

Local Intelligence

COUNTY KILDARE QUARTER SESSIONS.

At ten o'clock on Tuesday last, Thomas Lefroy, Esq., Q.C., Chairman for the County, opened the court at Kildare for the disposal of the civil business of the division of Athy.

There were 57 civil bill entries and 4 ejectment cases.

EJECTMENTS.

P. Mulligan v. M. King. This was an ejectment for non-payment of rent, and to recover possession of a house and premises at Ballymannny.

It was proved that there was 1 1/2 year's rent due.

There was no defence.

A decree for possession was granted. Attorney for plaintiff—Mr. M'Cullagh.

Matthew Kelly v. John Doyle and others. This was an ejectment for non-payment of rent, and to recover possession of a house and part of the lands of Crabbill.

Service being proved, and the plaintiff having verified the civil bill, by which four year's rent appeared to be due,

His Worship granted a decree for possession.

Attorney for the plaintiff—Mr. Lord. For the defendant—Mr. Thomas F. White.

CIVIL BILLS.

Bonnell v. Rugg. Mr. John Bonnall possessed George F. Rugg for £1 15s due for goods supplied defendant's wife previous to her marriage.

Mr. Lord appeared for plaintiff, and Mr. T. F. White for defendant.

Miss Henrietta Charlotta Bonnall proved to having supplied defendant's wife with a wedding dress and ornaments previous to her marriage with the defendant.

On cross-examination it appeared that Miss Bonnall officiated on the occasion in the capacity of bridesmaid (laughter).

Mr. White said the process was informal, inasmuch as both parties should be sued.

Mr. Lord said his worship could amend the omission in the name. The process had been filled by some of the borough of Portlinton practitioners.

Mr. White quoted the 106th section of the act, to show that the error was not one of that class which the court, under the statute, had power to remedy.

His Worship agreed with Mr. White that he had not power to add a name to the process.

Mr. White—We could show that we tendered a settlement of the case out of court.

His Worship—I hope it will be settled before the next sessions.

Miss Bonnall—He made no tender, for he showed no money.

The case was 'nilled.'

CHEAP PIGS.

Daniel Byrne, a pig jobber, processed Peter Delany for £4 paid him in his own wrong at the fair of Athy.

It appeared that the plaintiff, who is a very illiterate man, sold the defendant two pigs for £4 7s 6d. Delany gave Byrne a £5 note and 7s 6d in silver, and required £1 in change.

It seems Byrne in his ignorance gave Delany a five pound note change in mistake for a single pound, by which proceeding he had but 7s 6d for his two pigs.

Mr. Lord and Mr. White appeared for plaintiff. Mr. M'Cullagh for the defendant who denied everything.

A decree for £4 with costs was granted.

A HORSE DOCTOR.

John Corry, a horse doctor of the County Kildare, processed Mr. Anderson, of Castle-mitchell, for curing six horses of glanders.

It appeared that the case had been before the Athy magistrates, who dismissed it, as the defendant never employed the plaintiff.

It also appeared that the plaintiff's horses had 'strangles,' and that Mr. Doolan, of Ince, who is a farrier, desired Mr. Anderson to send the horses to his place and that he would cure them. The plaintiff happened to be living with Mr. Doolan at the time.

After a protracted hearing, his worship dismissed the case on its merits.

The prosecutor wanted to make a speech. His Worship would not indulge him in a display of veterinarian eloquence, but told him he would be most happy if he would test his discussion by an appeal.

Mr. M'Cullagh appeared for the plaintiff Mr. Lord for the defendant.

Mary Cummins v. Michael Keating. This was an action of trover to recover £11 13s. the price of 4000 slates, which the defendant received per plaintiff's boat.

Mr. M'Cullagh appeared for the plaintiff, and Mr. White for defendant.

It appeared that the slates were intended for Mr. Walsh of Carlow, but were given in mistake with a quantity of timber to Mr. Keating of Athy. Mrs. Cummins paid Mr. Walsh £11 13s. for the slates.

Witnesses were examined at both sides. It appeared that Mr. Keating's clerk (Patrick Connolly) denied having got the slates for his employer. A receipt for the slates and timber dated 19th July, '58, was here produced. It was signed "Patrick Connolly."

Decreed for £11 13s. with ordinary costs and 23s. expenses.

A LITIGATED WATER COURSE.

In this case there was cause and cross-cause, viz:—

John Walsh, of Rathilla, processed Peter Ennis, of Gruderstown, for the sum of £20, being loss and damage sustained in consequence of the defendant having stopped water from the regular water-course in the year 1858, same water-course was in a mearing ditch between two townlands where the water was to go into plaintiff's land:—

Peter Ennis summoned John Walsh that he did in the month of June, 1858, enter upon the lands of Gruderstown, in the possession of plaintiff, and then and there levelled, and threw down a certain dam, by reason of which said plaintiff has been ever since deprived of the means of watering his cattle, and that the defendant did level twelve feet of a certain ditch to plaintiff's damage of £20.

Mr. White appeared for John Walsh; Mr. J. A. Curran, as counsel, appeared for Peter Ennis.

After some consideration, at his worship's suggestion, the case was left to the arbitration of E. J. Medlicott and J. E. Medlicott, Esqrs., Dumurry.

Mr. White said this would be the means of preventing the parties from ruining themselves by rushing into a Record in which course the case would otherwise eventually

end. It would also prevent the engendering of a great deal of bad feeling.

Henry Hannon v. Mary Cummins. This was an action for balance of a running account. A great deal of evidence was given on both sides. A decree for £29 4s. 6d., with costs and expenses, was granted.

Attorney for plaintiff, Mr. White; for the defendant, Mr. M'Cullagh.

CROWN COURT.—WEDNESDAY.

His Worship took his seat on the Bench at 11 o'clock, when the Commission was opened by George Medlicott, Esq., Clerk of the Peace.

The following were then sworn on the Grand Jury:—Messrs. Samuel Long (Foreman) Addison Hone, T. L. Mangan, Patrick Kelly, Thomas M. Meade, Charles Bergan, John Murphy (Kilcullen), Henry Moir, Patrick Orford, Edward Orford, William Hanks, Patrick Muldowney, John Moore, P. A. Morrin, R. P. Carroll, Henry Breton, Nicholas Kelly, Thomas Walshe, John Kelly, John Murphy (Rathangan) Fitz-james Clancy, and Michael Dowling.

The following Magistrates assisted his Worship during the day.

Captain Lefroy, E. J. Medlicott, R. Browne, Eyre Powell, W. R. Bulwer, Richard Strange, Thomas Fitzgerald, J. E. Medlicott, F. Maxwell Carroll, Esqrs., with Colonel R. Shaw.

PETTY SESSIONS' CLERKS.

ATHY AND CASTLEDERMOTT.—Mr. William Long was appointed Clerk for this district. Salary of £100 a-year recommended.

Mr. Long had been the Clerk at Athy. Mr. Graham, late Petty Sessions' Clerk of Castle-dermott, was a competitor for the district.

Two magistrates voted for him and three against him. The other magistrates did not vote, on the principle of not interfering with the magistrates of the district in the appointment of their own official.

KILDARE AND RATHANGAN.—Mr. George Leggett was appointed for this district. Salary £100 a-year recommended.

Mr. Leggett had been the Clerk of Kildare and Newbridge. Mr. Myleod, Clerk of Rathangan, and Mr. Washington Brown (of the Crown Solicitor's office) were competitors for the office. On considering the strong claims of Mr. Leggett, Mr. Myleod withdrew, leaving the contest between Mr. Brown and Mr. Leggett. The magistrates were unanimous in the appointment of Mr. Leggett, who was congratulated by the gentry and the farmers assembled in the court on his well-merited success.

The Grand Jury having handed in bills, a Petty Jury was sworn, when the following cases were tried:—

LARCENY.

Bridget Byrne was found guilty of stealing a pair of boots from John Forde, at New-bridge Barracks. In consequence of the Jury having recommended her to mercy, she was sentenced to but one month's imprisonment with hard labour.

STEALING FOWL.

Catherine Mulligan for stealing fourteen chickens from Patrick Cullen, of Carra, near Kilcullen, to be imprisoned for three months with hard labour.

ASSAULT.

John Stafford was sentenced to three months' imprisonment from date of committal for assaulting Henry Baxter, a waiter at Mr. Johnston's establishment at Newbridge.

BURGLARY.

Michael Byrne was indicted for breaking into the house of John Chiddell at the Curragh Camp on the 5th of March; there was a second count for stealing £10 in copper.

Constable Hoskins arrested the prisoner as a deserter when he made a declaration confessing that he had been guilty of burglary and robbery.

Witnesses were examined to prove that the house was broken into and the £10 worth of coppers taken.

The prisoner's declaration was given in evidence.

Mr. M'Cullagh, who prosecuted for the crown, said he would only seek for a finding on the second count.

The Jury having found accordingly, His Worship sentenced the prisoner to 3 year's penal servitude, at the same time remarking, that culprit had been twice under sentence before.

BILLS IGNORED.

The bills were ignored by the grand jury in the case of Lance Corporal John Fox, of the 14th Regiment, who was charged with assaulting Mary Anne Dowling, at the Curragh, on the 11th of March; and also stabbing her in the hand.

WANTON ASSAULT AT ATHY.—PENAL SERVITUDE.

Terence Donohue, of Athy, was indicted for assaulting John Darby, and inflicting bodily injury; there were three counts in the indictment varying the magnitude of the offence.

Mr. Lord defended the prisoner.

This case seemed to excite great interest, for the court was thronged to hear it.

John Darby, prosecutor, being sworn and examined by Mr. M'Cullagh, deposed to the following facts:—

About ten o'clock on Patrick's night last as he was standing at Mr. Behan's gate-way, Athy, in company with Mr. Behan and Wm. Dunne, the prisoner Terence Donohue passed up at the time, and as he returned back staggered or jostled against witness; told him to go out of that about his business. The prisoner then staggered a short distance and again returned and endeavoured to pick a quarrel; he also attempted to take hold of witness. Mr. Behan then put witness and Dunne for protection inside he gate and locked it. The prisoner thought to force in the gate; at the same time he swore he would watch witness and take his life. Mr. Behan took witness and Dunne into his house. In about three hours after they left the place, and were in the act of going to Mr. Miley's, when they were overtaken at Mr. Duncan's by the prisoner, who assaulted witness with a deadly weapon, knocked him down, and inflicted several wounds on his head and face which caused grievous bodily harm.

Cross-examined by Mr. Lord—He did not attempt to trip the woman who was with the prisoner, neither did he strike or attempt to strike him.

The witness was cross examined by the

prisoner who sought to show the prosecutor was the aggressor.

Mr. John Behan Shopkeeper of Athy, examined by Mr. White. He fully corroborated the evidence of the last witness. He proved that after he put Darby and Dunne inside the gate, Donohue endeavoured to force it open; when he could not get in he swore he would be hung for him. Got the prosecutor and Dunne into his house and kept them there for three hours. Saw him afterwards in the police barrack at the time he was all bloody. I never knew the prisoner before that day.

Cross-examined by Mr. Lord—Swears it was the prisoner's voice he heard out at the gate.

To the prisoner—Dunne might have struck you; Darby did not strike; neither did I desire him not to strike you.

To Court—There was a large split in the gate through which he saw the prisoner.

William Dunne of Ballyadams sworn and examined by Mr. M'Cullagh—He was with John Darby the prosecutor on the evening of the 17th of March. While standing at Mr. Behan's gate a man attempted to strike Darby, when he (witness) struck the man. On going home afterwards from Mr. Behan's a man armed with some weapon struck Darby four blows; the man had a white jacket on him, cried out "murder murder are you going to kill the man;" then struck at him—A stone was thrown at witness—Heard the cry of "police police"; then went away for fear he would be taken up as he was quite tipsey.

To a Juror—I made an offer at his head with a stick, when at Mr. Behan's gate.

To Mr. Lord—Saw two other people in the street.

Henry Marsh, private of the 3d Light Dragoons examined by Mr. White—He was going to the Barracks on the night of the assault; he saw Dunne and Darby walking in the street. He identified the prisoner as the person who struck Darby. The man had a weapon in his hand. It was a bright night. Saw Darby fall; then ran after the prisoner, and saw him go into a house. Did not see any one with him at the time. A man named Byrne desired witness to come out of that; the police then came up and immediately arrested the prisoner; went up to the police barrack and saw Darby bleeding from the head and face.

Cross-examined by Mr. Lord—It was past one in the morning; was sober; but could not tell how much he drank. Was punished for breaking out of barracks; was also punished before that for being absent. Never knew the prisoner before. The prisoner had a light jacket on him. Did not see any body else in the street at the time. Did not see any stone thrown.

Daniel Byrne examined by Mr. M'Cullagh. He remembered one o'clock on the morning of the 18th March. He saw Henry Marsh, the soldier, running after the prisoner up Tan-yard lane. Knew both the soldier and the prisoner before. Asked Marsh where he was going; he said he was hunting a scoundrel that was after killing a man: Found Darby lying bleeding from the street, met a boy named Carroll from Stradbally, and asked him who the wounded man was. He said he was Johnny Darby, the widow Darby's son from Gorra; saw Darby to the police barrack.

Cross-examined by Mr. Lord—Was sober, the soldier was also sober.

Dr. Kynsey examined by Mr. White—He deposed to having dressed the prosecutor's wounds. He had five large cuts in his head and six small ones; his face was much swollen; he was in a shocking state; would consider a man's life to be in danger from one-fourth the injuries inflicted on Darby.

Constable Kenny examined by Mr. M'Cullagh—He proved to the arrest; at the time the prisoner had a white coat on him.

The case for the prosecution having closed the following appeared for the defence.

Elizabeth Foster, the female with whom the prisoner had been walking, sworn and examined by Mr. Lord—She had been stopping on St. Patrick's Day at the prisoner's house. She was walking with him past Mr. Behan's, when Darby put out his foot to trip her; the prisoner then went back to speak to Darby about his conduct; Dunne was with Darby at the time; they were going to beat the prisoner when Mr. Behan put them inside the gate, and said "are the two of you going to kill one man."

To Mr. White—If at home she would be at Galway. She is in Athy since the troop came there. She is a married woman, and her husband was a servant in the barracks; heard Mr. Behan use the expression already referred to. She is no relative to the prisoner; his mother supplied the barracks with vegetables, that's the way she came to know him.

Darby was confronted with this witness. He swore he never tripped her.

The woman here in a most solemn manner swore Darby was perjuring himself.

Mr. Behan was also confronted with the witness. All she swore was false. Darby did not trip her; neither did he (Mr. Behan) say as she had sworn, "go in; are you two going to kill one man."

To Mr. Lord—Was in the witness's room with five or six others; God forbid that I was ever in the room alone with her (laughter).

His Worship would not allow this course of cross-examination to be continued.

Bridget Kennedy examined by Mr. Lord—Was out with last witness on Patrick's night and the prisoner, her son-in-law. She swore an alibi for the prisoner; a man very like her son-in-law came to the house and said Darby was 'bate.' The prisoner never wore a white jacket. Knew well who 'bate' Darby.

To Mr. M'Cullagh—She was up all night at her daughter's spending Patrick's Day, (laughter). What good would it do to tell who the young man was that 'bate' Darby; but could swear to it if she liked. She let her son-in-law be indicted for the offence, though she knew another man did it. He never had a white coat.

Constable Kenny re-called—The prisoner had a white coat on when arrested.

Richard Aldridge, of Athy, examined by Mr. Lord—He attempted on alibi.

Cross-examined by Mr. White—In former times when his blood was hot he could use a hatchet and his fist too; he suffered for what he did with the hatchet. He is no

great friend of the prisoner's; but he went bail for him.

Sally Aldridge, wife to the last witness, also attempted an alibi.

The case having closed, His Worship addressed the jury, commenting strongly on the evidence given by the witnesses for the defence.

The jury, after a brief deliberation, returned a verdict of guilty.

His Worship told the prisoner that the jury had very properly found him guilty of as grievous and as wanton an assault as he had ever heard of; he would not be discharging his duty if he did not mark the abhorrence entertained at the court for the offence by sentencing him to 3 years' penal servitude.

This closed the business for the Athy division of the county.

QUEEN'S COUNTY QUARTER SESSIONS.

James Gibson, Esq., chairman of the county, presided at Borris-in-Ossory, on Tuesday, for the disposal of the civil business for the Ballinakill division of the county.

There were 92 civil bill cases, one legacy case and eight ejectments, all of which were disposed of at an early hour on Wednesday.

The only civil bill of any general interest was that of

Dr. Powell v. J. H. Owen, Esq., Coroner.

This was an action brought by the plaintiff, who is a surgeon residing at Roscrea, for £2 2s, his fee for attending and making a post mortem examination on the body of the late Richard Ely, Esq., and for afterwards attending the inquest to give evidence.

Dr. Powell gave evidence of his attendance at Ballaghmore Castle, and of making the post mortem examination; and of also giving evidence at the inquest.

Mr. Owen deposed that he never called on plaintiff to make the post mortem examination; neither did he summon him to the inquest to give evidence; but as he had been in attendance, he took his evidence, and recorded it as a portion of the inquisition.

A decree was granted for £1 1s, the doctor's fee for attending the inquisition.

His Worship did not consider Dr. Powell entitled to a fee for the post mortem examination, as such was not performed at the request of the defendant. The Coroner lodged an appeal against his worship's decision.

Attorney for plaintiff, Mr. Roe; for defendant, Mr. Jacob.

CROWN COURT.—THURSDAY.

At nine o'clock, on Thursday, his Worship took his seat on the bench, when the commission was read by the Clerk of the Peace.

His Worship was assisted during the day by the following magistrates:—The Right Hon. J. W. FitzPatrick, Colonel Fisher, Captain Whelan, R.M., Captain R. White, J. R. Price, Robert Fitzgerald, Richard Senior, Henry White, John Lyster, John A. Kerwin, R.M., LL.D., and Samuel Hanna, R.M., Esqrs.

The following were sworn on the Grand Jury:—Messrs. V. D. Shortt (foreman), G. V. Steele, George Neile, Edward Flood, Tom Mara, Richard Atkinson, W. H. Harte, William Russell, Alexander Cornelius, A. W. Senior, Theophilus Roe, Thomas St. John, John Banks, T. Walshe, George Sothorn, W. Scott, John Percy, and Henry Roe.

His Worship's address was brief. He said there were only eight cases on the face of the calendar, which, under ordinary circumstances, would call for no observation but that of congratulation. However, when he found that of these cases there were three, which were for having possession of arms, contrary to the provisions of an act for the better prevention of crime and outrage, he was reminded of the fact that the division of Borris-in-Ossory was in a proclaimed district, and placed under the extraordinary surveillance of the government by having extra police stationed there, in order to prevent and repress the commission of outrage. He also felt that he would be deficient of feeling, if not in duty, if he were to allow this, the first sessions of the district, since the murder of Mr. Ely had been perpetrated, to pass over without alluding to the fact, and expressing the deep horror which such crime was calculated to excite in the minds of every rightly disposed person. He would not refer to the circumstances under which it was committed further than to say, that although the murderer had as yet escaped the pursuit of justice, he trusted that it would yet appear there was not in the hearts of any portion of the community any real sympathy towards such an offender. The man who lifted up his hand to take away the life of a fellow creature, in order to gratify any private revenge or resentment, was guilty of the most fearful crime. The life of man belonged to that Being who had breathed into his nostrils the breath of life, and who alone had the right to take it away. The crime of murder was not so much against the unfortunate victim as against the attribute and commandment of God, who had said, "Thou shalt do no murder." It might be that for some time the offender may escape justice, but he believed that by some of those mysterious paths by which Providence leads to the discovery of crime, that its hiding place would be yet made known, and the murderer yet dragged forth. When he looked up to the jury-box, and remembered that amongst those whom he then addressed, the late Mr. Ely had so often discharged the duties of a juror with the utmost attention and fidelity, that he had been so much beloved in the private relations of life; he (the learned chairman) felt that he could not have met the grand jury for the first time since Mr. Ely's murder without giving utterance to feelings, which he hoped were entertained by every member of the community, from the humblest to the most exalted—feelings of the deepest regard towards the memory of the deceased—and of the strongest detestation towards the crime which had been the cause of so much reproach and so much suffering to the district.

His Worship was heard with profound attention by a crowded court; and we believe there was not an individual present who did not fully participate in the sentiments of the learned chairman.

A petty jury having been sworn the following cases were disposed of:—

FORCIBLE POSSESSION.

John Milburne was indicted for taking

forcible possession of a house and certain premises at Cool the property of Daniel Carroll, a minor.

Mr. Jacob, Sessional solicitor, prosecuted. The prisoner was defended by Mr. Laffan and Mr. John S. Phelan.

From the evidence it appeared that Michael Carroll, the father of the minor, bought the land from the prisoner and gave him £5 for it. Having subsequently got into difficulty, and left the Queen's County, for Kilmallock, the prisoner induced the minor to leave the house, and then he forcibly ejected the other children, took possession, and sowed the land.

Edward O'Brien, a witness for the prosecution, deposed that Michael Carroll, the father, left the Queen's County for the purpose of shunning his creditors; he owed a good deal of money here and there.

Several witnesses were examined for the prosecution and defence.

The defence was that Michael Carroll gave the house and land "sod and twig," to Milburne, in consideration of 8s. 6d., a coat, and the forgiveness of a half year's rent.

The jury after a long deliberation handed in a verdict of "not guilty."

PETTY SESSIONS' DISTRICTS.

The chairman suggested that the magistrates would proceed with the appointments of Clerks for the Petty Sessions' Districts.

Mr. Caldbeck said that on that day he had received a communication from Colonel Lareon stating the election of clerks for petty sessions' districts comprising Maryboro' and Timahoe; Mountrath, Castletown; and Coleraine, should take place at the Quarter Sessions for the division of Maryboro' as the petty sessions courts were in different divisions of the county.

The election of a clerk for the Petty Sessions' District of Rathdowney, Borris-in-Ossory and Ballacolla was then proceeded with.

Mr. Baird, the late clerk for Rathdowney and Borris-in-Ossory, was then unanimously appointed.

Colonel Fisher was for recommending a salary of £150 a-year, on account of the great distance between Ballacolla and Borris-in-Ossory. Besides, there would be additional labor cast on the clerk on account of the abolition of the Seneschals' Courts, and the powers extended to the magistrates to try civil cases up to 40s; and this would also have the effect of creating a fund sufficient to meet the proposed salary.

Mr. H. White said he would be as anxious as any one to pay their clerk well; but he did not think there would be any use in recommending £150. A salary of £100 was then recommended.

UNREGISTERED ARMS.

Michael Whelan, of Rosderagh, pleaded guilty of having in his possession a bayonet on a pole, in the Barony of Clondanagh, which is proclaimed.

Mr. Laffan said the man was a herd at Ros, and the bayonet was for the protection of the sheep from dogs; the man was also ignorant of the district being proclaimed.

John Whelan pleaded guilty of having a pistol loaded with powder and shot.

John Tynan pleaded guilty of carrying a gun at Garrison, on 20th February. It was his master's gun he took out for the purpose of shooting staves.

Captain Whelan said the men made all the reparations in their power when they became aware of their having violated the law.

The arms were declared forfeited, and the accused were let out on giving their own recognizance to come in for sentence on getting ten days' notice.

RESCUE OF A HORSE.

Michael Moore and James Moore were indicted for rescuing a horse, which Patrick Moore had seized on in virtue of a Civil Bill Decree. The prisoners were acquitted.

RIOTING AT COLERAINE.

Thomas Bryan, William Brophy, Joseph Molloy, Patrick Molloy, and Patrick Delaney were indicted for rioting at Coleraine on last Patrick's night.

These parties were drinking at a public house. The row arose out of a dispute about the payment of the reckoning. William Brophy got the worst of the fighting. The whole riot did not last more than ten minutes.

John Dooley, a village quack, was called up for examination. He said all he did was to dress Wm Brophy's wound. He was called on professionally on the Sunday after Patrick's day, when he dressed Brophy's jaw. He had a compound fracture in the jaw. It was a serious wound.

Mr. Laffan—Do you know where the sub-maxillary artery lies?

The Quack—Come now, I will not go into this thing with you (laughter).

Mr. Laffan—What are you at all?

The Quack—I'm a handy man, and very useful after a scurrage (laughter).

Mr. Laffan addressed the Jury for the defence. The jury, after some deliberation, handed in a verdict of guilty against all the prisoners, with the exception of Brophy.

His Worship fined the prisoners in a penalty of £2 between them, or in default of payment to be imprisoned each for one month. The fine was paid.

Mr. J. S. Phelan also defended the prisoners.