

COUNTY CRIMINAL COURT, THURSDAY.

(Continued from First Page.)

TRIAL OF THE POLICE—RIOT AT CROOM.

William Hynes and James Vaughan were indicted for the wilful murder of John Murphy, by giving him a mortal wound by shooting at him with a gun. They were also charged with the murder of Thomas Hallinan, and the prisoner Vaughan was indicted for the murder of Bridget Barden, all on the 5th of May last, at the fair of Croom, in this County. There were also counts in the indictment charging them with aiding and assisting one William M'Mahon, another policeman, in the homicides above-named. After numerous challenges at both sides the following gentlemen were sworn of the Jury:—

Gerald Blennerhassett, Thomas P. Evans, James D'Arcy Evans, Gerald Blennerhassett, jun. Robert Holmes Ievers, Alexander Odell, Thomas B. Odell, Robert Fetherstone, Thomas Rose, Samuel D. Power, William Gabbett, and James Cox, Esqrs.

Counsellor Gibson stated the case for the crown in the absence of Mr. Woulfe who could not attend, he being engaged in the other court. The learned gentleman detailed the case for the prosecution lucidly and calmly, as it was afterwards stated in the evidence. He should not make a single observation on the case, but leave the jury to their own inferences from the evidence. The police were undoubtedly entitled to protection, but they would not strain their oaths to afford them that protection. If they considered that they were excited, though they would not find them guilty of murder, they would convict them of manslaughter. If they considered they acted in cold blood, they should, however painful it might be, have to convict them of murder; and if they considered them justified, they would have the very agreeable duty to perform of acquitting the prisoners.

Dr. O'Flaherty sworn--Remembers the fair of Croom; recollects a riot having occurred that day at Shea's public house; saw the police subsequent to the riot, and saw them go in the direction of the riot; the police came in a direction different to that in which the police barrack lay; saw the police take into custody a man engaged in the riot, and they took him to the police barrack.

Cross-examined by Mr. Jackson, K.C.—It is remarkable the May fair of Croom for riots and homicides, and his professional advice has often been called for in consequence of these riots; has heard that the police have been very roughly handled at times at this fair; there was not any rioting in the town that day except the riot he had just spoken of; heard the shouting in the direction the police had to take going to their barrack; it continued a considerable time, for about an hour; the town clock of Croom was covered over that evening to protect it from probable damage; there are in the neighbourhood of Croom the 'Three year olds,' the 'Four year olds,' the 'Blakes,' and the 'Tourines,' which last reside in the neighbourhood of Croom; heard of the deceased Thomas Hallinan being engaged in riots before:

Mr. J. O'Flaherty—saw Bridget Barden in Croom, on a bed; saw her wounded; it was on the side of her head.

John O'Flaherty—saw Bridget Barden on the 5th May, she was bleeding out of the forehead and lay on the floor.

Doctor Fitzgerald proved that the woman died of a gun-shot wound on the forehead; saw several of the police wounded that day, should say three or four; thinks they were inflicted with a stick or stone. These wounds made it dangerous to remove Hynes, the policeman to jail, for some days; observed the sashes of the barrack windows broken; saw one of the back windows of the barrack shattered; saw Hallinan and Murphy, they were dead; and died of gun-shot wounds.

Matthew Kiely—saw the two prisoners on the 5th May, following a man named Hallinan into Shea's lane, and when he entered the lane Hallinan turned round begging for mercy, and dropping on his knees, the prisoner, Hynes, shot him dead; Hynes when he fired the shot said, there's one out of the flock.

Cross-examined—The town was quiet when Hallinan was killed; but there was stones thrown before that; several persons ran into Shea's lane before Hynes and Vaughan ran after Hallinan into it; there were no stones thrown from Shea's lane before Hallinan was killed.

James Grady—saw the prisoner Hynes the evening of the fair: saw him run into Shea's lane, and saw him kneel and shoot a man who had run into the lane before Hynes; the deceased had his back turned towards Hynes when he was shot. The case for the prosecution closed here.

FOR THE DEFENCE.

John Danaher examined—Is a policeman; was brought to Croom on the 5th May; is stationed there since; heard the serjeant desiring the men to stay in barrack; but there were only two or three men present; ran down to where a crowd was near Shea's house, and saw Hynes and Vaughan; saw Vaughan cut and covered with blood; he was in the act of rising; heard Serjeant Rourke just then desire the men stand to their arms; went in and got his pouch and carbine; when he came to the door the window over the door was smashed in, and stones lay on the floor; Hynes and Vaughan had a prisoner at this time about 10 or 12 yards from the barrack; there were stones throwing at that time; there were a great number of country people where he saw Vaughan rising from the ground, and they were calling out that the policemen were killed; there were about 30 or 40 people there, but all were not rioting; there were people flinging stones from behind the opposite houses, and some were throwing stones from out the houses; there were stones throwing from the time the prisoners left the cross until they arrived at the barracks; the country people called out that if the prisoner in custody of Hynes and Vaughan was not released, they would tear down the barracks, and sacrifice all those in it; the barrack was then being attacked, front and rere; little else happened until Mr. Lyons came up, but when he was in front of the barrack one of the stones came over the neck of his horse; Mr. Lyons when he came up,

to the magisterial course pursued by Mr. Lyons. In doing so, he observed, that he (Mr. Lyons) acted not only imprudently, but inconsistently, in this affair. He orders the police to be kept within doors—he goes home to his dinner and, coming back, he finds a riot in existence. He is told of a prisoner being in custody—he orders this prisoner to be liberated—he is praised and shouted for by the mob—he complains to the sergeant, and to the Chief Constable—and to a neighbouring magistrate. He complains to the Sergeant why he suffered the policemen to fire; the Sergeant's reply was that he did all in his power to prevent them; but, Gentlemen, you will perceive, and it is a very essential point, that Mr. Lyons, who seems to take so great an interest in this prosecution, has not produced that Sergeant as a witness. Mr. Lyons was told of the riot and the cause of the firing, and still he seems to censure the conduct of men who were set upon, and whose lives might have been sacrificed if they had adhered to his directions. Gentlemen, if the power of protection were taken from the police, their functions would cease and their influence prove of no avail. Were they to stand by and suffer themselves to be stoned to death merely because it pleased the deputy Lieutenant that they should remain within doors, on a day he did not expect that a riot would occur? Mr. Lyons, in order to oppose the mob, directed Serjeant Rourke to liberate a prisoner; and you have heard the result, why that he had been cheered through the streets. But, Gentlemen, this cheer only tended to increase what, perhaps, Mr. Lyons only intended for the better, namely, that of renewing the attack on the police; for scarcely had the Deputy Lieutenant and his cheerers reached the bridge, when showers of stones were hurled at them, and the police, in self-dence fired three shots, from the effects of which two persons were killed. It has not been proved that the prisoners were the persons who fired at the beggarman, nor indeed has the charge against them with regard to the others been very satisfactorily established. He refuses to subscribe to a fund raised for the purpose of defraying the expenses of this prosecution, yet he admits he would do so were he not a witness in the case—he admits that he gave £4 to Mr. Ingram to pay lawyers—that, on his own shewing the prisoners are well-conducted men,—that they disobeyed orders merely because they did not suffer themselves to be beat to death, perhaps, with stones. He does not deny of you the warm interest he has taken in the prosecution. This is the most strange course he ever knew of a Deputy Lieutenant to pursue; Mr. Lyons that should be the protector and supporter of the established force of the law and the government to be the very person to prosecute them as he has done! You have been told by two very respectable witnesses, Doctors O'Flaherty and Fitzgerald, that a riot took place, that the Police had to interfere, that they were hooted by the mob, and that from what they had seen and heard no doubt but the prisoners were the first persons attacked. From the evidence it is clear that Vaughan had been assaulted and cut, and that he was not the first transgressor, you have it in evidence



# THE LIMERICK CHRONICLE.

SATURDAY, JULY 19.

County and City Assizes have terminated without a conviction, if we are to except one or two instances where a sentence of death was recorded, which uniformly terminates in transportation. The murder case of the late Wheeler was not tried.

General Court-Martial is ordered to assemble in this town on Monday next, 21st inst. for trial of prisoners—Lieut.-Colonel Clark, K. H. 7th Dragoon Guards, President. Captain and Subaltern, 7th Dragoon Guards; 1 Lieutenant, Royal Artillery; Major Kell and 2 Captains, 37th Regiment; 1 Captain and 2 Subalterns, 60th Rifles; one Adjutant-Officer, 3 Captains, and 4 Subalterns, 91st—Total, 24. Lieut.-Colonel, 7 Captains, 7 Subalterns.—Lieut.-Colonel, B. M. Acting Deputy Judge-Advocate. Colonel Sir H. Elphinstone, Bart. and C.B. is gazetted Colonel Commandant of the Royal Engineers, vice Pilkington, deceased; and First Lieutenant R. G. B. Wilson to be Second Lieutenant in the Royal Regiment of Artillery, vice Pemberton, promoted on half-pay; Second Lieut. D. Arcey to be First Lieutenant. Wilson.

On Saturday last the Staff of the South Mayo Militia were inspected at Westport, by Major Jackson, of the 85th Regt. Major Monias, of the 69th depot, reviewed the Staff of the Kerry Militia at Tralee barracks on Monday last.

Sergeant Major Davidson of the 69th depot was fined by the Bench of Magistrates at Petty Sessions, Tralee, for assaulting a man belonging to the town. It appeared that the cause given for the assault was, that complainant handed a soldier, who was one of a party returning from the late war of Ardfer, a drink of water in a can, which the Sergeant Major perceiving, snatched the can from the soldier and with it struck the complainant a blow on the face.

Colonel Campbell, a veteran officer of the 46th regiment, reviewed the staff of the Bucks militia on Saturday last. He found only one man, who had been more than forty years in the regiment, unfit for duty, owing to asthma, which had been produced by blowing the bassoon. All the others had learnt the newest and most expert manoeuvres, at which the reviewing officer expressed his gratification.

Captain Carrothers, late of the 28th Regiment, has left to join the Staff as Adjutant of the Antrim Militia, at Ranelagh, having been appointed thereto last month.

Monday evening as Captain Whitney of the 14th Foot, stationed at present in Athlone, was proceeding to Cloghan, for the purpose of joining his detachment, he was fired at by some assassin from behind a hedge in the village of Ballinacorney, but most fortunately without effect.

The King has conferred the dignity of Baronet upon Stephen Love Hammick, Esq. of Cavendish-square, London.

Two of the last gallant remnants of the Veteran Irish Legion in the service of France, died lately in that country.

Captain Joseph Perrott, a native of Kildare, Commandant of Pierre Chatel; and Colonel St. Leger, Chef de Battalion, son of a distinguished physician, native of Waterford.

James Roe, Esq. M.P., for Cashel, has arrived at Roesbro' from London.

A meeting took place on the 9th instant, on the Island of Wilhelmsburg, Hanover, between E. Johnson, Esq. of the Deanery, Chester-le-street, Durham, attended by Captain Atkinson, of the 7th Dragoon Guards, and Lieutenant T. Christmas, late of the 8th Hussars, attended by R. Mills, Esq. Mr. Christmas received his adversary's fire, which took effect, passing through both thighs, and then turned round and discharged his pistol in the air. We are happy to add that the ball did not lodge, and Mr. Christmas is not in danger.

The public will be glad to see by the following letter that the rebuilding of Thomond Bridge is now put beyond a doubt:—

“Office of Public Works, 10th July, 1834.

“MY LORD—I have the honor to inform your Lordship, that the Board have received the sanction of the Lords of his Majesty's Treasury to the Loan of £9000 to the Corporation of Limerick, for rebuilding Thomond Bridge; and I am directed to request that the Solicitor of the Corporation may be instructed to communicate with Mr. Stewart, the Board's Solicitor, who will be immediately directed to prepare the necessary Mortgage Deeds.

“I have the honor to be,

“Your Lordship's most obedient humble servant,

“HENRY R. PAINE.

“The Right Hon. Lord Viscount Gort,  
Loughcooter, Gort.”

the direction of the barracks; looked back and saw about three or four persons in the direct line between him and the barracks, and no more in that line but the crowd about him; heard a cry just then from a boy of “my sister is shot;” upon his oath there was no riot going on at the time of the firing of the last three shots; the police barrack was formerly a bridewell and particularly strong; twenty-three men might be starved out of the barrack, but could not be forced out by an armed mob.

Cross-examined by Mr. Freeman—Considered the prisoners good policemen; would not consider an inhuman man a good policeman; Croom has been frequently disturbed by riots; does not think these have increased or diminished for the last ten years; did not think that Bridget Barden's brother was engaged in the riots that day; had the man Hallinan punished for being engaged in these riots; has reason to believe that some of his labourers have been engaged in these riots for the last four years; did not cause any of these labourers to be punished for these riots, for he had no evidence against them; there was a subscription for this prosecution when the government refused to prosecute; he would have subscribed to the fund himself, but that he considered that as a witness he ought to be perfectly disengaged, otherwise he would think he was perfectly right in so subscribing; recommended Danaher to apply for subscriptions to any person whom he thought would subscribe, and considered he was right in doing so, as he was anxious the people should have justice; when he desired the police to remain in the barrack, he only intended the police would not interfere individually, but that they should act in a body under the orders of the police constable; heard that Vaughan had a prisoner in custody when he was attacked; heard the prisoner was not rioting, but had a dispute about the reckoning at some public house, and Vaughan had no right to be there; there was a prisoner discharged from the custody of the police that day; it was done by the orders of the witness, as there was no charge against him; did so to pacify the mob, and to induce them to leave the front of the barracks; wanted to prevent the possibility of further life being lost; desired the police at one time to fire over the heads of the people; that was to protect the police and himself from violence; was obliged to place himself in front of the window to prevent the police from firing on the people.

Re-examined—Saw Mr. Smith and Mr. Fitzpatrick take a very active part in the prosecution at the other side; does not think the stones thrown at the police barrack were sufficient to injure it.

Mr. Lyons having been further interrogated by Counsellor Freeman, avowed that nods and signs had passed in Court between him and Mr. Ingram, agent for the prosecution against the police, in challenging the jurors, and that he advanced him £4 towards the expenses of prosecuting this trial.

James Hallinan—Took up the deceased after he was shot; had deceased between himself and others; he was just breathing when he saw a policeman come from the barracks and fire after a man, but he did not know the policeman; saw Vaughan immediately after come to the barrack door, and fire towards the opposite side of the street from the barracks; immediately after he heard that the woman was shot; saw the woman at the door just before the shot was fired by Vaughan; after the cry of “the woman was dead,” heard another shot fired from the back of the barrack; there was no attack on the barrack then; the shot which he heard killed the woman was the second shot; there was no stones thrown at the barrack while he remained; threw no stones himself. Nothing material was elicited by the cross-examination of this witness.

Cornelius Murphy, examined by Mr. Barrington—Was in Mr. Raleigh's house in Croom, at the time of the riot; while there he saw a quarrel at Shea's house; saw a policeman hunt a man whom he endeavoured to stab in the back; shortly after he heard the shots; saw no stones thrown at that time but two or three; went out by the back door just then, and saw the old beggarman dead; saw Hallinan dead after that, and assisted the last witness to lift the body as they passed the barrack, and saw two policemen in the door; heard a shot, and on looking back saw a policeman draw himself in the door; another man just then came out to the door, and fired in the direction he was; ran into a house, and immediately heard the cry of the woman is dead; the prisoner Vaughan is the man who fired the second shot; when he ran in the lane he saw another policeman fire from the rear of the barrack.

Robert O'Brien—Knew the deceased Hallinan; saw him dead in Shea's lane that day; he corroborated the testimony of the two former witnesses except saying that he saw a stone flung over the houses opposite the police barracks just before Vaughan fired the shot.

those people in the act as if of throwing stones; considered the attack more to excite the police than on the barrack; knows Vaughan and Hynes; has always heard Hynes was of good character; never heard any thing of Vaughan.

Cross-examined by Mr. Gibson.—Heard about 3 shots fired in rapid succession; should think they were fired in front of the barrack, for he did not see the flashes.

Denis Hayes, a police constable, deposed, that on the 5th May he was called on by constable Rourke to go down the street, as he said the police were attacked; had only his side arms when he went out in consequence of this order; saw Hynes and Vaughan when he went out; Vaughan was dreadfully cut, and the country people were throwing stones in the direction of the police; saw a man take two large stones, and desired him to desist; he did not do so, and he had to take the stones from the man's hand; as they were taking the prisoner into the barracks, and he was the last man, he received two blows of stones just as he entered the barrack, one stone struck him in the leg, and hurt him very much; several stones were flung into the barrack; saw stones thrown into the barrack from the rear; considered it necessary for the police to use their arms to protect themselves; Mr. Lyons shortly after came up, and making a violent gesture with his hand, desired them liberate the prisoner immediately; the people then cheered Mr. Lyons, and some of them turned up the street; others remained, and threw stones worse than before; Mr. Lyons had been gone for about 5 minutes before the shots were fired; Mr. Lyons never asked what charge was against the prisoner.

Cross-examined by Mr. Barrington—Cannot form any opinion of who fired the shots which killed the deceased persons.

Can you form any opinion whether it was the police who, at all, fired the shots which killed the men?

After some hesitation the witness answered, he believed they were; saw Vaughan in bed after the prisoner was liberated; the riot was going on after he saw Vaughan in bed; believes there was no shot fired unless by the police; believes there did not one policeman leave the barrack after they entered with the prisoner; considers it the duty of the police to obey the orders of their officer.

Darby Baker—was in the police barrack on the 5th May; is not a policeman; saw Vaughan's head dressed that day; on his oath Vaughan was not the person who fired either of the latter shots; he was not in bed when Mr. Lyons went away; nor can he swear he was in bed when the doctor came to see him; never had the curiosity to look out to see if any person was killed.

The Rev. Edward Croker—Is a magistrate, and knew the the prisoners; does not think there are two better men in the establishment.

G. W. Bennett, Esq.—Knew Vaughan several years before he got into the police, and knew he was a very proper well conducted man.

Brudenell Plummer, Esq.—Knew the prisoner Hynes, to be a particularly quiet well behaved man.

William Smith, Esq.—Is inspector of the county police; the prisoners were remarkable for peaceable, and humane, and quiet behaviour.

Cross-examined—Thinks there are some of the police party knew who fired the shots; cannot, on his oath, form an opinion of whether any individual fired any identical shot; asked the police to tell him who fired the shots; but none of them did so.

It was half-past nine o'clock, p. m. when the learned judge commenced charging the jury. His Lordship said at that late hour he would not detain them by recapitulating the evidence at length. He was glad to perceive that many of the Jurors had taken very copious notes of the evidence. The case before them was indeed one of great difficulty and delicacy. There has been hard swearing on both sides; you have been told by Mr. Lyons, one of the Deputy Lieutenants of your County, a Magistrate and a Gentleman, of great influence he was sure, among the peasantry, that he had ordered an additional force of police to attend the fair of Croom, on the 5th of May; yet in giving this order, he tells you that he had no previous intelligence of a riot, only indeed that he apprehended there may be one. Mr. Lyons's conduct in ordering such a force, without any sufficient information or authority, may or may not be questioned; at best it was not prudent or discreet. In the early part of the day he tells you that he gave the Police Serjeant in command (Rourke,) orders to keep the men in their barracks. What his motive may be for such an order has not satisfactorily transpired; but 'tis clear that he must have had some notion of a riot, when he ordered his own town clock to be sheeted, lest it may be broken with stones by the rioters; and if he were not certain of riot, he need not resort to this precaution. His Lordship adverted in strong terms of animadversion

then they should find a verdict of manslaughter; but if they considered the provocation and danger were sufficient to justify them in resorting to extremities, then they should find a verdict of acquittal. The Jury then retired and in a very short time returned with a verdict of acquittal, and the prisoners were discharged.

This trial excited intense interest, and the Court was crowded to overflowing from an early hour in the morning till the event of the trial was known.

Messrs. Woulfe, K. C. Gibson and Barrington conducted the case on the part of the Crown, and Mr. Ingram arranged the evidence. The case for the defence was conducted by Mr. Jackson, K. C. and Mr. Freeman. Agent—Mr. Synan.

## COUNTY COURT—FRIDAY.

At half-past nine o'clock the Solicitor-General entered the Court. The long panel was called over, and a Jury sworn.

Mary Crowe and Eliza Smith, charged with stealing clothes from Mr. John Jones, of this City, pleaded guilty, and were sentenced to be transported for 7 years each.

Mary Rochford was indicted for stealing a cloak from John Shanahan, near Raghkeale. The property was subsequently found upon her and identified by the prosecutor's son.—Guilty; to be transported for 7 years. This unhappy woman fainted on learning the sentence of the Court, and the piteous cries of her daughter were most affecting.

Ellen Riedy was indicted for stealing wearing apparel from Ellen Setright, on the 26th of April last. The prisoner, a very old woman, was acquitted.

Judy Whealan, for stealing a gown from Anne English, was found guilty, and sentenced to 7 years transportation.

Daniel Touhy was indicted for sheep stealing. James Scully, from whom the sheep were stolen, proved that he lost six sheep on the 21st of March last; that he heard they were sold at a fair; that he learned that they were bought by Mr. Bouchier's steward, and that he proved property to them.—Mr. Bouchier's steward admitted to have bought the sheep from the prisoner at the fair of Kilmallock, and that they were given up when claimed.—Guilty: to be transported for life.

Michael Neill and Edmond Kenny, were indicted for a malicious assault on Michael Connell, on the 27th of April, at Droombogue.

Connell swore he was sitting at his fire-side when the prisoners went in and beat him; they had him brought out and on getting him among themselves they beat him severely with stones.—Guilty: to be confined for six months and hard labor.

Nicholas Knight, who had been indicted for being concerned in the late fatal tithe riot at Feehoona, pleaded guilty.

Mr. Rogers applied to the Court to say that the prisoner had originally pleaded not guilty, and that he now wished to withdraw that plea and put in his plea of guilty. In doing so, he (Mr. Rogers) had to inform his Lordship that the prisoner had paid up all his tithes, that the Rev. Mr. Locke himself would give a fair character of him, and that he expressed his sorrow and contrition for giving any obstruction to the collectors.

Court—I shall attend to your application, and when I read the information I will pay it due attention. To be imprisoned two months.

David Keefe, Patrick King, Michael Moore, Michael Hughes, and John Kenna, were indicted for riotously assembling and assaulting James Maguire, of Rathkeale, on the night of the 18th May last. Guilty of the assault—to be imprisoned for two months each, and hard labor.

James Dore was indicted for assaulting John Maguire (the last) prosecutor, and for intimidating him from giving evidence against the last named prisoners.

To be imprisoned for six months.

Patrick M' Mahon, Michal Nestor and Thomas M' Nemara, who pleaded guilty to a charge of riotous assembling, and obstructing a Tithe Proctor in the discharge of his duty at Ballynamona, were sentenced, M' Mahon to 3 months, and the others to two months imprisonment each and hard labor.

Baron Pennefather presided at the Record Court *Hounihan v. Bouchier*.—Mr. O'Brien opened the pleadings. This was an action of trespass, and assault. The pleadings contained three counts—the 1st was, for entering the plaintiff's close. The 2d for entering the plaintiff's close, and taking away the plaintiff's property, to wit, soil and stones. The 3d count was for an assault. The defendant pleaded leave and license to the two 1st.

Baron Pennefather—I hope he does not plead leave and license to the 3d. (much laughter.)

Mr. O'Brien stated that, to that he had put in a plea of not having done so.