

O'Brien was proud of being called 'Peter the Packer'

IT is not generally known that one of the most notorious characters in the history of the legal profession in Ireland during the last century had close connections with Limerick city. I refer to Peter O'Brien, Lord O'Brien of Kilfenora.

This was a grandiose title that was submerged by an opprobrious one that stuck to him like glue to his last days "Peter the Packer". This unenviable sobriquet was earned from the time he was Crown Prosecutor, when he openly and unashamedly packed juries to get convictions, by hook or by crook, in all cases which he prosecuted. To avoid confusion with other members of the O'Brien family in this short article I will refer to my subject as the "Packer".

He tells us in his autobiography that it was in the Land League days that the sobriquet, "Peter the Packer", was latched on to him and that he had a certain pride in it, and declared that his critics had got it wrong, as his real title should have been "The Unpacker", claiming that it was impossible to get "Conscientious convictions" from juries empannelled in the ordinary way, as

ous than in other houses. No 8, which had been derelict for many years, has just been reconstructed. In passing I might mention that it was in this house that the Redemptorist Fathers first established themselves in Limerick in November 1853.

In 1839 the O'Briens made their final move in January of that year the following notice appeared in the Limerick Chronicle: "The house, No 8, Bank Place, with the office (at the corner of Rutland Street) annexed thereto, as already occupied by Peter O'Brien, Esq., who is about to remove his establishment to another part of the city. These concerns offer extensive vaultage, and are admirably adapted for any kind of business. A lease forever can be given. Application to John O'Brien, Tontine Buildings, N.B. Extensive vaults in Quay Lane are to be set likewise."

On the following December another notice appeared in the Chronicle:

Removal:

"Peter O'Brien's wine establishment is removed this day from Bank Place to No.16, Thomas Street, (stamp office)."

The Peter O'Brien referred to here was an uncle of the Packer's. He died in 1853. His portrait in oils remained in the Thomas Street premises. It was found in recent times when a public house (The Olde Tom) was opened



enabled to build his beautiful house at Ballinalacken in 1847, on land which was in possession of the O'Briens for five hundred

ed. The saline laden Atlantic winds have kept them stunted in girth, and looking like ten year old saplings after their 140

houses around the country, Ballinalacken always dragged him back. He kept a hunter and a pack of harrers. These he boarded out among the tenantry, who were ever ready to cower to the great man, feeding and caring for the animals, gratis.

Until the weight of years ground him to a near standstill he spent his leisure hours hunting hares in the rugged countryside around

Ballinalacken. He usually teamed up with a few locals on these occasions. It is said that on one occasion when a hare was cornered the Packer was heard to say "It would take a Clare jury to save you now."

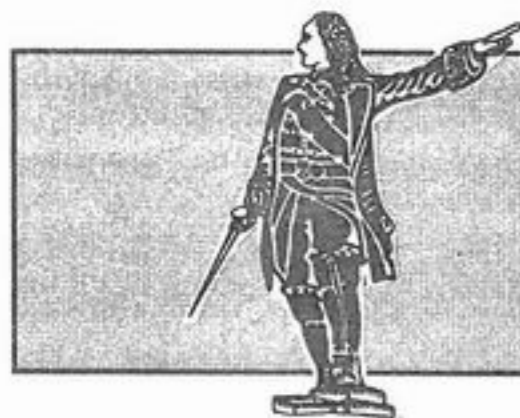
The Packer's reliance on his ability to twist the law in his favour was illustrated when a farmer from the Kilfenora area sued him for damages resulting from the destruction of several of his sheep which, he alleged, had been devoured by the Packer's hounds. The defendant boldly claimed that he was not the owner of the dogs as defined by the statute, as he neither housed nor fed them. He won his case, but he always hated to be reminded of it, and there were many indications afterwards that his conscience (or whatever served for one) bothered him over taking such a mean advan-

to show off her new frock to the servants, and while standing close to the great open fire the voluminous skirt of the dress caught fire and the poor girl was burnt to death.

Elmvale is a little off the main road midway between Corofin and Kilfenora.

During his time as Crown Prosecutor and judge he was hated and feared by the Nationalists. This could hardly be otherwise; how could a Unionist Crown Prosecutor be popular in nineteenth century Ireland? Despite the feelings of the common people towards him the Packer was imbued with the rather strange notion that he had more friends than enemies among them, so much so that he stood for Clare in the Liberal interest in the election of 1879. He was almost whitewashed in a near landslide by O'Gorman Mahon, and found it hard to get over the humiliation of the debacle, especially since he believed in the loyalty of the people of his native Co. Clare. With this salutary result of his testing the temper of the people he had the good sense to put the idea of a seat in Parliament out of his head for good.

In 1881 he was appointed Junior Crown Prosecutor for Green Street, and in 1883 he was appointed in a



My Limerick



A weekly series by KEVIN HANNAN

intimidation of jurors was rife. Certainly there was intimidation of jurors, but not the kind implied by the Packer, or a type of abuse that would warrant his flouting the course of justice by ensuring convictions before cases were even heard. While he was Crown ruthless determination to secure convictions irrespective of the guilt or innocence of the accused.

The Packer was a familiar figure in the courts in Limerick for many years; he certainly was no stranger to the city where his family had made their fortune in the wine trade.

The O'Briens - a branch of the Royal House of Thomand that kept the Faith - opened their wine store in Quay Lane (now Bridge Street) in 1760. Excavations in this street in 1936 revealed the barrel vaulting of the cellars of their old premises extending almost to the other side of the street. About 1770 the wine business moved to No's 8 and 9 bank place, houses which had just been built. No 9, now the Sarsfield-Bar, may have been built to order, as the vaults attached to it were more commodi-

there. The proprietor in the 1980's Mr John Murphy, kindly presented the portrait to the city museum.

The first proprietor of the wine business was John O'Brien known as "John Of Limerick". He was grandfather of Peter The Packer. The Packer's father, James O'Brien, succeeded to the ownership, he was M.P. for Limerick from 1847 to 1851. The Packer also had a grand-uncle, who was known as "John of Limerick", who died in 1792. A great grand-aunt, Catherine, was a nun in a Limerick Convent, and a sister was a nun in Laurel Hill (Mother Aloysius). It is said that one of his brothers was a trappist monk in Rome. His brother, James, was elected M.P. for Limerick in 1854, and retired in 1858 to become a Justice of the Queen's Bench.

In the eighteenth and nineteenth centuries the wine business was one of the most lucrative of all trades, and the families engaged in it became very wealthy.

No doubt it was from the profits of the wine business that the Packer's father was

years. This property had been confiscated under the Cromwellian Act of Settlement, but being Catholics, was restored to them in 1689 by James II.

The Packer was only five years old when he moved into Ballinalacken. At the time his father suffered from a stomach complaint, the treatment of which needed, on his doctor's orders, a plentiful supply of goat's milk. To this end he bought himself a herd of goats, but at the same time he was a lover of trees, and planted several hundred beeches. As if the hostile environment was not enough to discourage the development of the saplings, the goat's partiality for beech bark ensured their destruction. O'Brien was determined to have both the goats and the trees, so he secured the assistance of two farmers in nearby Ballinohown who agreed to keep the goats fence in (I often wondered how they managed to do it).

Like all virtuous people who plant trees, John O'Brien never saw the fruits of his labours, indeed if he were to see them today he would be disappoint-

years.

The goats done much better. Their descendants are still roaming the slopes of Slieve Elva, and enjoying the lush grasses in the crevices of the limestone pavements. In severe winter conditions the herd can be seen browsing along the short between Ballinalacken and Fanore where the vegetation usually escapes the severe frost.

The late Dan O'Callaghan, owner of Ballinalacken after the O'Brien's, was an intelligent gentleman, well versed in the lore of the house and its owners. He told me some years ago that any Clareman, or woman, who lived north of a line drawn between Ballinalacken and the Shannon, had every chance of been acquitted of any crime while the Packer was a power in the administration of the law. Anyone living south of the line had to trust in God.

From early boyhood the Packer had a passion for hunting, and roamed the countryside around Ballinalacken whenever he could. Even when he had to leave the place for school and college and stuffy cour-

tage of a Clareman south of Ballinalacken, one whom he would have saved from the gallows in another situation!

After only eight years in Ballinalacken, a place he dearly loved, the Packer's father died suddenly at the Shelbourne Hotel. Shortly afterwards the packer entered Trinity.

Elmvale:

The Packer was one of a family of ten, and was born in Carnally House, near Clarecastle, in June 1842. The family had removed to here from their beautiful home near Corofin, Elmvale, for a few years before they moved to Ballinalacken.

It has been suggested by many commentators down the years that one of the principal reasons for the family vacating Elmvale, which the O'Briens had occupied for many generations, was the gloom that shrouded the place since one of the O'Brien girls met a tragic death there many years before. Local tradition tells of the beautiful elder daughter of the family going into the kitchen before setting off for a ball,

senior capacity. Four years later he was appointed Solicitor general for Ireland, and in 1889, Chief Justice of Ireland. His final honour came in 1900 when he was raised to the peerage as Lord O'Brien of Kilfenora.

The most glaring case of miscarriage of justice - judicial murder - in which the Packer was the chief character, occurred in 1882, when five innocent men were convicted of murder, one going to the gallows and the other four to penal servitude for life. This was the famous Maamtrasna massacre in which five members of a family were brutally murdered in the small hours of the morning, while they slept in their lonely cottage in one of the last outposts of civilised life in the West of Ireland. Ten men were subsequently arrested for the crime; they were Patrick Joyce, Patrick Joyce (John), Thomas Joyce (Pat), Michael Casey, Thomas Casey, Patrick Casey, John Casey, Martin Joyce, Myles Joyce and Anthony Philbin.

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These were arranged on an indictment charging them with the murder of the family.

Philbin and Thomas Casey turned Queen's evidence and became informers: the other eight were sentenced to death; five were afterwards reprieved and sentenced to life imprisonment, four of whom were completely innocent, but three, John Joyce, Patrick Casey and Myles Joyce were hanged in the yard of Galway goal by the English hangman, James Marwood. Myles Joyce was also completely innocent.

Except for the brutality of the massacre this case would hardly be worth recalling only for the fiendish and inhuman parts played by the prosecutor, Peter the Packer, and the Crown solicitor, George Bolton. When the informers could find no place in the murders for Myles Joyce, whom they declared to be innocent, and not present on the dread occasion, Bolton, during a private interview, threatened Casey with the hangman's noose if he refused to incriminate Myles Joyce. Casey saved his neck, and Myles Joyce died on the scaffold protesting his innocence to the last.

Both Bolton and the Packer were working together for convictions in

all cases, and it is inconceivable to think that the Packer was unaware of the methods used by Bolton to convict Myles Joyce, and send the other innocents to imprisonment for life. History has him rightly branded in sharing in the murder of an innocent man, and depriving four others of their liberty for the greater part of their lives. As if to justify, in part, his prime involvement in the judicial murder of Myles Joyce the Packer writes, in his autobiography: "Myles Joyce had a singularly unpleasant countenance."

This case created quite a stir, not alone in Ireland, but in the House of Commons, where the "Maamtrasna debate" went on for a long time.

The Francie Hynes Case:

In dealing with the subject of this article I must refer briefly to the case of Francie Hynes, though I will be devoting a separate piece to it another issue, and will only deal with an aspect which has a bearing on the present article. I merely wish to point out another probable case of judicial murder by the Packer. Francis Hynes, a strapping young man, from near Ennis was convicted of murdering a farm hand named John Doloughy. The damning evidence connecting him with the crime was a pure fabrication. A constable who

arrived on the scene some time after the murder swore that the dying man uttered the word "Francie". In his autobiography the Packer states that the dying man said "It was Francie Hynes who did it". Medical evidence, which was kept well away from the court, disclosed that Doloughy's horrific injuries - a shotgun blast in the head at close range - were such that he was definitely incapable of uttering an intelligible word.

The Packer lived for a time in Castletown House, and also at Newlands House, near Clondalkin, once the home of the ill-fated Lord Kilwarden who was dragged from his carriage and murdered by a gang of rampaging followers of Emmett in 1803.

Though Peter the Packer was hated and held up to odium by the common people of Ireland he had many friends and admirers in the circles in which he moved.

He lived a full and happy life and never appeared to be bothered by the ignominious portent of the name by which he was known in life - and in death. He died in 1914 and was buried in Dean's Grange, where his remains were spared the fate of those of his kinsman, Murrough of the Burnings.

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