MER ASSIZES.

he Commission. ORRESPONDENT.]

. Ennis, Saturday. Assizes were opened here Cherry, who was accom-James Roche-Kelly, High

re sworn as follows by Mr. the Crown and Peace :namar, D.L., Ennistymon mas Crowe, D.L., Dromore; mhani, D.L., Mount Callan; Donnell, D.L., New Hall; Donnell, D.L., New Hall; taddert, D.L., Cullane; man, D.L., Kneck, Wm., Fort Fergus; Capt. Wm., P., Kiltanon; Wm. W.A. Carrigoran; Marcus W. Clifden; Marcus Keane, ark; Robert Gabbett Clifden; Robert Ric allyvalley: Richard R. zlewood, Captain Thomas P., Newgrove ; FitzJames tlea Park : James Butfer ile ; Charles Fitzgerald Blood,

as Studdert, Robert Lane-y; William Wilson Lynch, Gould Ellis, J.P., Ses-en Keane, Hermitage; and Scott, J.P., Strasburg. erry, addressing the Grand to were seven bills in all 20 go nsideration. One case was of only case, he was happy to say, been loss of life; one case was intent to murder; there were sult, one case of crueity to a sgleet, and one case of larceny. o the evidence in these cases, a charge against two men of other man in broad daylight, hat the sight of his eyes was Iship said if these seven cases tire crime of the county for the st Assizes, he would have good ulate them on the peaceful connty, but unfortunately, as he ew better than he did, that There was still in clare, as or many years, a considerable s committed for which no able to be made amenable, there was a tendency among) a greater degree than in other ry, to refuse to give information st to show them, from figures, is went, he would tell them that since the last Assizes there were iary fires in the county, and in se had the police been able to rator to justice. That number y a very large increase on the r offences in the corresponding r, which was only seven, so that imes the number of this very causing great alarm, and great operty, and great expense to the person rendered amenable to was very unfortunate. On the as happy to tell them that the an intimidatory character had instance, the number of cases ad been maimed or killed was tht in the previous year to two in ich had just closed; and the tening letters had decreased by a from 27 to 25. There was a the number of crimes specially 8 to 70. The County Inspector e condition was not better than me last year, but also he was able as, on the whole, no worse, which pling, but not very satisfactory. ening to a judge not to be able to evenent, as judges in most of the and been able to do during the last. he umpleasant facts-it was better whatever they were, and try to o respects there had been a distinct ne was glad to say. The first was er of cases of boycotting had been duced. There was no serious case n the county, the police told him. aber of what they called "minor city not of a serious nature, had been 10 in July, 1910, to 8 in July, 1911. espect, there was a distinct im-the matter of temperance. The

r drunkenness and reductions in some ne were a set off against the unfortuin the number of incendiary fires, so rhole, they stood very much as they sorry that he was not able to give a gascount of the county, but he

victions for drunkenness in the year

180, and in the year 1910 it was go reduction of 332. This reduction the reduction in intemperance and

Jury then retired. BEDADFORD SHOOTING CASE

ad given a true one.

Hennessy, K.C., who, with Mr. 1 finistructed by Mr. F. F. Cullinan, ntor, Claro, prosecuted in all the referred to the case in which two named Patrick Donnellan and Thomas e charged with shooting John Hypes added on March I, with

at the detendant. They were friends before this.

are you good friends now? His Lordship said that that was hardly a fair question after knocking out his eye. He would

hardly be friendly. Mr. O'Connor expressed his sorrow.

Michael Canny deposed, in reply to Mr. Linehan, thathe was on a oar home from Feakle with those parties. He heard McMahon order O'Brien out of the car. Michael McMahon was on the road behind. O'Brien got out and walked behind. He and McMahon were arguing, O'Brien wanted to get satisfaction for being put off the car; after some distance, at the cross he supposed, O'Brien wanted satisfaction. He saw 'debate," but he saw no blow struck. He saw Mollahon stagger and fall. O'Brien was at that time convenient to McMakon.

By Mr. O'Connor-It was backwards McMahon

Dr. M. O'Halloran deposed he remembered fell. McMahon coming to him on the night of April 24th. He found he had three wounds one on the top of the head and two on the outer angle of the left orbit. The eyelids were greatly swollen, so that he could not part them. He dressed the wounds, and he saw him again the following wounds, and he saw him again the following day, but could not separate the lids. (In the 26th he managed to separate the lids, and he saw that the eye was seriously injured, so he told him he would probably lose the eye, and that the had better to the blow. he had better go to Dublin. He went the follow-

ing morning.

By Mr. O'Connor—It was likely the wounds at
By Mr. O'Connor—It was likely the wounds by one the outer edge or the eye would be caused by one blow. He knew the defendant, who was a quiet, sober, industrious man.

To his Lordship—The prisoner is a small farmer's

Michael McNamara, in reply to Mr. Hennessy said he was on the car. He saw the defendant and McMahon drawing on one another, and he saw McMahon fall mimediately after. time there was no one else on the road.

Mr. O'Connor did not cross-examine.

Serg-ant Dennehy deposed to arresting the detendant, who admitted striking MoMahon at Maherabawn Cross.

Mr. O'Connor-Is not what he said, "I don't deny but I struck him "-Yes.

Fatcick McMahon, examined by Mr. O'Connor, said he was on the car at the cross on this evening, and there was a crowd there. He heard McMahon telling the prisoner to go home or he would blacken him.

What did he do then !- I saw him "drawing"

at O'Brien with a rod to strike him.

It was with a rod ?—It was, sir.

To Mr. O'Connor—It was an ashplant. He struck him on the shoulder.

His Lordship-Did O'Brien do nothing :- No.

To Mr. O'Connor-He struck O'Brien a second time, and struck him on the hand. "O'Brien then struck him one blow, and he fell.

Mr. O'Connor then addressed the jury for the defence, submitting that the blow was struck in self-defence. He pointed to the good character O'Brein had received. It was an unfortunate occurrence, and no one regretted it more than did the man in the dock.

The jury were unable to agree, and were discharged, and the accused allowed out in the same recognisances.

CHARGE OF ASSAULTING A CONSTABLE.

James O'Loghlen, a man of the farming class. was charged that he did at Gunirgiven, on March 24th, assault Constable John J. Hogan in the discharge of his duty.

Mr. Joseph O'Connor (instructed by Mr. J. B. Lynch), appeared for the defence.

Constable John J. Hogan deposed that he was stationed at Lahinch. He was in Ennistymen on the fair day, 24th ult., with Constable Cooper. He saw a couple of men coming down Churchstreet that day. They were kicking up a dis-turbance. One was the prisoner, and the other ge not to be able to turbance. One was the prisuner. The young man udges in most of the was his tather, who was drunk. The young man to do during the last was not so bad. They were jostling. Constable to do during the last compare you the old man into MacCathy publicprisoner put the old man into house. He heard a voice say "Do go in here." He came out again, and then they took him into custody. The prisoner then rushed and caught his father, saying he would be d— if he would let him go. Witness cautioned him not to

obstruct them. His Lordship-What did he do then Witness-He caught me by the collar of the tunic. I shoved him off and cautioned him not to obstruct us. O'Loghlen then gave me a blow of his elenched fist on the side of the head. I let go the old man and caught the prisoner, and we had a seuffle and both of us fell. He said he would give it to me, and he tripped me, and we fell. A postman named McDonough came to my assistance. I brought him about ten yards, when he again tripped me and we fell. I was trying to get up when he gave me a kick in the forehead over the right eye. That knocked me back again. When getting up again he gave me a kick over the ankle on the left leg. I recognised a man named O'Halloran say either "Don't kill the man" or "Den't kick the man." I got up, and my leg was bad. I scrembled on to O'Grady's

corner, where I blew my whistle. By Mr. O'Connor-He did not remember hear-

ing him say, "Let him go home with me."

Constable Cooper deposed that when they took the old man out on the street the prisoner rushed out and hit witness on the right cheek, and said, "I'm d— if I let him go." He then saw him strike Constable Hogan, and he pelieved broke his hold of the old man. Witness held the old man

FUNERAL OF MRS. DOWDALL, COOKE.

The funeral of this much-lamented lady took place on Friday, and was attended, as might be expected, by an exceedingly large concourse of sympathetic mourners. At half past one o'clock the coffin containing the remains, a said who easket of oak, ebony, and brass, was laid upon treatles on the gravel in front of Cappagh House Standing at its head, the Rector of the parish, Rev. Treasurer marcia, LL.D., in his robes, read the introductor portion of the burial service, after which, addressing the silent and bareheaded our course, he said :- The very sad, solom touching ceremony in which we are all taking part, seems to be one which may justify me in adding to the ordinary burial service a few words of private and personal reference to the particular circumstances of the case. We are consigning to their mother earth the mortal remains of a venerable, respected, and widely esteemed lady.
I have enjoyed and appreciated the privilege of her close personal friendship, and that of her father before her, both as clergyman and social acquaintance, for many years. Her virtues and excellent qualities of mind and heart need no proclamation over her coffin they are known, felt, and acknowledged far and near. God gave her a long life, and an exceptionally happy and casy departure. It was her heart's desire to spend her declining years in this cld ancestral residence, every stone of which she loved, and to lay her bones in the soil of the place so dear to her and her foreinthers, and her desire has been granted in every particular. Our beloved and revered departed was by no come exempted from the trials and troubles of life; but she was gifted with a peculiarly noble and invincible spirit, and in the strength of that spirit she fearlessly encountered obstacles and bravely surmounted difficulties to which many another woman would have helplossly yielded Mrs. Cooke was, emmently, a womanly woman and possessed in a peculiar degree the refinement, charm, and fascination of all that constitutes the character of a Christian lady. Not only so, but she was gifted with an intellect of singular lucidity, which, expanded by reading and high critical capacity, made her a person of very rare oritical capacity, made her a person of very rare acquirements. In polities, on social questions, religious subjects, whether loosl or general, her conversation was always most interesting and valuable. And I cannot help aliuding now that her hands have at length lost their conning, to her extraordinary skill and accomplishment in the art of mood-capacing. As I strong in ment in the art of wood-carving. As I stood in the hushed soil darkened house the other evening, and saw her peaceful, tranquil face with its silver crown of glory reposing on the bed of death, and surrounded on all sides by the elatorate trophies of her handiwork, I thought that the well-known inscription over another artist in another place would have been touchingly appropriate-"Reader, if you enquire for her monument, look around." And now, Brethren, let us lay her mortal remains to rest. Our united prayers and sympathy go forth to the bereaved members of her family, to whom she has left the imperishable legacy of a good example, and a memory that "So ells sweet, and blossoms in the dust."

At the conclusion of the address, the coffin was borne, by relays of willing hands, to the family vault in the neighbouring cemetery of Cappagh, where, after Canon Haydn had read the remaining portion of the service, the body was reverently consigned to the tumb.

The following is a necessarily imperfect list of those present Rev. Treasurer Haydn, LLD; Rev. S. J. Hackett, Askeaton; Rev. H. Orpen, Adare; Rev. M. White, Miss Cooke, Cappagh House (daughter); Mr. Peppard Cooke, London (son); Mrs. Peppard Cooke, Miss Harding, Captain Langford, J.P.; R. C. Langford, J.P.; J. J. Hewson, Hollywood; R. Hewson, Mrs. Manneell, Newborough; E. Hewson, Castle Hewson; Br. Magner, J.P., Rathkeele; Mr. John Ambrose, Mr. Messy, Stoneville; Gerald P. Griffin, Altavilla; Cost. A. Caulfield, Milltown; P. D. Sullivan, R. M.; Capt. A. Cauling, M. Mantenan; J. M. O'Grady.
Capt. White, D.L., Nantenan; J. M. O'Grady.
Rathkeale; Dr. Moloney, Ballingarry; R. Hunt,
Inchirourke; H. Hunt, Kilbeha; T. S. Deane,
Rathkeale; E. Westropp, Ballysteen; Mr.
Browning, Dr. J. Bouchier Hayes, J.P.; W.
Cosgreave, solicitor; J. Ficzgibbon, J.P.,
Askeaton; J. Norman, Rathkeale; Uriah Sparling, Dromard Miss Moylan, Sergeant Pattersor, C. Sparling, Gideon Baker, Curraheen ; the Misson Baker, Joseph Ruttle, A. Ryan, W. C. Ryan, Mingrane; R. Jerymn, Mr. Murray, Cappagh; John H. Shier, R. Connors, M. Cregan, Charles Iovers, P. Moleney, M. McCann, Lambert Micks, D. Culhane, P. Shechan, John Travers, P. Long, G. Allen, M. Keilly, R. Latchford, P. Murphy, P. and Mrs. Muleaire, Mr. Daly, D. O'Shangimomy, Rathkeale ; W. Ruttle, Miss O'Grady, Rathkeale ; N. Switzer, Constable Mooney, Mr. and Mrs. Shappard, P. Culhane, P. Quinn, M. Moloney, P. Noonan, J. Beckley, etc.

The following, among others, sent carriages: Miss Royse (Ballinvirick), Mr. Studdert (Arleman), Dr. Moloney, Capt. Cauleild, Capt. White, Mr. Wilkinson.

Wreaths and floral tributes were sent by :-Alice, Lily, Peppard and Nephew; Mr. and Mrs. Norris Goddard (Dublin); Miss Harding, Mr. and Mrs. Yates, W. and M. Sheppard, Misses Roe, Mrs. Manusell (Newborough), Annabel, Miss Humble, Mrs. Maesy and family, Miss Royse. Capt. and Mrs. Canlfeild, John M. O'Grady, Mr. Baker and family, E. L. de Butts (Glenealy), The Molacour. Dr. Moloney.

TIPPERARY QUARTER Sessions.

INTERESTING CREAMERY CASE.

At Tipperary Quarter Sessions before his

Honor County Court Judge Moore, K.C. The Tipperary Co-operative Creamery Scolety sought to recover £50 from Jehn Hanly for failure to supply all his milk except such as required for his own household purposes.

Mr. Seaty, B.L., instructed by Mr. O'Dwyer, for plaintiff company, and Mr. Kenny, B.L., instructed by Mr. Sargint, solicitor, for the

Mr. O'Dwyer, solicitor, said he wanted to have the question as regards the milk supply raised and

His Honor said that other points would remain

Defendant swore that he had 26 acres of land in April, 1908, and had 23 mileh cows on his land, but he never gave any milk to the Tipperary Go-operative Creamery; since then he had 22 cows, and he had been giving his milk to Mesers.

It was argued that under Rule 5a of the Society that the defendant was bound to sapply the Society with his milk explusively as aforesaid. It was also urged that by the rules the defendant should pay the Society one skilling per day per cow for such failure. At the last sections although defendant denied his signature, he was decreed for share calls. Defendant admitted signing the application for the shares, but he did not see the proviso, which, it was stated, was passed at a meeting of the Society at which the defendant was present. Defendant said he never got a copy of the rules although he applied for them, but got them after. He was not aware that he should supply all his milk to the creamony. and only knew that when he was processed. simply did what he did previously, to supply his milk to Messre Cleeve. The meetings which the defendant attended were held at Mr. P. L. Ryan's auction rooms, and also at the National Schools. He had been asked that day by one of the members of the Society to leave off sup-plying Cleeves and go back to the Co-operative

Society.
Mr. James Delaney, Secretary to the Society. proved that defendant was present at the meeting referred to, and at which Rule 5a was proposed and passed, and under Rule 67 it was irregular, as the latter rule laid down that all disputes between members and the executive of the society should be submitted to the LA.O.S.

Mr. Kenny also said that the rule was unreasonable, and if enforced rigidly would prevent the people of Tipperary, not to talk of the cities, from getting milk.

His Honor said that those people entered into agreements with their eyes open, and everyone was not compelled to become a member.

Mr. Kenny said that according to the rules a member had to keep on supplying the milk as long as he kept a cow. He could not get out of membership by expiration of time or transference of shares, which might not be practicable. On account of restraint the rule was unreasonable and against public policy.

Mr. Sealy, having argued to the contrary, said it was not unreasonable to keep the man from withdrawal as the farmers had to borrow thousands of pounds to put in the machinery, and a binding covenant was necessary or the company would go to the wall. As regards the transfer of shares, with the consent of the company, that was the rule of every company in the world. As regards special notice of the rules no statute had been put forward by his learned friend.

To his Honor-Mr. Sealy said of course he supplied Cleeves with the milk as he got a better price for his milk from Cleaves in order to make him keep out of the society (laughter).

Mr. Kenny-That is not in evidence. Mr. Seely-He never supplied us with any

His Henor-He continued to supply Mosers.

His Honor reserved judgment in this case, and others of a like character which were not called, and their hearing adjourned to next sessions. On Thursday, His Honor in delivering judg-

ment, said he went through the rules of the society, and to his mind they were nonemical and contradictory in every sense. He would first dispose of the question as to the right to sue. He held that that right was reserved to the company by Act of Parliament, and as regarded the arbitration clause, his reading of it was that it gave the company the right to sue the members, but it did not give the members the right to sue Persons besides members having a the company. Persons besides members having a dispute with the company had a right of arbitration. The shood point raised was that the rules were unreasonable for stringency, becase there was no provision from withdrawal from member-His Honor thought there was a provision for withdrawal, but it was a withdrawal for members and not for shareholders. His Honor quoted the rule providing for a transfer of shares with the consent of the committee and said it was a means for shareholders but not for members withdrawing. With regard to the argument against the rule on the grounds of unreasmableness and restraint of trade, his Honor did not think the argument applied. Tied houses were always legally upheid, although there was a certain amount of restraint of rade owing to their having to purchase from the one firm. He could not find out from the rules what membership con sisted of, and he could not ascertain what specife

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The Car of Es world to buy strongest mad

We are give trial ru Having

Telegrams-

