

Breathed o'er thy heart that exquisite delight,
Alas! how changed that gay and youthful bloom
For pallid hues of sickening charcoal gloom.
O'er thy sunk cheek, in maddening ruin spread,
Eye scarce one short revolving week had fled!
As in the air with solemn grandeur swell
The trembling notes of thy deep sounding knell,
From all the frowning host of anguish rise,
In sorrow succession of responsive sigh;
Even mirth and folly their rude joys forego,
And yield unconscious to the general woe.
Adieu! adieu! poor Emma, clogged no more
By earthly bonds, thy soul to heaven shall soar!
There, while the pomp of sweet, seraphic strains
Proclaims thy welcome to those lofty plains,
Low bending here, our prayer, our hope shall be,
To live beloved, and die in peace like thee.
Limerick, August 1.

COUNTY LIMERICK ASSIZES.

[Press of articles last post caused the omission of the following trial.]

On Tuesday, John Egan and Denis Egan were indicted for the wilful murder of Benjamin Cooney, on the 25th September, 1818, at Newtown.

Cornelius Cooney sworn—Benjamin Cooney, the deceased, was witness's brother; recollects being at the house of David McCarthy, with his brother, in the village of Newtown; 'twas four years last Michaelmas; 'twas the fair-day of Newtown; knows John Gorman; he was there; 'twas early in the night; witness, his brother and Gorman, went in and sat down on a form; they did not take more than a half gallon of porter; they had just finished and were ready to go home when the door was pelted with stones outside and forced in; the prisoners came in with others; he identified them, and if he lived 1000 years he would know them after that; he never saw John Egan before, but did Denis; a party in the house turned out Egan's party; he nor his brother nor Gorman had nothing whatever to do with it; in 4 or 5 minutes they broke open the door again after being turned out; John and Denis Egan and Garrett Connell came up first and struck his brother with a ferruled stick on the head; his brother had his head uncovered, his hat in his hand; after receiving the blow he started and fell; witness in covering him was struck also; McCarthy was not in the house; his brother got out one stroke; witness put him into a feather bed and remained up with him all that night; took him next morning to a friend's house; he never left his bed and was nearly speechless throughout; he died in seven days after the blow.

Cross-examined for prisoner—This occurred so far back as 1818, before the disturbances took place; several Magistrates live in witness's neighbourhood; never saw the Egan's house; they live 3 or 4 miles from Newtown, he believes; was in goal since he came to Limerick and also in Charleville; witness would know Garrett Connell if he saw him, and hopes he will meet him; was at the fair of Kilmeehy two years ago; Major Maxwell was not there; never saw him there; does not know there were Magistrates there, or that they attend there; never saw a soldier at the fair; witness's party took nothing more than night and paid for it; he never took any thing which he did not pay; there were others in the house; John Egan sat by witness and gave him a pipe and was very friendly to him; this was before they were turned out; witness lives at Drewcourt; heard and knows "the boys" were stirring about him.

Re-examined—It was Major Maxwell introduced witness to the goal; 'twas to prosecute.

To the Court—McCarthy's house is not far from the fair field; does not know Egan's party had been drunk, or that they were fighting; they were angry for being turned out.

John Gorman sworn—Was at McCarthy's house in September, with the two Cooney's; it was evening; saw nothing happen till the people came in; they only asked for drink; did nothing until they returned, after being turned out; saw John Browne and Michael Connell turn them out; saw John and Denis Egan and Garrett Connell return; John Egan came towards Benjamin Cooney and struck him with a stick; when he was falling another attempted to strike him, but Egan's brother saved him; John Egan is the man or else he is mistaken; as far as opinion leads him he is the man; never saw him before; witness is sure he is the man; David Egan seized witness at the time; never knew him before.

Richard Fitzmaurice sworn—Witness a surgeon and lives at Charleville; recollects being called to attend Benjamin Cooney about four years ago, at Newtown; found his skull deeply fractured; the right side of his head was broken in; has no doubt but the wound caused his death; the part was beat in by some heavy instrument.

Cross-examined—Witness has got a diploma; took out one in the College of Surgeons London and Dublin; has a large drug shop in Charleville; witness is a regularly qualified surgeon, as regularly qualified to act in his profession as the Counselor examining him.

Michael Connell (for defence) sworn—Knows prisoners, Egan's; is no relative of theirs; recollects the night he was at McCarthy's; he was there for a long time that day and night; the party broke in; witness did not see Cooney struck; Denis Egan was not in the house; saw John Egan in the house; did not see Egan strike; the Egan's were to be seen publicly at fair and market and at their own house; saw the Egan's in Charleville after; witness lives in Charleville.

Cross-examined—Did not see Connell strike; there were no outrages committed in his parish; knew Garrett Connell and heard he left the country in four or five days after the murder. His Lordship charged the Jury, who returned

understand, for many years shepherd to Lord Donoughmore, at Knocklofty.—To be transported for seven years.

Richard Johnson was then put forward, charged with mucking and passing base coin—Guilty.—To be transported for seven years.

John Fogarty, for a burglary and robbery in the house of Winifred Meehan, at Carrass, on the 30th of March last, was convicted on the testimony of an accomplice, named Ryan.—To be hanged on the 6th of September.

John Burke, Edmond Burke, Patrick Keefe, and Laurence Kennedy, were then put to the bar, charged with the murder of Darby Murphy, at Durass in the month of May last. It appeared that the deceased lost his life in a scuffle which took place at a hurling on a Sunday. The prisoners were found guilty of manslaughter.—To be confined two months.

A case of much the same nature as the preceding next came on. It was that of Thomas McGrath, for the murder of William Dwyer, on the 14th of May last. It was proved that Dwyer received a blow of a stone from the prisoner (McGrath) in a fight on a road, which caused his death. The Jury returned a verdict of manslaughter.—To be confined twelve months.

James Darmody, of Clonmel, a carrier, was indicted for stealing 17 pieces of linen, the goods of Mr. Richard Peppard, of Limerick. It appeared on the trial that the prisoner was employed by a Mr. Cooney to deliver 17 pieces of linen to Mr. Bernard, of Cork, instead of which he pawned 12 pieces and sold the remaining five in Clonmel. He was found guilty and sentenced to seven years transportation.

Michael Mara for stealing a cow, the property of Mary Mara, his sister-in-law, was convicted, but recommended to mercy.—To be transported for seven years.

James Mahony, a pick pocket, for stealing £7 7s. 6d. from a poor man of the name of Callanan, at the fair of Windgap, on the 29th of May last, was next tried and found guilty.—To be confined for six months.

Jeffrey Keating was put to the bar, charged under Lord Ellenborough's Act, with cutting and maiming Denis McGrath, at Crohan, on the 22d of March. It was proved in evidence that frequent disputes took place between the Keatings and McGraths, relative to the right of cutting turf on a certain part of the mountains of Crohan; and on the day laid in the indictment McGrath had one of his eyes knocked out, and received a blow of a turf sledge in the face, which wounded him in a dreadful manner. The Jury, after some deliberation, acquitted Keating, from a feeling that the wounds were not inflicted with a premeditated intent.

Michael Moloney, for the abduction of Mary Crowe, acquitted for want of prosecution.

Michael Ryan and John Tierney, for assaulting the dwelling of one Ryan, and with attempting to compel him to quit his habitation, were also acquitted, there being no prosecution.

Edmond Quirk, William Quirk, James Donovan, James Morrissey, and Timothy Mober, were next tried for having, on the 27th of March last, fired at William Parofy, Esq., a Magistrate, in the discharge of his duty, with intent to murder him, with having assaulted Mr. Parofy, with having out and maintained a constable named Robinson—and with having unlawfully appeared in arms in the day time. The prisoners were convicted of an assault only, and sentenced to one month's imprisonment.

THURSDAY, JULY 31.

The only person left for trial to-day, was James Gleeson, who stood charged with the murder of Patrick Ryan, in Lower Ormond, upwards of twelve years ago. The evidence for the prosecution went to shew, that two parties, the Ryans and Gleesons, had been at a public-house regaling themselves, on a Patrick's Day, but in distinct parts of the house; that there had been no quarrel between them while there; that on deceased's way home, late at night, with his friends, he was overtaken by the prisoner and his party, between whom there was an old grudge—that while some of those at both sides were talking, rather in an angry tone, the prisoner rushed at deceased, and stabbed him three times with a bayonet—and that two others, who endeavoured to take him into custody, were severely wounded by him. It was clear that the unhappy man entertained a spirit of revenge for the prisoner's wife; and was fired to the sister of the prisoner's wife; and the Jury, therefore, after a patient investigation, found a verdict of Guilty; on which Judge Jebb, in an awful manner, passed on him sentence of death, which is to be carried into execution this day (Saturday), and his body handed over for dissection.

After the Crown Books had been ruled, and several prisoners had been discharged by proclamation, the Judge was occupied in fitting the Presentments.

The following persons received sentence on Thursday:—Garret Galvin, stealing shirts, to be confined twelve months. Patrick Galvin and Eliza Galvin, for the like offence; the former to be confined 3 months and the latter 6. Wm. Cooke, manslaughter, to be fined 13s. 4d.—John Halley, William Halley, William Halley (Edmond), manslaughter, to be confined 12 months. Denis Splane, stealing shop goods, to be confined 6 months and give bail. John Power, horse stealing, to be hanged—(no day appointed). Mat. Sullivan, stealing 2 shifts to be confined 6 months. Edmond Trawley, stealing six sheep, to be transported for seven years. James Morrissey and Patrick Kerby, stealing

on the 23d of August. Michael Dean, illegal distillation, to pay 40s. or be confined one month. William Costello, stealing clothes, to be confined 6 months. Timothy Lonergan, coinng tenpenny pieces, to be transported for 7 years. James Dobbin, stealing two Swine, to be imprisoned twelve months. Denis O'Brien, burglary with intent to kill, to be hanged on the 6th of September. James Doherty, indicted for murder; trial postponed. William Fitzgerald, indicted for the murder of Mr. Andrew Nowlan, Proctor, in the neighbourhood of Ballyporeen, had his trial postponed until next Assizes. Laurence Ryan, passing base tenpenny tokens, to be confined 6 months.

INTERESTING RECORD.

Patrick Carroll, Plaintiff; Richard Falkiner, Defendant.

Before the Lord Chief Justice and the following Jury:—John Dalton Kellett, Clement Sadler, John Max, Richard Read, John Prendergast, William Markham, Mathew Hamerton, Leonard Keating, George Buchanan, Francis O'Ryan, Robert M'Crath, and Chas. O'Keefe.

This was an action brought by Plaintiff against Defendant, who is a Magistrate of the County, for false imprisonment.

Mr. Scott stated the case to the Court.—The Plaintiff, he said, was a respectable shopkeeper, residing in the town of Birr, and Defendant is a Gentleman of rank, the presumptive heir to a landed property, and a Grand Juror of this County. There was no action more deserving public attention or support, for they would find the Defendant was guilty of a corrupt, because partial, discharge of his duty as a Magistrate—that that trust committed to him for the public good. It provided that a month's notice should be given to them that they may render, and if they act honestly, they are entitled to protection. He was instructed to state that the Defendant lent himself to one party in this agitated County—that he had taken upon himself to commit the Plaintiff to the custody of the Police, and without any information on oath, sent him to a prison, without any charge being preferred against, or any crime committed by him. The Defendant endeavoured to shelter himself under the provisions of the Insurrection Act; but he would tell the Jury that the greater these powers were—the more they infringed on the liberty of the subject, the more jealously should their execution be watched and guarded; and the Plaintiff stood as the representative of that middle class of society whose rights should be protected by a Jury. The Plaintiff, in the course of dealing, became possessed of the bill of Mr. Charles Walsh, who then resided at Walsh-Park, which he passed to a Mr. Madden; the bill was dishonoured, a bill was sent down to Plaintiff to have served on Mr. Walsh, who was then strongly protected from the intrusion of process-servers; the Plaintiff's brother having gone to Walsh-Park to serve the writ, was brutally assaulted, and his skull fractured; the copy and original were taken from him. Informations were lodged by him, and two warrants were taken under the name of the defendant; the defendant, the Plaintiff felt bound to take others, and bring them to justice; and having received information that two others were secreted at Walsh-Park, he went to Mr. Dexter, who desired him to take the three Police stationed at Carrigahoriz, and some friends, to effect the arrest; having gone to Walsh-Park, and on knocking at the door, they were admitted; Defendant was then in the house, and called on the Plaintiff to take of his hat, which he refused, and so irritated Defendant that he ordered the Police to take him into custody, and ordered him to be put outside the door in a most inhuman night; the constable required a commitment, which Defendant said he would make out, and returned shortly, declaring he would commit them all under the Insurrection Act, and gave the constable the following commitment:—

County of Tipperary. You are hereby directed to take the bodies of the following persons:—Patrick Carroll, of Birr; Wm. Meara and Michael Carroll, of Firmout; Thomas Hemsworth, armed with a pistol, as Constable Neal states, accompanied by a party of police, consisting of John M'Collagh and three Police, stationed at Carrigahoriz, came in a riotous and disorderly manner to the house of Mr. Walsh, of Walsh-Park, on Thursday, the twenty-eighth instant, and entered the house without any authority. (It being present, that these names, contained in the above Patrick Carroll, and Thomas Meara, Michael Carroll, and Thomas Hemsworth, to go, to stand their trial at the next Special Session, to be held at Nenagh, under the Insurrection Act.—Given under my hand this 29th day of November, 1822.

RICHARD FALKINER.

To John M'Collagh and Police.

[The reading of this committal excited considerable laughter in Court.]

Could the defendant be serious when he committed the plaintiff under the Insurrection Act, for being in the company of the Police? If Magistrates commit for contempt, they must state the period of confinement; but they cannot commit without an information on oath. The Policeman took his own party, in custody, to Carrigahoriz, a distance of 6 miles from Walsh-park, where he placed them in the guard-house, drenched with rain, and kept them for the night, which severely affected the plain-

Mr. Conolly, a distance of five miles to Mr. Towery; and thence to where he was confined in the house; (he said) to tea Magistrates—to teach their craft this Squire of high degree—t trample on the liberties of the concluded his speech by beseeging ample compensation to the injury he sustained.

Peter Carroll proved service the Sunday after 6th of Nov information. Evidence was supported the statement of Co Mr. Sergeant Lloyd address the part of the defendant. He had expected a warrant would, to give them some demanding admittance at Wt unseasonable hour of half-past winter's night, in a County vation Act was in force; but u produced, nor any evidence g the persons they pretended to were inhabitants at Walsh-par Sergeant then adverted to the just apprehension the inmates must naturally have entertained armed party of five or seven at the door of Mr. Walsh's re hour, more like (what they opinion) a banditti of ruffians, for the purpose they stated, to the section of the Insurrect in any Magistrate to arrest, and they were sent for trial to th Sessions, it would puzzle th to the satisfaction of that t occasion for their absence— Court, that many persons far been sent to the other side c laugh).—The Learned Serj would prove sufficient to the Jury to entitle his client to t appearance of those men was Mr. Falkiner in committing tioned the Jury against sa verdict, these actions again of which were yet to be tri as no man would be found to sion of the Peace.

Evidence having been goni Mr. Doherty spoke to e willingly forego the task, e Patrick Carroll's case notd further exertions on his part, mnt suffering from severe i duty to his client, compelled Lordship's attention, and ble Jury he was then addre cessary for him to say that e with the liberty of the subj e, and imprisonment, the c country were only known t their severity and their pu were not like our more favo customed to look to the lav nistered for our protection hoped was dawning on the e gislature to suspend, for th tuton, and abridge the lib When that sacrifice was m crifice it was for freemen to bounden duty of every ma tute, which was made for th to the country, should not l mental avowal of oppression. see the gravity with which t (Lloyd) read a section of t which he had been commi twelve months—but he m against listening to the doc Sergeant in this Court, whi would be the last to deliv or there was no man whose higher for the injuries of been concerned by accident steed of by design for t Learned Counsel, after weakness of the evidence g Defendant, then went on knowledge of the English busy of their natural righ that the full measure w would be awarded to his ask the Jury, were not t though oppressed and tra susceptible and alive to th any men must inherently tants of our more happy learned Gentlemen than ever eloquent and const ever eloquent to have hen which we regret our limit give in full, and sat dow applause from a most cro auditory.

The Chief Justice, hav of the committal given in nished him, summed up ability. He observ tion the Jury had to consi quantity of damages to be tiff, as it could not be su man that the Defendant i tiff or his associates were t Act, in their visit. therefore, unless the arr the Plaintiff took plac ing bona fide as a Magist entified to a verdict. T