

INVESTIGATION AT ASKEATON—THIS DAY.

FROM OUR SPECIAL REPORTER.

CHARGE AGAINST THE POLICE.

At the Petty Sessions held at Askeaton, this day, the following justices presided:—Carroll Naish, Esq. (chairman), Captain Bodkin, R.M., Roger Sheehy, William Sandes, and O'Dell Westroppe, Esqrs. The little court-house, which may with truth be called "the petty sessions court," was filled with a respectable auditory, anxious to hear the details of this important inquiry.

Mr. O'Donovan, solicitor, attended on the part of Mr. O'Grady, and stated the charge, which was—"that the police, without legal authority, entered his premises and made a search for arms, which search was illegal."

Mr. O'Donnell, solicitor, attended on behalf of the police.

Mr. O'Donovan stated the case, which arose out of armed men going through the neighbourhood and alarming the steward of the Messrs. Russell in the way that may be collected from the following evidence:—The first witness sworn was—

John Lee examined by Mr. O'Donovan—I am in the employment of Messrs. Russell; I recollect the 13th July, and at about 8 o'clock in the morning he was at Ballyhoman, getting a water course cleaned for the Messrs. Russell, and a party of 3 men came from the direction of Mr. O'Grady's land and passed by a house known as Downes' house, and came through Mr. Hewson's land; these men approached me and seeing the manner in which they were being, fearful to me, they were blackened, and they wore ragged and jagged clothes; they were disguised and they were armed; when they came within 80 yards of me I made off; I did not measure the ground; I will not swear it was 150 yards, but I will swear it was between 50 and 80 yards; I did not wait to be threatened; they made a demonstration to me personally because they passed all the different gangs of people that were employed, and bore down on me, and there and then I thought it high time to be off; they did not, as far as I know, fire.

Chairman—Why did you run away?

Witness—Seeing them bear down on me I thought it right to be off; I could not observe anything more than I have stated; I went for the police myself, and accompanied them to the place where these black boys made a set on me; I came to Mr. O'Grady's house; I was accompanied there by Head Constable Hanlon; I think Constable Cullinane was there and some other Constables whom I did not know; I went to Mr. O'Grady's steward's house, a house that goes by the name of Downes' house; they went into that house, which is called a lonesome house, as I believe it is often without a head; I can't tell whether or not they went up stairs, for I don't know there is up stairs in it; they lifted something in the house, of course, for I believe they went there to make a search; the owner of the house was not at home; I went to another house belonging to a man named Sheehan, and made a search there; that man is in the employment of Mr. O'Grady.

Mr. O'Donnell objected to going into an examination relative to what was done at Sheehan's house.

Mr. O'Donovan said that he would not press the examination.

Cross-examined by Mr. O'Donnell—This transaction took place in a bog about half a mile from Downes' house; Downes was quite close to me that morning; there was only one field between us; the armed men passed close to me; I did not hear him raise an alarm, nor did I see any one pursuing them; I had no quarrel with any one; I was engaged scouring water courses that send water to Messrs. Russell's mills; I discharged one man that morning; I made to the house of a man named William Shaughnessy and shut the door; Shaughnessy was outside making a rut of turf; they passed Shaughnessy by and came to the door; I observed something in their hand which attracted my attention; it was a double barrelled gun and well kept.

Mr. O'Donnell—Was it like a gentlemen's gun?

Witness—Yes.

Mr. O'Donovan—What is the object of this—Is there any difference in double barrelled guns?

Mr. O'Donnell—They are better kept than white-boy's guns.

Witness Proceeded—It took half-an-hour before I got out. These people went in the direction of Downes house, and that I have from reliable authority; I had a sort of difference with Downes; I am corn buyer for the Messrs. Russell, and bought corn from him which was not according to sample and I returned it.

To the Chairman—These men followed me to O'Shaughnessy's house; they passed Shaughnessy and came to his house and broke a pane of glass, and tipped the window with the gun, and I heard one of them say to Mrs. O'Shaughnessy that they did not come to injure her house; O'Shaughnessy saw these men and so did his family, but they said nothing to them; I have no regard for Downes' character, because he sold me corn that was not according to sample.

To Mr. O'Donovan—I shook hands with Downes, and said I had no charge against him, but I only did so through policy.

FATAL CASE OF DROWNING.

We have this evening to discharge a most painful duty in recording the melancholy death, by accidental drowning, of a respectable citizen and worthy public officer, who in his lifetime was much esteemed, namely, Mr. Samuel Brahan, (brother of the late Very Rev. John Brahan, for many years P.P. of St. Mary's Parish, in this city, and subsequently P.P. and V.G., Newcastle West, in this county) who was drowned between 8 and 9 o'clock on Saturday night last in the New Docks, almost immediately after he had left the Government office, where he had during the day performed his turn of duty, and received instructions for a renewal of it on the subsequent day. The deceased was an officer in the Customs' department of the public service, and had heretofore been employed in the local stores, but was lately ordered by his superior officer on dock duty. He had left the Government office on Saturday night under the circumstances stated, and the night being dark and no lamp being placed on the quay opposite the watchhouse belonging to the Customs, it is supposed that he missed his footing, and falling into the river lost his life. His body was found in about ten minutes, but life was extinct, and all the efforts used to restore animation proved ineffectual. INQUEST.

An inquest was held yesterday, at the late residence of the deceased, by John Gleeson, Esq., City Coroner, and the following jury:—Messrs. Jeremiah Naughten (for man), John Roche, Joseph M'Namara, Samuel Whitaker, John Russell, John Bourke, Henry Morrison, Hugh Geraghty, William Jackson, John Holohan.

The first witness examined was Mr. Francis O'Shaughnessy, who said—I reside in Limerick, and am an officer of Customs; I was on duty at the docks on Saturday evening last, about eight o'clock, with the deceased and Mr. Thomas Quin, both officers of Customs; it was my duty to remain in the docks until nine o'clock, and having received my instructions from the superintendent as to the duties to be performed, the other officers went away, the deceased, Mr. Quin, and I remaining; after we came out of the Government house, I heard a step behind me, and then the next thing I heard was a splash into the water; previously I heard some words pass between Mr. Quin and the deceased, which appeared to me as if the former was remonstrating with him for going so near the quay; on hearing the splash into the water, I called out, "hold on Sam, hold on by the quay," and Mr. Quin did the same; it then occurred to me that I could get a long pole at the dock gate, and I proceeded there accordingly, but on my way I met a man bringing it, and we both at once proceeded to the place where I heard the splash, and I let the pole into the river, but without effect; we then hailed a boat, which was coming up the river, and informed the people in it of the probable place at which the body might be, but it was not found; a light was then procured; the light was such as is used for landing goods from the vessels at night; one of the men in the boat then said he had a grappings, and threw it out, and immediately cried out, "we have him;" I then went into the boat with Mr. Waters, the deputy harbour master, and he and I got the body into the boat, and carried it from thence to the Government house, where we strip it, and rubbed it opposite the fire, and did everything possible to restore animation, and continued doing so until Dr. Thomas Geleton arrived, and pronounced the man to be perfectly dead; Mr. Quin ran for the doctor, and was scarcely any time away, and I was more than surprised at the quickness with which the doctor attended.

To a Juror—The deceased was in the water about five or six minutes before the light came, but I can't speak with certainty on that point, because I was so excited; but from the time I heard the splash until the light came, I should say it was about five or six minutes; but Mr. Quin had procured one in the intervening time from the government house, but it went out. There are lamps in the docks, but none about the place where this melancholy accident happened, and the night was very dark and foggy.

A Juror—These docks and quays are horribly lighted, and worse watched, notwithstanding all the lives that are lost on them and the remonstrances of the citizens. The authorities don't care.

Another Juror—They lay on taxes and make the people pay. Is it the Corporation that light the docks?

Mr. Naughten—No; I believe it is the Harbour Commissioners.

Mr. O'Shaughnessy (to the jury)—The deceased was doing duty at the docks for 16 days.

A Juror—That was not his place; I always thought the Customhouse stores was his place.

Mr. O'Shaughnessy—He was not accustomed to dock duty, and his place, so long as I knew him, was about the Customhouse stores; but he was sent down to the docks by the Collector to do duty at them; I should say that one of his legs slipped off the quay as he was walking by its edge; a very expert man might fall in there; I fell in there myself twice; the deceased was perfectly sober and steady, and without any liquor; the catastrophe was purely accidental, and caused by incaution and an extremely dark night.

Thomas James Gelston, Esq., M.D., examined—Mr. Quin called on me on Saturday evening, and requested my professional attendance upon a man who, he said, was drowned in the docks, and I lost no time in going down; I went at once, and was accompanied by my brother; on my arrival at the Government house I

saw him before the fire, and every proper care taken of him, but the poor man was perfectly dead.

Mr. Thomas Quin—I was present during the examination of Mr. O'Shaughnessy and Doctor Gelston, and what they stated is positively correct; I am an officer of customs; when I saw the deceased going towards the quay I exclaimed at the top of my voice against his going and the danger, and I exclaimed—"For God's sake, don't go that way," but the deceased went on, and in a minute or so, fell in; Mr. O'Shaughnessy and the deceased approached the gate, and I knew that the poor man was not able to get round the gate; I don't think that he would be able to get round it in the day light, and, therefore, I exclaimed against the danger, but I think I heard a voice replying that "all would be right."

Mr. O'Shaughnessy—If there had been a light there I would have jumped in after him. I did it before on three occasions.

Mr. Quin—It would take an active young man to get round the gate, and I don't think that I ever saw the dock gate shut before so early an evening. It is not for me to say what brought the deceased to the docks, but he must have been sent there by his superior officer. I am about 17 years in the Customs, and during that period I am not aware of the deceased being ever doing dock duty during that time. It is not usual for a man doing warehouse business to be sent on dock duty. There were men enough to do dock duty without sending the deceased there. It was the Collector sent him there.

Mr. Spotswood Corbett—I am examining officer in the service of the Customs, and knew the deceased, who had been 17 or 18 days discharging dock duty; it was not customary for him to be down there; I went down there on Saturday evening and collected all the officers together, and gave them their instructions for the next day, and told off the deceased and another officer as relief officers for Sunday; I found all the officers perfectly sober and correct; the deceased said he would attend, but when I next asked for him to my horror I was told that he was drowned. Under the new regulations (customs consolidation act) it is optional with the collector to send whom he pleases down to the docks to do duty, which is more laborious than the duty at the stores. The Collector said that he would send him down to the docks, but I can't tell what caused him to send the deceased down there; on Saturday there were only three ships in; I went down to the docks on Saturday night to pay a visit, and to see that the officers were there, and there I found them; the deceased was on duty at the docks for about a fortnight; in former times there were several classes of officers, and those in the warehouse department would not be liable to be sent to the docks as they were considered not to be acquainted with dock duty, but by the recent amalgamation of the different classes of officers it is discretionary with the Collector to send what officer he pleases to do dock duty. The outer gate of the docks should always be open for the convenience of the officers of Customs, and I am aware that if the deceased went out that way he would not be drowned. His duty was on the quay at the time, because the tide was coming in and it is possible that the deceased went in the direction, he did for the purpose of ascertaining if a vessel was coming up the river and thus he may have fallen in—part of his duty was to get an account of the sailings and arrivals. I have known a greater amount of duty to be done by a lesser number of officers than were on duty on Saturday evening, and if I had my way I would not have the poor man down there at all, for I know that he was not capable of discharging the duty which would eventually kill him, and I used to keep him away from it as much as I could.

This closed the evidence, and the Coroner charged the jury. He said that no blame could be attached to any one, as the evidence demonstrated that the melancholy catastrophe was simply the result of accident. Nothing could be more praiseworthy than the exertions made by the brother officers of the deceased to save his life. Mr. O'Shaughnessy, Mr. Quin, and Constable Stewart did all they possibly could to rescue him, and when their efforts failed, they exerted themselves to restore animation when they recovered the body, and Dr. Gelston confirmed the evidence in that respect by his testimony; and then there was the evidence of Mr. Corbet, who seemed to regret that the duty at the dock was at all imposed on the poor old gentleman, and who deposed that he was perfectly correct when he last saw him, probably a few minutes before the poor fellow was summoned into eternity.—On the whole, he did not see how the jury could come to any other conclusion but that the death was accidental.

The jury returned a verdict of "accidental death by drowning," adding to their finding—"We are of opinion it was reprehensible in the Collector to send a feeble old man on such duty as that assigned by him to the deceased."

The remains of the deceased were removed from the house for interment while the inquest was holding, amidst the heartrending lamentations of his family and immediate relations.

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