

LIMERICK SUMMERS

THE COUNTY LIMERICK

(continued from front page)

Mr Fleming addressed the jury, holding that the Crown had the prisoner had committed the crime. According to the evidence, the injuries were the result of the evidence to be committed the crime? The motive on the part of the prisoner was to pay half the rent of the cottage, and besides that he had the money to do so. They had the nothing down to the very and they had him at the inquest of the innocent man, because was found dead in my house by me, and I will tell you what I did. When he was in the barrack he said it was that was his defence here to had the whole forces of the County Inspector to the last examined, overhauling the furniture, all the implements and furniture, save the bed and the they had the exhaustive inquest Inspector and Sergeant O'Brien would lead them to believe great tussle. It must have duration, and yet they had was not one scratch found on he was examined. If the death, could the prisoner possess a terrific struggle without injury drop of blood on his clothes show them that the prisoner remained there till next morning and part in the injuries death of this unhappy man. Mr Murphy replied for the theory of accident was complete and if they came to that conclusion other alternative but to bring the prisoner.

His Lordship summed up at remarking that the present criminal assizes which had understood, for some time, was one of the most important before a jury. The bottom of and in the other murder case unfortunate man that he was a criminal lunatic asylum under Her Majesty the Queen is known a jury of his countymen the act after a long of drink. Dealing with he said the theory or supported by the prisoner's this unfortunate Peter Cleary consequence of drink; but remember that what had been was this; that upon this night bed, perhaps, stupidly drunk remains of what was in the being in bed, lying under touching his head, he knocked them perhaps more than out of bed and while in a man down stairs and did himself find was the case for the prisoner. true case, then what was the in the whiskey bottle; the whiskey in by the prisoner the night left for consumption by the night. The case was on lawyers knew as evidence, and the Crown of the very strongest of evidence. If they came to the state of facts laid before that it was inconsistent with conclusion than the guilt of they were bound to convict him the other hand, that the facts might be consistent, with his bound, according to their oath, benefit of any doubt they might him. The judge proceeded to cold-blooded murder, and yet, out by the learned counsel for was no evidence whatever of a found anywhere on the prisoner's room. Blood was a over the kitchen and on near up to Peter's room, and yet if act it is suggested that blood spattered somewhere on him, argument is made that although these bloody articles found in the dunghill, it was not suggested the clothes belonged to the. If there was evidence to that been given, because the first who knew his duty would do whether the prisoner showed thing in the nature of a strand and the unfortunate man dead. Was it an case that any other man but engaged in this crime. On the part the judge directed attention

SUDDEN DEATH IN THE CITY.

THE INQUEST.

To-day Mr Ambrose Hall, J.P., and Mr John Guinane, J.P., in the absence of the City Coroner, held an inquiry in the City Courthouse into the circumstances of the death of an old man named Wm Scully, which took place on Sunday morning last after a short illness. The deceased was in the employment of a Mr McAuliffe, agent for some small house property in Limerick, and it was alleged that he had been assaulted about a week ago by a tenant named Elverton, who was under notice of eviction. The evidence given at the inquest showed that the deceased had frequently complained of internal pains, and having heard the medical evidence, the jury found that Scully died from natural causes. The man Elverton, for whose arrest a warrant had been obtained, surrendered to the John street police, and was detained on the charge of having caused the death of Scully, but after the verdict of the jury, he was brought before Mr Hall, J.P., and discharged.

The following were the jury—Messrs James Dillon, foreman; John Hickey, P Franklin, T Hannon, M Bourke, T Carroll, A Lee, P Kelly, J Quilligan, P Quilligan, P McInerney, and T Wheeler.

Head-Constable Fitzgerald conducted the inquiry, District Inspector Hetreed being also present. Mr W E Counihan, solicitor, represented James Elverton.

Head-Constable Fitzgerald, John street, deposed that on the evening of the 2nd inst the deceased came to him and made a complaint of having been assaulted.

Mr Counihan objected to the witness stating what the nature of the complaint was, as it was not legal evidence. Head-Constable Fitzgerald said he presumed the jury wanted to know the facts.

Mr Counihan objected to the witness going into particulars. Continuing, the Head-Constable said when the complaint was made he noticed that Scully (the deceased) had a swollen eye; on the 7th inst he visited the deceased in his house in Francis street, and found him in bed sick; the man repeated the complaint, and in consequence of his statement, and from information received, witness obtained a warrant for the arrest of James Elverton; witness again visited the sick man at 12.15 o'clock on the morning of the 8th; he was then very ill and made a statement which witness proposed to read.

Mr Counihan objected to the statement being read on the ground that it was not taken on oath before a proper authority. After some argument, Mr DeCourcy C.P.S., read the authority on dying depositions, and expressed the opinion that this statement being a dying declaration, made in presence of the Head-Constable, was legal evidence.

The magistrates allowed the statement to be given, Mr Counihan objecting. The Head-Constable proceeding said that on this occasion Scully said to him that he was dying, that he did not believe he would recover; witness asked him who struck him, and he said that James Elverton struck him and knocked him down against a stone in Palmerston on the 2nd of July, and that the injury he received was the cause of his illness; witness returned to the house in an hour, afterwards and found that the man was dead; a man named James Elverton surrendered to witness on the 8th inst.

In reply to Mr Counihan, witness said that the dying man made this statement in reply to questions put to him by witness. He had made inquiries as to injuries which the deceased man might have otherwise received, and as the result of these inquiries he learned that Scully had received injuries before this alleged assault.

Bridget Blackall, Palmerston, deposed that she knew the deceased; he came to her house on the 2nd July to look after the place; Mrs Elverton came into the house shortly after Scully left; she saw James Elverton sitting on a stone in the lane; witness denied that she heard Mrs Elverton say anything, or that she saw anything occurring.

Head-Constable Fitzgerald—Did you make a different statement to me. Mr Counihan objected. Witness said she had not made a different statement.

Mr Thomas McAuliffe deposed that deceased was employed by him; witness was agent for some houses in Palmerston. Witness had a tenant there named James Elverton, who was evicted three weeks ago.

Head Constable Fitzgerald—Did the deceased assist in the eviction? The witness qualified his statement, saying that there was no eviction, as Elverton left the house before the expiration of the notice. Continuing, witness said that up to three years ago deceased appeared to be a healthy man, but for the last two years he suffered from pains in his stomach. He heard deceased complaining on two occasions of these pains. He heard that on one occasion the man actually threw himself down and rolled on the ground owing to the pain he was suffering.

M Franklin, slater, residing in Peter's Cell, Mary street, deposed that he was employed by Mr McAuliffe, and had been working with the deceased for about two years. He frequently heard Scully complaining of pains. Deceased told him that the pains resulted from a fall from a load of hay, which he sustained some time ago, and that his stomach came in contact with the shaft of the car. The deceased complained of these pains on

FATAL CYCLING ACCIDENT NEAR CASTLECONNELL.

THE INQUEST.

Dr M E Clery, Hospital, Coroner for East Limerick, held an inquest this morning on the remains of Michael Daly, who met his death near Castleconnell on Sunday evening, when he was knocked down and crushed by a car as he was cycling to Limerick.

The circumstances of the sad occurrence are fully explained in the evidence. Miss McDonnell, of Kyleglass, who was cycling in that direction at the time, immediately gave her assistance to the unfortunate young man and for over two hours, until the doctors arrived, ministered to him with anxious care, applying restoratives, and with the assistance of some others did everything for him that the non-professional mind could suggest. Medical opinion, however, showed that the case of the poor fellow was hopeless, and that the nature of his injuries had placed him beyond human aid.

The following were sworn on the jury—James Nolan (foreman), Richard Leonard, John Butler, John Murphy, William Kerley, senior; Joseph Bright, John Slattery, Wm Kerley, junior; Cornelius Kerley, Michael Naughton, William Leonard and John Finucane.

The jury having viewed the body, evidence was given. The coroner asked if the man under arrest on the charge of causing Daly's death was in court, as he would hear his evidence if he wished. It was unfair to the jury not to have him present. The prisoner was not in court.

John Fitzgerald, farmer, Lisnagry, deposed in reply to District Inspector Hetreed—I was standing at Casey's Cross about 8.30 on Sunday afternoon. Willie Bohan, James Roe, and Michael Hynes were with me; I saw two javey cars coming from the Limerick direction; after passing us one car pulled out abreast of the other; they were driving fast, about seven miles an hour; the pace appeared to be as fast as the horses could step; the car had passed ten or fifteen yards when the rear driver got nearly abreast of the front car, with the intention of passing it out; I saw a cyclist, the deceased, about seven or eight yards in front of the horse; he was at his right side; the front wheel of the bicycle turned in front of the car next him; it was all the work of a minute; deceased was quite close to the horse when the wheel turned; I saw the man fall under the right wheel of the car; could not say whether he was knocked down by the car or fell himself; he was unconscious when we reached him; I identify the man I saw in the coffin as the cyclist.

In reply to Mr Doyle, solicitor, who appeared for the driver Keane, witness said if the cyclist turned towards the ditch he would have been saved. To the Coroner—Could not say that he could have passed between the car and the ditch, standing where the accident occurred I could see a cyclist forty yards away.

To Mr Doyle—Owing to a slight curve in the road it would be rather difficult to see a cyclist at his proper side, from where I was.

Willie Bohan, Lisnagry, deposed—I was standing with the last witness when the cars passed; I saw a cyclist coming from the direction of Castleconnell; he turned to his left to avoid a javey car coming against him; there was a second car in the act of passing the first, and this met the cyclist and passed over him; he was knocked down by the car; the bicycle was going over and hither; there is a fall in the road there, but not much; the horses were going fast, but I saw several cars going much faster.

Mary Keane, 3, Lower Gerald Griffin-street, deposed—I am mother of deceased, Michael Daly, whose body I have identified; he was twenty-eight years of age, and married; he was a carpenter.

James Roe (Castleconnell) deposed—When I saw the cyclist he was looking back at some cars coming behind him; he was then at his own side of the road; he turned first towards the hedge, and then towards the horse; deceased was going slow; saw him next on the road.

Dr Mulcahy, Hartstonge-street, Limerick, deposed—I saw deceased about 7 o'clock on Sunday evening; he was then alive, and died a quarter of an hour later; death was due to concussion of the brain and internal injuries.

The coroner asked if it was legal to take evidence against the man in custody. He could have been produced, but he was not. Several jurors said they did not think it necessary to hear Sergeant Smith.

Edward Upton, car driver, deposed—I was driving a car with a party to Castleconnell on Sunday evening; there was a car in front of me; I was at the left-hand side of the road; Keane (the accused) passed me and got in front of me; I was going at five or six miles an hour; Patrick Gavin drove the first car, and Stephen Keane, who had just passed me, drove the second.

The coroner said this evidence was contradictory of what other witnesses had sworn. Mr Hetreed, D.I., said it would be well to warn the witness that that was a judicial proceeding, and he was liable to be prosecuted for perjury. Witness said he was swearing what he saw. Continuing, he said—I saw the wheel of the bicycle wobbling as the deceased came towards Keane's car.

The coroner—It would be decenter if witness said he would not give evidence. Examination continued—Keane's car after passing me, was at his own side when the accident occurred; could not say whether the cyclist was

writer a sensation of dizziness in the head, although the peasant seemed to relish it highly. "If I do but get the cup o' tay," said he, "I'm content. It rises the heart in me when I'm poorly." Mr M'Donagh asked, "Do you drink much of it?" The reply was, "I be at it mornin', noon, and night. Oh, it's mighty refreshin';" and he smacked his lips after drinking the second cup.

We are requested by Mrs Shaw to state that she will not be at Home on Thursday next, owing to the Regatta.

Mr James H. Roche, of Upper William street, was on yesterday sworn in as a magistrate for the city of Limerick, before Mr John Guinane, J.P.

THE ASSIZES—The Assizes concluded last evening, and Mr Justice Gibson and Mr Justice Kenny left by this morning's train for Tralee, where the Commission opens to-morrow. Their lordships were accompanied to the terminus by Sir Thomas Clevee, City High Sheriff; Mr B Lucas, County Sub-Sheriff, and a constabulary guard of honour.

THE REGATTA.

Everything promises to provide an excellent days sport on Thursday next, and weather looks most promising, so that there is certain, in that event, to be a very large attendance of the public. So far as the programme is concerned, crews will compete from Dublin, Cork, and other centres, but the full extent of the entries will not be known till to-morrow evening. The Monster Drapery houses and Banks have consented to close early in the day, and the committee trust that other business establishments will follow suit, so as to give their employees an opportunity of enjoying the regatta. Entries for yawl and third-class gigs races must be sent to the committee with entrance fee of 5s on Wednesday night. The Band of the Yorkshire Regiment will perform in the grand stand.

DEATH OF MR. R. CLERY.

We regret to announce the unexpected death, after a few days' illness, of Mr Robert Clery, which took place at his residence, The Globe, Athlaca, on the 8th inst. It would appear that Mr Clery complained of a cold, which developed into pneumonia, with the sad result that he has passed away at the early age of 33 years, and deeply regretted by a very wide circle of friends. The deceased was a director of Cannock and Company, of which his father, the late Mr M. J. Clery, J.P., had been chairman for many years. Great sympathy is expressed with the deceased young gentleman's widow and family.

The remains were conveyed from his late residence to St. Michael's R. C. Church this morning, and were subsequently interred in the family vault at Mount St. Laurence Cemetery. The funeral was of very large proportions, the people from the whole county side attending, and very many citizens joined in the cortege. Business was suspended in Cannock and Co's while the procession was passing. Requiem Mass was celebrated at St Michael's, after which the remains were removed to the new cemetery. The clergy present were—Fathers O'Donnell, Cregan, Riordan and Lee, St Michael's; Fathers Griffin, O'Connor, Fitzgerald, and Murphy, St John's; Father D E Shanahan, P.P., St Mary's; Very Rev Father Shanahan, P.P., V.G., St Munin's; Very Rev Fr. Moloney, O.S.F.; Father Dundon, O.S.A.; Very Rev Father Maher, S.J.; Father Kelly, S.J.; Very Rev Father Bannon, O.P.; Father Duhig, O.P.; Father Fitzgerald, P.P., Mungret; Father F Carty, P.P., Dromin; Father S Frost, C.C.; Father J O'Donnell, C.C.; Father F Curtin, C.C. The chief mourners included—John F Clery, uncle; Patrick Clery, M J Clery, first cousins; Mark Clery, P D Clery, second cousins; Daniel O'Keefe, uncle-in-law; Wm Clery, John Clery, Bantard; Mark Clery, Gibbinstown House; Maurice F Clery, J Carroll, Killacolla; James Clery, Ballycullane; Dr Clery, Dr M J Clery, Dr P J Clery, Mr J J O'Connor, Managing Director Clery & Co, Dublin; Mr Stapleton, selr, Dublin; Mr David Marsh, Chairman Cannock and Co; Mr P R Phipps, Managing Director; Mr W Walsh, secretary, and the heads of departments.

THE MAYOR'S COAL DUES.

THE PROCEEDINGS AGAINST MR SUTTON.

In the Record Court yesterday, before Mr Justice Gibson, Mr C Doyle, B L, asked that in the case of the Corporation against Mr Sutton which was not listed, his lordship should affirm the decree of the County Court Judge. His lordship—I understand the case was appealed. Mr Doyle—Yes, but the Lord Chief Baron, before whom the appeal came, adjourned the case for twelve months, so that proceedings might be taken in the Superior Courts. His Lordship—Mr Sutton says he was not a party to adjourning the case, and considers it would be very imprudent on his part to risk the enormous expense of having the case tried elsewhere. It both parties consent I will hear the case. Mr Goodwin (Mr Sutton's representative),

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CHRONICLE

10, 1900

in China, so in its nature, tion from the om this, how- the campaign vents day by ic interest in ortion. True s of guerilla le harassing nothing, and n the British taking despe- diminishing s, seeing the d on them- rtly sick of te immediate work is at a send their e learn from her we may mood to en- and fruitless ds. Several surrendered, continue with rgely depen- more hope- of General now practi- anticipated ill be in a coisive blow while, some y have taken red heavily Roberts of at General rious day in large num- off with- several of ad sent in a e sent into from Lord : "As the threatening t round our on 5th inst rce Mahon, to the east effectively Mahon, who d men with s." Here, slight, in- ras effected rg; where tback on an ive in the rse will be rs. What nary en- some con- to discern.