of course the verdict would be liable to rejection.

Examination resumed—Witness and Colonel Hill always acted together regarding this affair; they communicated every night their information or suspicions to one another.

Sergeant Gould—Did you, Sir, in a word, desire Daly to act as a spy?—I did not appoint him to do the duty of a spy; but I told him to find out those who were conspiring against my life, and at the same time afford neither fee or reward to him for so doing. These directions I gave him long before the firing at Dr Norcott's carriage.

Cross-examined by Mr M'Carthy—Are you acquainted with the character of Patrick Daly?—I am.

Do you consider it an infamous one?—I do not.

Do you suppose that a man of unblemished character would act as a spy?—I don't think he was a spy—he was a voluntary agent.

I am only persisting in the term applied to him by Sergeant Gould, and I ask you do you consider that any but a man of bad character would act as he did? I knew he was a whiteboy for some time, but I had no reason to suppose that he was the infamous character you wish to make him out.

I am only putting a question to you, arising out of your opinion on morality; do you suppose such a man as he is from his employment could have an unquestionable character?—I don't apprehend your meaning.

If you don't then, Sir, there is no use in my putting any more questions to you. Do you suppose that a man who had sworn to commit murder ought to be believed on his oath?—I do not know that he ever formed the intention of committing any such thing.

The Court—Mr Creagh, the question put is one of a general nature—answer it according to your opinion:—I do consider any man who had such an intention must be a bad character.

Did you think that such a man when appointed to search for those who had conspired against you, would feel any great remorse in divulging innocent names to punish them, in case he failed in discovering the real conspirators?—I cannot say what any man would do, I am sure.

I don't want you to say what would do, but to elicit from you what you think such a man capable of; in fact, I am only sending my suggestions to the Jury through you? I can't presume to give you an answer.

How long was Daly in your employment before he was directed to get this information for you? I don't keep memorandums of dates.

What day was it that he told you of the anger impending over your person? The 20th April.

When was he sworn before the Magistrate? On the 20th; he told me that, at a meeting of the committee men at Rathclara, they intended to swear to shoot me, Admiral Evans, and Mr Lowe, at Kildorrery fair, on the 1st May, and cautioned me not to go there.

Mr Gould—Did he mention the names of any who were to be there for that purpose?

This question was objected to, and was withdrawn.

DEPOSITION.

Mr Wm. Geoffrey Twist, examined by Mr Walsh. I am an attorney, and have been concerned for persons who had been prosecuted under the game laws by Owen Daly; from the general character that Daly bears in the country, I would not believe him on his oath.

Cross-examined by Mr Sergeant Gould—You are an imputation from the Kingdom of Kerry? I am. I was examined on the second trial at the late Special Commission—I was also present at the first trial, and knew that four men were upon trial for their lives; I did not know when the Solicitor General was describing Daly, that he was the same Owen Daly that I knew; and when he came upon the table it was at candle light and I did not know him, but when I understood he was the person I had some knowledge of, I volunteered my testimony, but this was upon the second trial; I took great blame to myself, for not having come forward upon the first trial.

Did you, in this Court, borrow a pound note from Dr Norcott, and say that you would return it in a few minutes? I did.

Did you since repay it? I did not.

You borrowed money from another gentleman whom you also promised to pay in a few minutes?—I did. I often borrowed money, as other persons do; and I have, as far as I was able, repaid them.

Did you borrow money from Mr Lowe?—I did not—but Mr Lowe lent me his name, and I have not been since able to take up that obligation.

Is your word as good as your money?—A great many people would rather have money than my word or yours either.

Do you swear that it was a most impertinent answer.—I mean, that many people who could afford to lie out of their money, would be equally satisfied with your word.

Sergeant Gould—Go off the table and pay your debts.

Gerald Fitzgibbon, Esq. examined by Mr Freeman—I am a barrister; I observed Patrick Daly, when he came to be sworn to-day, place the book which he held within an inch and a half of his face, but did not kiss it; he then sat down. On its being observed to Counsel, he was called back, and then kissed the book.

John Freeman, Esq.—I know Owen Daly, and from his general character would not believe him on his oath.

Cross examined—I do not know that Daly is the terror of poachers; he prosecuted me for shooting a hare; I am a relation of Mr Freeman's, the Barrister.

Mr William R. Dalera—I attended the second trial at the Special Commission, and heard Sheehan examined; I heard him this day give evidence of a paper produced at a meeting in Doneraile, held at Roche's house; on a former trial he said he could write, and that at the meeting he signed the paper, the oath being administered after. On the third trial, I recollect Owen Daly to swear that he was at the same side of the tent at Rathclara fair with Leary, and that Patrick Daly gave him a nudge, and spoke to him to observe the people at the opposite side with the paper.

Francis M'Carthy, Esq. and Mr D. Fitzgerald were also produced to prove discrepancies between the evidence of Nowlan and Sheehan, with respect to the late and present trials.

Sergeant Gould—I shall call evidence as to the character of Owen Daly.

George B. Croagh, Esq.—Owen Daly was my gamekeeper; I consider him of good character; he prosecuted several persons under the game laws.

The case for the defence here closed.

CHARGE.

Baron Pennefather—Gentlemen of the Jury—The crime of which the prisoners at the bar stand accused is one of the greatest enormities. The catalogue of vices presents none that exceeds it in height and malice. No one can doubt that a conspiracy to take away the lives of three individuals is a crime of the deepest and blackest dye; and your caution and consideration in receiving the depositions on this trial must be in proportion to the magnitude of the offence, and to the consequences of conviction. You must be aware that on the one hand the lives of the prisoners are at hazard, and on the other, the justice and the laws of your country are involved. You must be actuated equally by your sense of humanity and your strict adherence to justice. I am glad the case, as stated by Sergeant Gould, has been so well and clearly laid down before your view. He has elucidated it in a manner calculated to give a most effective assistance to you in your investigation, and to lighten the duty I have to perform in tendering you my advice. You must deliberate well upon the different points of this case, distinctly and separately. You must divide the main questions:—first, whether a conspiracy existed to take away the lives of individuals; and next, whether the persons charged with this conspiracy have participated in it, or been privy to it. You must satisfy yourselves that there was a deliberate intent to perpetrate the murder of three Gentlemen, and whether the prisoners at the bar or any of them, were implicated in that intention. Gentlemen, plots and conspiracies are general and conducted secretly, and are seldom disclosed to persons whom those engaged in them cannot confide in—very few are engaged to a knowledge of the particulars, unless with a view of obtaining the aid of those who are informed; you must consider that an arrangement to commit a crime between a body of men is a crime in itself and every one connected with the plan of the conspirators is equally culpable without any further steps—the crime may not be physically performed, provided the intention is brought home to individuals, they are as guilty in the eye of the law, as if they had executed their intention. Next you are to regard how far steps were taken, and how far measures were adopted to carry a plan into force. You are to consider this well, for the fact of steps being taken corroborates the suspicion, and goes to confirm the charge of intention alleged against any one. There is very little doubt but a conspiracy did exist to destroy certain gentlemen in the County, among some persons and at some time; no one can doubt but the fact of Dr Norcott's carriage being fired at on the 20th of January and the attempt on Mr Lowe's life on the 2d of March show that a premeditated plan did exist to deprive some persons of existence; but it by no means follows that the prisoners at the bar were participators in that plan, unless it be proved satisfactorily to you, that the testimony against them is of such a nature as to leave no doubt of their guilt. You are to try particularly whether they are implicated in the crime—for independent of the crime being notorious for its existence—you must consider whether they are justly impeached with being partakers of it. The evidence bearing on this point is the matter for your enquiry, and how far it is not subject to suspicion, or sufficiently convincing. The principal Crown witnesses, indeed, are not only liable to suspicion, on account of the part which they have represented themselves to have taken in the affair, but also from the production of some documents which have been exhibited to you here to-day. I do not mean to say that whether accomplices or spies, they are to be received with the less credit because they have been so; but it is most important that you will trace in your mind the different parts of their testimony as are strictly corroborative, one of the other, as expecting more consistency from men combined for one object, and communicating together in their arrangements.

The law says they are competent witnesses in a case; a Jury alone have to believe or discredit their depositions, and it is your business, Gentlemen, to see how far they maintain one another in their statements, or how far they differ—as in the one you are presented with a species of evidence from the best source, provided it is connected and confirmatory, each part of the other; and in the latter you have a series of testimony that you should expect to be consistent, but if not, must detract from its credit and render its admission doubtful. I take pains myself, to make my observations upon the manner in which testimony is given as likely to afford me a motive of judgment on its creditability or otherwise the substance of the testimony and its no title must be attended to, and the best regard paid to the method with which it is laid down, and the manner in which it is given. I will not go into a minute detail of the circumstances and particulars of such a mass of evidence as you have heard today; it will suffice that the chief points be dwelt upon, and that a tenton be given to the main features of the case. The first witness produced was Daniel Sheehan, and it appears that he communicates his relation with the meeting at Doneraile, at the house of a man named Roche; he states it to have taken place on a Wednesday or Thursday, and

there were present John Loary, William Shins, John Magner, Tim Connors, Charles Daly, Michael Wallis, Owen Hickey, and Wm. Nowlan; they were concealing a plan for putting to death Mr Creagh, Admiral Evans, and Mr George Bond Lowe; Leary asked the boys were they ready to shoot the gentlemen, when William Shins replied, that he would have Mr Creagh's life for transporting his brother. Loary took a paper out of his pocket and signed it, as also the other persons he mentioned to have been there—he says he did not sign it himself. You are to remark, gentlemen, that he does not say any of the prisoners at the bar were there, except Wallis—he mentions Wm. Nowlan, as one of the persons present there, too; he afterwards went to Col. Hill, and gave him information of his own accord—this is his direct evidence. In his examination, he says, that he was bound, by signature, as well as by oath, to join in the attack on those gentlemen; he is not, by himself, in my opinion, entitled to implicit credit, because, there were other circumstances which create a difficulty concerning his conduct; and you must, Gentlemen, be prepared to meet this difficulty, as I confess, I consider it so. This meeting, he swears, was before the firing at Dr. Norcott's carriage; he gave information to Colonel Hill, on the twelfth of February; yet though the circumstance of the meeting was quite fresh in his mind, he does not say a word in his information about it—he declares the particulars of this conspiracy, and named several men as accomplices in it, still abstains from mentioning any thing concerning the meeting at Roche's house. He says that Nowlan was in a back room there. Now compare this evidence with that of Nowlan, and you will find a great discrepancy between the two; recollect and bear well in your minds the omission in the information. Nowlan says he was sworn a whiteboy seven years ago, and was at several meetings at Doneraile; he states that he was at one a few days before the firing at Dr. N's carriage; he mentions Magner and Lynch as among the persons present at the meeting—they are not spoken of by Sheehan as being there; he says he was in a front room, that he swore to kill Admiral Evans, and Colonel Hill, he names the day of the meeting to be Sunday; but Sheehan says it was on a Wednesday; that is a great discrepancy. You have to consider whether there may not have been two different meetings to which they allude—but Nowlan states that he never met Sheehan at Roche's exception on Sunday. You have first to satisfy yourselves as to the truth of the deposition made by the two witnesses, and likewise consider whether they might have met at different times in Doneraile, at the house mentioned, and next whether if they did, they could not know that, after such remarkable circumstances occurring there, as those related by the witnesses. Nowlan was not at the firing at Dr. Norcott's carriage; he had a sore leg, and could not go; he likewise made no mention of the attack on Mr Lowe. We come now to the fair at Rathclara; Nowlan swears that he was advised by Edward Connors, to go there, as the boys were to meet for the purpose of arranging a plan to kill Admiral Evans, Mr Creagh, and Mr Lowe. He said he met Leary and Connors, Murphy and Burke there, he was only there for a quarter of an hour; Leary was the principal man there, and signed the paper first, which paper was an order to procure men, to shoot the gentlemen. Now, Gentlemen, he criticizes the prisoner, E. Connors, by this deposition, and it ought to be an important reflection with you, whether the non-production of evidence on the part of the prisoner to prove that he had no share in the transaction of that day, should weigh in testimony against him. A considerable time has elapsed, and there were, as you have heard stated, a great number of men in Dubhan's tent, then a question arises, why some of them are not brought to disprove the charge made against the prisoner; great apprehension must have been entertained about the safety of the accused, and ample opportunity was afforded him to produce such witnesses as would invalidate the accusation—on the other hand, you may expect that the Crown should have produced additional testimony to corroborate the evidence furnished by them. In considering the truth or falsehood of any assertion you must attend to probabilities, and be guided in your investigation by attendant circumstances. You must consider the means of repelling or confirming a charge, as well as the nature of the evidence proffering it, and then the duty and fears of both parties concerned. Nolan swears that he heard P. Daly call Leary a "bad breed," and desired to have him turned out of the tent; he did not consider Daly drunk, though he knew he had taken some liquor. He remembers being at the house of a man called "Cold Morning," where he met the prisoner at the bar, Patrick Lynch. He was sworn there to go to Malloy fair, to shoot Mr Lowe returning from it, but did not go, as James Roche otherwise "Cold Morning," kept his pistol; he named P. Lynch as concerned in the conspiracy on this occasion, and adds that Lynch frequently spoke to himself about shooting Mr Lowe. He stated also that at the fair of Kildorrery he and five others had determined on killing Mr George Bond Lowe. He named Lynch as one of the five. Lynch had a pistol, and he was one of the party lying in wait for Mr Lowe. This is strong evidence against Lynch; and if you be convinced of its truth, you must deem it to his conviction. A shot was fired at Mr Lowe when returning from Malloy fair; this is a corroborative of the testimony concerning the meeting at "Cold Morning's" house, and the oath taken by Lynch to that effect, likewise regarding Kildorrery fair. A gun was found in the plantation by Thomas Murphy. When Murphy was taken up previous to the Special Commission, he mentioned several persons, among whom was the prisoner Lynch. There seems to be testimony against Lynch, which has received a corroboration that is not to be found in what has been advanced against the prisoners, Wallis, and Connors. Thomas Murphy swears, that at Malloy fair, Lynch said to him that he would be behind Glover's screen to shoot Mr Lowe; this accords with the statement of Nowlan, who represents him as a principal agent in the conspiracy against that gentleman.—Thomas Higgins, deposed that he found a gun in the plantation, shortly after Mr Lowe was fired at, and this goes to prove that there was a concerted plan to shoot Mr Lowe, as Nowlan said he was informed of by Lynch, at Wallstown. With regard to the quarrel, according to the

information of Murphy before a Magistrate, he had with Lynch, it is singular that he states the contrary in evidence here; but, gentlemen, it rests with you to consider whether he is to be disbelieved or not. These general observations are for the purpose of guiding, not dictating to you. Let us now see what Pat. Daly says. In his direct evidence he states that he was a whiteboy in the year 1821, that his life was saved by Mr Creagh, and he, in gratitude, disclosed the plot against him. He says that he knew Connors, the prisoner, since the attack of the police at Glanishreen in 1823. The name of spy, given to this witness by the Counsel for the defence, is not inapplicable, and his evidence regarding Connors is most important; he states that he (Connors) was always a head committee-man, and that he was in the tent at Rathclara when the order was signed for obtaining men to shoot Mr Lowe.—Charles Murphy took some paper and wrote on it, and also Connors, who remarked that it would enable them to get the men. In his cross-examination, an attempt was made to shake his credit, and another great difficulty presents itself here. It appears that Daly went to Mr Rosenden, Colonel Hill's agent, and acquainted him of what took place in the tent, still he said nothing about the writing on the paper. Owen Daly swears that Pat. Daly gave him a nudge and said, "mind that," which the latter as strongly denies. Now, Gentlemen, there is, doubtless, a great difference here, and it remains to consider how they both disagree concerning this point, and yet both make mention of the paper, and particularise the same persons as concerned in signing it. Neither of them deposed any thing about this paper in their informations; then you have only to think whether, (as they had no communication with one another) there could have been a go-between to effect an arrangement on this point. This is a matter solely for your judgment. The two most creditable characters in society are entitled to credit when they depose to facts, and are accurate in the detail of circumstances and names in perfect corroboration of one another, without any previous opportunity of consulting on the matter testified by both. And it often happens that when the chief facts are related similarly by both, the disagreement on minor things argues rather the existence of a plot, than a want of credit. Another difficulty was in the statement of those witnesses concerning the time and place chosen by the conspirators, (if they can be called so,) to disclose secrets, and engage co-operators. The intention of those men seems totally inconsistent with the nature of their proceeding, and shows that they must have had either no consideration for the success of their plan, or a total disregard for their own lives. A public tent, with a number of persons passing in and out, was a place most unsuited to communicate their lawless and murderous designs; and nothing could argue greater rashness than to open their plans in such a place, and commit themselves so unguardedly to the power of the law, by producing a paper, and signing it, which came from a committee such as you have described. This reflection presents a very great difficulty, and the only solution seems to me to be, that the country must have been then in so distracted a state, that they could confide in the disposition of the people to keep their secret, or that it was so completely under the control of those committee men, as to suppose that a dread of them would intimidate any person from informing. This, gentlemen, is entirely for your deliberation, & you must weigh both sides of the matter well in your minds. You have to consider, also, whether the non-production of evidence on the part of the prisoners, should operate against them, or whether the same on the part of the Crown was called for. You know the opportunities the prisoners had, if they would but avail themselves of them. So that you are to be guided in your decision, not only by what has been said, but what might have been sworn. You must distinguish between the prisoners, and think which of them is most affected by this non-production of testimony, considering those against whom the charge is made that admit a relation best by the number of persons present, where it is alleged they committed the crime. The character of the witnesses on the part of the Crown must be carefully investigated by you. Owen Daly has been represented as a man unworthy of belief on his oath. Mr Creagh has, on the contrary, sworn, that in his opinion he is entitled to credit. The benefits of those opinions must be given to both parties, namely, the prisoners and the prosecutors. It often occurs that witnesses, unworthy of belief in themselves, are borne out in their assertions by the nature of the facts they depose to; for the truth appears at the side of the facts, they cannot be denied, or any discredit attached to the general character of the witnesses. Likewise, testimony is often doubtful from the character of the man that offers it, and is rendered worthy of belief only by a corroboration from others; so that a witness standing by himself may happen to be discreditable, but supported by one or more persons, might be entitled to credit. You are not to rest your decision upon the testimony of Daly alone, but upon that of Sheehan, Nowlan, Murphy, and the others that have sworn here to-day; you have to try how far they agree and corroborate each other, and how far facts mentioned by all coincide with their individual statements. You are to recollect the discrepancy between Sheehan and Nowlan—their silence about the order in their information—the difference of the two Dalys concerning the direction of one to the other to attend to the proceedings at the fair of Rathclara; as also Patrick Daly's having never mentioned any thing of the paper to Colonel Hill in his private informations. All these, and every thing to which I have endeavored to point your attention, you will carefully sift, and give the prisoners the benefit of any doubt or dissatisfaction regarding the evidence on your minds. I have given you my observations on the matter, with the view of assisting, not of governing you. You are the constitutional judges of the fact, and on your verdict the fate of the prisoners depends; they must trust to your discretion and mature reflection; the condition of the accused urges you on one hand, and the laws of your country press you on the other. When his Lordship had concluded,

one of the Committee signed the paper at Rathclara, yet asserted that Barrett, who was no committee-man, did so.

His Lordship said, he had intended submitting that to the Jury, but was diverted from doing so by some interruption which called his mind off at the moment. He granted the importance of the remark, and accordingly impressed it on the Jury.

When the Jury had been about an hour in consultation, Baron Pennefather directed the Sub-Sheriff to enquire if they were likely soon to arrive at a verdict—"In a quarter of an hour," was the answer. The quarter of an hour passed away and some minutes with it, and the Baron again directed the same enquiry to be made—"In a minute," was the reply—shortly after this the Jury returned into Court, when their foreman handed down the following verdict—"We find Patrick Lynch Guilty—Edmond Connors and Michael Wallace Not Guilty. The Foreman said, that the Jury recommended Lynch to mercy, in consideration of the tranquil state of the country since these trials had been brought on.—Lynch was immediately put to the bar.

Baron Pennefather proceeded to address him. His Lordship having dwelt on the enormity of the offence of which the prisoner had been found guilty, went on to say that the Jury had accompanied their verdict of conviction with a recommendation to mercy, not based on the merit of the convict, or the want of desert, but on the consideration that the country had been, in some measure, tranquillized since the coming on of these trials. The grounds of recommendation were competent, and he should submit them to the Lord Lieutenant; but the prisoner, however, should prepare for death. He was not to understand that the recommendation of the Jury would be enforced by the Court, or that it would be successful with the high quarter before which it should be laid. His Lordship concluded by pronouncing the awful sentence of the law, but named no day for its execution.

The Court adjourned at half past ten o'clock.

WEDNESDAY.

This morning Mr Baron Pennefather entered the Court.

DONERAILE CONSPIRACY.

His Lordship directed that the men out on bail charged with being concerned in the Doneraile conspiracy, should be called on their recognizances. They were accordingly in attendance, and appeared in front of the dock. His Lordship then directed that the Counsel for the Crown and for the prisoners should be called, and they to a short time entered the Court.

Baron Pennefather—Mr Bennett, I had the men charged with a conspiracy to murder the Magistrate near Doneraile, called on their recognizances, and they are now in attendance. I understand it is not the intention of the Crown, after what has taken place, to proceed; and I should like that Counsel at both sides should agree as to the manner of their discharge. The view of the Court is, that their former recognizances should be discharged, and that they should enter into their own recognizances of 1000, to stand their trials in the event of their being called upon to do so.

Mr Bennett, K. C.—Precisely so, my Lord. The Government, in its clemency, and with a desire to promote the peace and tranquillity of the country where those persons reside, and which since those proceedings commenced, have been in a great measure happily restored, declined proceeding further in the prosecutions. The Counsel for the Crown, therefore, deem it only necessary to require that they should be bound in their own recognizances to appear, and it is most likely that if they return to habits of industry and peace, they may never be called on again.

Mr Freeman—My Lord, I cannot consistently with the rights of my clients, agree to the proposition of the Counsel for the Crown. I was of Counsel for the prisoners at the last Assizes, when they were ready to take their trials; but the Crown was not ready to proceed, not deeming the panel sufficient, and the Chief Baron postponed the trials. They were again required to attend at the Special Commission, and they did so, but their trials were not proceeded with; and they were obliged to enter into fresh recognizances to appear at the Assizes, which they accordingly did, and are now in attendance to take their trials, and the Crown again declines. Under all these circumstances, my Lord, I think they are entitled to their discharge. Such a mode of proceeding will be best calculated to ensure that peace and tranquillity for which we all are so much interested.

Mr Bennett—My Lord, as the part of the Crown, I will consent to no such thing. As I stated before, an act of great clemency has been extended to those persons, and they should return to it as such; for if they were tried, from the evidence we could produce, there is no doubt but a conviction would follow against some of them at least. If, therefore, Counsel will not agree to their entering into their own recognizances, the Crown must be under the necessity of proceeding at once with the trials.

Baron Pennefather—I think it no great hardship, under all the circumstances, to leave the prisoners out into their own recognizances to appear at the next Assizes, and if the Crown does not feel disposed to put them on trial, their recognizances can be discharged.

Mr Freeman—Well, then, my Lord, I agree to have them enter into their own recognizances, with the understanding that if they are not tried at the next Assizes, they will be relieved from such a charge brought over them.

Mr Bennett—Very well, my Lord, I will not present them, they may be discharged.

The prisoners were called over, and entered into their own recognizances, and discharged. Some of them asked permission of his Lordship to make a voluntary abjuration that they were innocent of the charge, but their Attorney advised them to leave the Court, which they did.

The Petty Jury was then discharged, and Baron Pennefather proceeded to fiat the County Presentments.

The Munster Circuit finished on Wednesday, and the Lords' Judges left Cork next morning. Baron Pennefather for his seat, Darling Hill, in the County Tipperary, and Sergeant Blackburne direct for Dublin.

Mr Pigott reminded his Lordship that he had omitted stating one thing to the Jury, which he (Mr Pigott) considered of importance, it was, that Owen Daly had deposed that no man but

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Friday morning the trial of the participants in the collected route at an early hour Court appropriate perform being Under the session, and the Court till several ladies in with which was not so great weather, from Mr Justice placed at the the Mr Bigley evening Not Guilty. them. The in-lam Lambert 5th of January and with a left right side, of Cox, aged 25, aged 27, gone in the said level Lambert. Mr Mr Garvey, could not address low a tone of could collect the indictment, we Mr Lambert murder of Mr of Mr Clants with aiding He must intro transaction un- reached their from their min- not suffer the st- remembering charge; and the to was to be fo- that day hear, proceeded to sto- ho (Mr G.) b- apology had bee- Clayton refused thought, that a proper attorney given, and oug- deceased, when ob- stinacy in no- also expressed a- bo commenced. every exertion i- ject. The testi- submitted for it- they would hear- Thomas Lugt- Battersay. On- far to the back- three persons th- the ground wo- conveyed to the- I examined him- side of his belly- such as might- through the bod- This timon, substance as the- By the Judge- he would survi- sible anxiety ab- gentlemen had u- from going out- sons present, at- shortly after sev- doubt his death- Cross-examin- Mr Bigley was- exhibit all the wo- man could do fo- situation? Ho- Thomas Skinn- ses Field, and a- half-past six o'c- January, in cro- Jones, I heard a- think I was ab- distinctly heard- I then has oue- I round proceed- another on a do- it the Red Ho- not. After this, knocked at the- they brought in- Cross-examin- heard must have- wounded nar- time in the dash- hite. I can't say- out out of which- by my ear. William Pric- ever. Richard Swait- the Red House. January, I was- on opening the d- in. The Rev. Mr- tor of Wood's H- Pearce, his was- new facts were- how was cross- By the Judge- ground, and foat- I saw a person g- ther it was as

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