

Historic court battle paved the way for free legal aid

By DEIRDRE McGRATH

A BLOW dealt for civil rights in Bruff Courthouse in 1829 was still being built upon today, said Judge Mary O'Halloran at the unveiling of a plaque marking the historic event when people were given the right to legal representation at Petty Sessions.

As a direct result of an incident at Bruff Court, the practice of local magistrates in forbidding such representation was abolished.

To secure legal representation at Petty Sessions was no mean achievement and it was being built upon today with the provision of free legal aid, she said.

"History can be made in smaller places. We tend to think of larger places like the GPO and the prime locations where our forefathers fought and obtained the freedom which we take for granted today," she said.

Speaking on behalf of the legal profession, State solicitor Aidan Judge said that magistrates of the 1800s were drawn from the moneyed and land owning gentry classes and often administered wrong justice.

"Now we have an independent judiciary at every level. Justice since the foundation of the State is administered in a just and compassionate way," said Mr Judge, who paid tribute to the Sean Wall Memorial Committee for organising such an event.

Supt Michael O'Keefe said the unveiling of the plaque was wonderful and that James Croke, the barrister in the centre of the controversy in 1829 would be very happy to see the crossing of

swords that goes on in courts today.

The stand he took on that day gave us the fair system we have today and formed the basis for the free legal aid system, he said.

On behalf of the Sean Wall Memorial Committee, Denis Barrett said Bruff gave the necessary leadership for others to follow.

"All those involved were from the locality, Griffen from Bruff; the toolkeeper McGrath from Dromin, and the magistrates O'Grady and Bevan from Bruff district," said Mr Barrett.

The historic issue arose when Charleville barrister James Croke stated at Bruff Petty Sessions that he was appearing on behalf of the plaintiff.

However, magistrates Darby O'Grady and Michael Bevan refused to allow him to act in this capacity.

When Mr Croke insisted that he was representing his client, he was put in the dock until the magistrates were satisfied that he appreciated the difference between a justice on the bench and a member of the Irish Bar Association.

Mr Croke, who was a brother of the parish priest of Charleville and an uncle to Archbishop Croke of Cashel, took his case to the Irish Bar.

The Irish Bar sent a memo to the Lord Chancellor of Ireland demanding the removal of Bevan and O'Grady for the insult, according to reports at the time.

The Lord Chancellor ordered the magistrates to rescind their rule against the presence of professional advocates which was illegal.

The plot thickened when O'Grady, who was brother to Standish, Chief Baron of the

Exchequer for Ireland, said that Croke's behaviour in court was impudent and threatening and he was drunk.

Croke then sued both O'Grady and Bevan for libel and the jury decided in favour of Croke and awarded him £500 damages and his costs.

Others present at the unveiling included the Cathaoirleach of Limerick County Council, Cllr John Clifford; assistant

manager of Limerick County Council Pat O'Connor; Canon James Costelloe, PP, Bruff; Fr Joe Foley, CC, Bruff; Cllr Jim Houlihan, Cllr Paddy McAuliffe and Sen Michael Brennan.

Members of the Sean Wall Memorial Committee who organised the ceremony were: Fr Jim Costelloe, Patrick Quilty, Denis Barrett, Michael J Noonan and Danny Moloney.



Canon James Costelloe presents a scroll to Judge Mary O'Halloran to mark the unveiling of a plaque at Bruff Courthouse to mark the historic court case that allowed people to be legally represented at court Petty Sessions, watched by Cllr John Clifford, Cathaoirleach, Limerick County Council (HI)

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