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and refer it to Edward Litton, the Master in this matter, and to inquire and report the ages of the said minors respectively, and to state in what manner it is proposed that they should be maintained and educated and with whom they should reside ; and let the said Master inquire and report the nature and amount of any provision made, or to be made, for the nurture, maintenance, clothing, and education, of the said minors, and the funds applicable thereto.

Counsel for petitioner—Messrs. Lynch, Q.C., O'Hagan, Q.C.; and Morris.

Counsel for respondent, Jane Robinson (sunt of minors)—Messrs. Brereton, Q.C.; Lawson, Q.C.; and J. Norwood.

COURT OF EXCHEQUER—19TH Nov. 1858.

Thomas O'Gorman v. The Earl of Stradbroke.

Mr. Brereton, with Mr. Charles R. Barry, appeared to shew cause against a conditional order obtained by defendant, for a non-suit or for reduction of the amount of the verdict by £30. The jury had found for the plaintiff for £165, which included £30 loss sustained by the plaintiff, being obliged to sell seeds he had in store, at a reduced price when defendant took possession of his premises. The action was for trespass. Mr. Brereton argued at same length, and cited several authorities to shew that consequential damages might be recovered in this form of action, and need not be averred as special damages in the pleadings.

Mr. Lane, for defendant, appeared for the conditional order so far as the reduction of damages by £30, but abandoned the ground of general nonsuit. He submitted that the loss arising from the sale of the seeds did not necessarily flow from the possession being taken, and should have been special averred as damages.

The court did not call on plaintiff's counsel to reply, and the Chief Baron announced that the court was of opinion that the loss was so intimately connected with the wrongful dispossession, that it might form part of his damages in this action ; and that in his opinion the defendant was not at all taken by surprise with respect to it, and had ample notice of the case he had to meet at the trial. The verdict should therefore stand for the full, and the conditional order be discharged with costs.

The other members of the court concurred, including Baron Greene, who tried the case.

Counsel for plaintiffs—Messrs. Brereton, QC, and C. R. Barry. Attorney—Mr. Joseph Murphy.

Counsel for defendant—Messrs. Lane, QC ; Sullivan, QC, and Jellet. Attorney—Mr. Abraham Coates.

COURT OF QUEEN'S BENCH—FRIDAY, NOV. 19

Malcolmson v. O'Dea and Others.

This case came before the court on a bill of exceptions to the ruling of the Lord Chief Justice, at the trial of the case during the sittings after last Hilary Term. The action was brought for a trespass by the defendants, fishermen residing at Limerick, on what was alleged to be the several fishery of the plaintiff. The principal issue was, whether the *locus in quo* was in fact the several fishery of the plaintiff, on which the jury found in the affirmative. The defendants' counsel called upon the Chief Justice to direct the jury that which the court declined to do. It was now contended on the part of the defendant that, though the documents given in evidence—grants and patents from the time of King John to a recent period—followed by possession, would be evidence of a title in the Crown to the *locus in quo*, yet there was no sufficient evidence of that possession, and consequently that though those documents, accompanied by possession, would be evidence of a title to a certain weir on the river Shannon, they could not be taken as giving title to the reach of the river, as claimed by the plaintiff.

The Chief Justice observed with reference to a suggestion which fell from a member of the court, namely to overrule the exceptions *pro forma*, in order to discuss them elsewhere, that as the constitution of the Exchequer Chamber was altered and judges of the court from whence the writ of error was issued could not be present, they ought to have the exceptions now fully argued.

Mr. Fitzgibbon, Q.C., concurred in the propriety of this course, more especially as there was one exception, with reference to the reception of alleged illegal evidence not discussed at all in Gabbett v. Glancy.

Mr. C. Barry opened the exceptions on the part of the defendant, against whom the action had been brought for a disturbance of the plaintiff's right of fishing.

The arguments of counsel occupied the court until it rose.

Countess of Listowell v. Gibbings.

Judge Crampton delivered the decision of the court upon this case, which had been heard in the absence of the Lord Chief Justice. The plaintiff's counsel

FUNERAL OF LADY BARRINGTON.

On Monday night the remains of Lady Charlotte Barrington, the much lamented wife of Sir Matthew Barrington, Bart., arrived in this city by railway from Dublin, accompanied by her sons, William H. Barrington and Croker Barrington, Esqrs., (Sir Matthew being unable to leave Dublin owing to slight indisposition) with several relatives and friends. They were conveyed from the terminus to Barrington-street, and placed for the night in St. Michael's Church, to await the public funeral arranged to take place next morning. At an early hour yesterday morning the bells of St. Mary's Cathedral tolled mournful peals, and shutters were put up in the windows of the principal shops through which the procession was to pass. The attendance of the nobility, gentry, merchants, and citizens was exceedingly large, evidencing the respect in which the Barrington family is so deservedly held by all classes in this city. The funeral arrangements, which were creditably carried out by Mr. Kerr, undertaker of Dublin, were highly satisfactory, and being complete at nine o'clock, the coffin was transferred to the hearse, which was drawn by six black horses in sable trapping, surmounted with rich black plumes. The procession then moved on, preceded by a large body of tenantry from Glenstal, Murros, &c., wearing white scarfs and hat bands, followed by Rev. Messrs. Seymour and De Burgh. After the hearse came the mourning coaches, containing the following as chief mourners:—

Wm H. Barrington, Esq., Croker Barrington, Esq. (sons of deceased); Lieutenant Barrington, R.A., Edward Hartigan, Esq., W. H. Hartigan, Esq., Thomas Williams, Esq., Henry Barry, Esq., George Massey, Esq., Wm R. Lefanu, Esq., John Vanderkiste, Esq.

After the mourning coaches followed a long line of private equipages, occupied by their owners, including the Mayor, Lord Bishop of Limerick, the Earl of Dunraven, Lords Clarina, Massey, and Mounteagle; Sir Vere De Vere, Right Hon Wm Monsell, M.P., Sir Vere De Vere, M.P., James Spaight, Esq., M.P., Caleb Powell, Esq., County High Sheriff, Wm Howly, D.L., George Vandeleur, J.P., William Gabbett, Capt Scott, Alderman Watson, J.P., Col Vandeleur, J.P., Thomas Boyse, J.P., John W. Mahony, J.P., Henry Maunsell, J.P., the Deans of Limerick and Kilkenny, Rev. J. Delmege, John C. Delmege, J.P., Eyre Lloyd, J.P., J. N. Russell, R. Russell, J.P.; Capt Ball, M.R. Ryan, J.P., Robert O'Brien, Richard Phillips, J.P., John White, J.P., Robert Hunt, Rev. F. Kennedy, E.G. Bell, R.M., Pierce G. Barron, R.M., &c. Numerous private cars brought up the rear, which was closed by 200 tenantry on horseback. Arrived at the Cathedral the body was conveyed to the interior of the church, where service for the dead was read by Rev. Mr. Seymour, (Rector of Cahernarry) and Rev. Mr. De Burgh. The ceremony being performed the remains were then consigned to the family vault, and the grave closed over as kind, benevolent, and charitable lady, as ever adorned the domestic circle.

The deceased Lady Barrington never travelled in a railway carriage in her life, as erroneously stated by a contemporary.

Mr. John Ball continues to improve daily in London, and will shortly visit his numerous friends in this city.

The Earl of Courtown died on Saturday last at his residence in the county of Wexford. The late earl was born the 27th March, 1794, and was married the 4th July, 1822, to his cousin, Lady Charlotte Montague Scott, sister of the present Duke of Buccleuch, Earl Courtown, when Lord Stopford, represented for several years the county of Wexford in the Imperial Parliament. His Lordship succeeded his father, the third Earl, on the 15th June, 1835, and has since sat in the house of Peers as Baron Saltesford of the county palatine of Chester. He has left three sons, the eldest of whom, now Earl of Courtown was born 24th April, 1823.

The Hon. William George Howard, heir to the Earldom of Wicklow, has been relieved by the Insolvent Debtors Court of his debts, amounting to £170,000.

Lord Napier is re-called from his mission at Washington.

Major and Hon. Mrs. Armstrong MacDonnell, of New Hall, have arrived from the Continent.

Lieut General Sir Charles O'Donnell, is attending the Royal Agricultural Society's show in Dublin.

Dr. Henry Barth, the African traveller, is appointed a Companion of the Bath.

Mr and Mrs De Courcy O'Grady have arrived at 118, George's street, Limerick, from Galway. Mr De C. O'Grady has had some of the best shooting we have yet heard of this season, having killed with his own gun, in Mayo and Galway, since the 20th of August last 87 brace of grouse, 46 brace of partridge, 55 brace of snipe, 23 brace of hares, 154 brace of rabbits, and 114 brace of woodcock. We are happy to say such sport occurs well for the preservation of

No decision has been yet come to in the case of the bill of exceptions at suit of the Limerick Fishermen against Malcolmson.

SHIPPING INTEREST.—There is to be a general meeting of the Shipowners in London, on the 15th December, at which we hope the Irish ports will be represented. They complain that while ships of the United States, France, and other countries, can engage in our coasting, Colonial, and Inter-Colonial trade; ours are presented doing the same in their countries, that this has continued for 9 years. The increase of British ships with cargoes inwards, was only 18 per cent, while that of foreign was 100—and the total inwards and outwards in ballast and with cargoes, was 27 for British, and 100 for foreign. The increase in the tonnage of the United States being 75; France 60; and Great Britain and Ireland, only 29 in the same period. The British shipowners only want reciprocity, by having free trade carried out fairly—all to be placed on an equal footing—this is only just. Dr. Adam Smith, author of the Wealth of Nations, and father of free trade, considered that the navigation laws were exempt from the general rules, as the safety of the empire was above all other considerations. We should be glad to see a meeting of our shipowners and merchants, on this subject.

Mr. Seymour Fitzgerald is to succeed Lord Naas as Chief Secretary for Ireland. The latter proceeds to India in place of Lord Harris.

At the Police Office on Monday, before the Mayor, Ald. Watson, Messrs. Hartigan, Spaight, MP, Gavin, and Roche. Hynes Philips was charged by Mr. E. Synan, with drinking a noggin of whiskey in his shop, refusing to pay for it, and threatening to assault him. The prisoner was ordered to pay for the whiskey, and to be bound over to keep the peace. Thomas Ryan for drunkenness and assaulting Hartigan; one of the gael turnkeys, was sentenced to 1 months imprisonment. James Donovan was fined £1 for drunkenness, and riotously going about the street with a stone in his hand shouting, he would knock the brains out of the first watchman he met. Wm. Sturdon, a returned convict, was fined 5s. for rioting in the street. Bartholomew Carmody was remanded till petty sessions, to be admitted to bail, on a charge of receiving lead stolen from the shop of Mr. Duggan. James Kennealy T. Ryan, and J. Neile were charged by the police with posting up and carrying through the streets placards of a resolution adopted by the Guild of Tailors, which was libellous and calculated to promote a breach of the peace. Mr. Boushier who appeared for defendants pleaded their ignorance of the law, and stated that they would strike out any passages considered objectionable by the bench. After a long discussion the prisoners were discharged with a caution—the magistrates expressing their determination to put down all illegal combinations and illegal placards in the city.

At the City Police Court yesterday before the Mayor, Henry Watson and Thomas Boyse, Esqrs.—Daniel Conway and Cornelius Ahern were each fined for drunkenness. Mary Griffin was brought up by Constable Mercer, charged with an attempt to destroy her illegitimate child. It appearing that the father of the child had on payment of 1l. got a receipt from the woman releasing him from any further demand, the Magistrates recommended, as she was destitute, that she should go into the workhouse. J. Connelly was sentenced to ten weeks imprisonment for deserting in Canada from one of Mr. Sidley's ships, in which he was boatswain, and which was detained three days on account of his desertion. Joseph Reville was sent to gaol for a week for throwing stones at two soldiers of the 3rd Buffs. A lengthened investigation took place in reference to the alleged robbery of a watch from Mr. North in Cecil-street, but no evidence was adduced to fix suspicion on any one. The Magistrates in company with E. G. Bell, Esq., R.M., and W. H. Holland, Esq., J.P., then retired to the grand jury room to hold an investigation in reference to a sum of money amounting to 15l. found in the lodging house of a man named Dwyer, in the employment of the Limerick and Castleconnell Railway, and which he had advertised to recover the owner. The Magistrates, in recommending the man for his honesty, directed that the money should be handed over to Mr. Beauchamp, clerk of the Magistrates, until an owner be found. It was supposed that this was part of the money (£125) stolen from Mr. Lloyd, of Tower Hill. Sub-Inspectors Enright and M'Leod are most indefatigable in their exertions to trace out the stolen booty.

The Mayor, Thomas Boyse and Michael Gavin, Esqrs, presided at the Police court this day. There were eight prisoners for trial, six of them charged with drunkenness, who were fined in the usual penalties, and two for obstructing the streets were discharged with a caution.

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