

To Mr. Coffey—I am a special sworn constable of the borough of Limerick, and a man whose character can't be attacked or impeached by any one; it can be certified from the bench that the gentlemen are now on what character I am; I can't say whether there were one or two hundred persons present at Thomond-gate that morning; here is the certificate of my being a special constable (handing in the certificate.)

The Coroner—Were there a hundred persons there altogether?

Witness—There were, including soldiers and all. Mr. Blackall—Were there two hundred?

Witness—There might be two hundred.

The depositions were then read to, and acknowledged by, the witness, and he was bound over in the usual form to prosecute at the next assizes at Ennis.

Jeremiah Tierney was next produced and examined by Mr. Coffey—I am a coach-driver; I recollect the morning of the 22nd July; I was engaged that morning; in consequence of direction I received I went to the Wellesley-bridge with a large car and four horses; I had nineteen soldiers of the 31st Regiment with me; at the Wellesley-bridge we were joined by more soldiers and people; we went by the Ennis road about two miles, when we met Mr. Keane; I don't know his Christian name, but he lives about Ennis; there was another gentleman with him on a car; Mr. Keane and Mr. Delmege had some conversation, and Mr. Delmege gave me orders to return back; Mr. Delmege was on a private car of his own, and he accompanied me back; we went to Thomond-gate; the nineteen soldiers of the 31st were with me on the car; the soldiers of no other regiment were with me; I stopped at Thomond-gate by Mr. Delmege's directions; the men then got off the car; the officer told them to fall in; after falling in they formed, and loaded, and fixed bayonets; the captain was the only person I heard give the orders; Mr. Delmege was at the captain's side; the guns were capped there; I next saw the soldiers go to a door and endeavor to break it in; they went to another door, where there was no violence used as far as I saw, but one or two blows of a gun to the door; the door was opened immediately; some people came out and got into empty cars; none of them got up on my car, as it was occupied by the same party of the military; I saw two officers there; they sat on the car with Mr. Delmege; I could not say how many cars there were exclusive of mine, but there might have been about twenty and a large omnibus; there were soldiers besides those on my car; there were forty-two in all when we started; there was no resistance made to the voters getting on the car; I did not see a blow struck; I did not see any stones thrown; there was no rioting or tumult; there were some boys and women there, but I could not see any rioting; there was not the slightest resistance offered to the military; they were not insulted in any way; the police-barracks are only about two porches from where we started; the police sergeant was standing near the place, and if there had been any noise or rioting he would have heard it; could not say if the police sergeant was there all the time; nothing occurred to occasion me fright or alarm; so far as interrupting them in their duty, I saw nothing to occasion the soldiers to load; immediately after the men got up on the cars we started; Mr. Delmege gave me the orders to start; I was told leaving the office to take his order; the remaining military party stopped in the Ennis road until we joined them; the same number of soldiers came with us all along; we continued our journey until we stopped at the end of this village near Mrs. Flannery's; the soldiers on my car had their guns capped; after starting out of Thomond-gate I spoke to the man who sat under me at my right hand.

Mr. Blackall objected, as Mr. Delmege was not within hearing at the time.

Mr. Coffey—There are many concerned in this matter besides Mr. Delmege.

Witness—I told the man to take off the cap as the whip might cause it to go off; the muzzle of the musket was at this time pointed towards me (laughter); the sergeant made him put down the hammer and turn out the musket; I heard a soldier make an observation during the journey.

To Mr. Graydon—It was not said to me; it was between themselves they were speaking.

Mr. Graydon objected to the reception in evidence of the observation used on the occasion.

Mr. Coffey contended for its legality. The question was not only how six persons came by their death, but whether there was *malice prepense* in the case; and this could only be arrived at in allowing in evidence observations made previously.

The coroner decided for the reception of the evidence.

Witness—I heard some one on the car say he wished them to get some provocation to discharge their pieces before they'd have to draw the charge—(great sensation)—this occurred between Mr. O'Brien's gate and the Cross of Cratloe; I don't know what part of the car this was said from; I did not go beyond Flannery's; the military got off the cars there, and put on their packs; I think the soldiers that got off my car went to the front; the other portions of the troops fell in to the rear and sides of the cars; I lost sight of them there; I saw no crowds or rioting there; I heard shots fired after that; something between five and ten minutes elapsed from the time they left me until I heard the shots fired; I had not the horses unharnessed when I heard them.

Cross-examined by Mr. Graydon—I am in the employment of Messrs. Talbot and Fogarty; I am in the same position for twenty-two years; there were about 30 or 40 persons present at Thomond-gate; the number did not swell afterwards; I can't swear if the soldiers took the caps off the guns before they left Thomond-gate; I can't swear if a single man had a cap on his musket leaving Thomond-gate; when I rejoined the party on the Ennis road we all went off together; my car was in front; I distinctly heard the words used about provocation to discharge their pieces; I am not sure whether the word was "provocation," or "cause," or "reason," but I make the same of them; I looked upon the observation as a joke at the time; when I spoke to the soldier about the muzzle of the musket being pointed to me, I am not sure whether the cap was on the nipple; I can swear that fifteen minutes did not elapse from the time the military got off my car until I heard the shots.

Cross-examined by Mr. Kenny—I did not hear Mr. Delmege give any orders; I heard him address the people and tell them to disperse quietly; I cannot say if Mr. Delmege asked the officer to get the charges drawn before leaving Thomond-gate; I know Canny, the last witness; I did not see him on the occasion; he could be there without my knowledge; if he were

standing near Mr. Delmege all the time I think I would have known him; at the time the officer gave the orders to load he was in front; Mr. Delmege was near him; Canny could not have been near them at the time or I would have seen him, but he might have been convenient.

Re-examined by Mr. Coffey—The crowds might have been within a perch of Mr. Delmege; Mr. Delmege had a pistol in his hand; Mr. Keane had one also.

The Rev. Dr. O'Connor, of St. Munchin's, Limerick, sworn and examined by Mr. Coffey—I am a Roman Catholic Clergyman; I recollect Thursday, 22nd July; I went to the Temperance Rooms; I happened to pass by about eight o'clock in the morning; the police barrack is opposite the house; before I went into the Temperance Room I remarked the sergeant outside cleaning his boots and another policeman brushing his jacket; I went up stairs; I saw some persons there who were pointed out to me as voters; the windows of the room commanded a view of the police barrack; they were not barricaded in any way; I believe they were open; the house is within hearing distance of the police barrack; I spoke to the people inside; if they seriously wished to go out there was nobody to prevent them; when I went there the door was open; I asked them what they were about to do; they said they did not know; I asked them about voting for the Liberal candidates; they said they were entirely at the mercy of the landlords; they had no leases, and could be turned out at a moment's notice.

Mr. Graydon—Surely, Mr. Coroner, we are not here to try the landlords. This has nothing whatever to do with the case.

Mr. Coffey—I beg your pardon, it has. A requisition was issued for the military, and I call upon you to produce it.

Mr. Graydon—We have no objection, I assure you, to produce it.

Lieutenant-Colonel Douglas handed in the requisition upon the understanding of having it returned to him.

Cross-examined by Mr. Graydon—I was asked to go to the Temperance Hall; they made no complaint to me of being kept there; the purpose for which I went to the hall was to know whether they'd vote for the Liberal candidate; I intended if I could, by persuasion, to get them to vote for the Liberal candidate; I know how they would vote if left to themselves; they would have voted for the Liberal candidate; the voters could have called upon the police if they needed protection.

Mr. Coffey here tendered as evidence the requisition for the military.

Some discussion arose as to the right of the parties to take a copy of the document.

No rule was made upon the question.

The witness was cross-examined by Mr. Walton—The distance between Sixmilebridge and Thomond-gate is about eight miles; I travelled it to-day; it took me about an hour and a half to come.

Lieutenant-Colonel Douglas sworn—Produces the requisition presented to him as follows:—

“TO COLONEL DOUGLAS, ADJUTANT-GENERAL OF HER MAJESTY'S FORCES IN LIMERICK.

“We, the undersigned magistrates of the polling district of Sixmilebridge, having reason to believe, from information already received, that a large body of freeholders coming from the Limerick side of the county are likely to be intercepted by a party organized for the purpose of preventing the coming to the poll, request you will be pleased to afford an escort of military for their protection on Thursday morning, the 22nd inst., as the force quartered here is barely sufficient to preserve order in the county of the town. Cars, if required, shall be provided for their conveyance. Given under our hands at Sixmilebridge, this 20th July, 1852.

“JOHN C. DELMEGE, J. P.  
“JOHN GABBETT, J. P.  
“JAMES BUTLER, J. P. and D. L.  
“JAMES CREAHER, J. P.  
“EYRE LEVERS, J. P.”

I am Assistant Adjutant-General of the Limerick district; I received this document from the general's aide-de-camp; I communicated with General Fleming, showing him the document, and I received instructions to act upon it; the document was then sent to Dublin to the military sec., where it was sent back to me again for the purpose of this inquiry; the document, I think, was first handed to me on the 21st; Mr. Delmege was with Captain Fleming when I first got it; I cannot say if I had any communication with Mr. Delmege on the subject of this requisition; I gave the order for the military on the occasion (a copy of the order produced); there was no report made to me on the subject, for it is not my department; but there was a report made, a copy of which I have.

Mr. Graydon—Well, if you put it in as your evidence we shall produce the report of the officer.

Cross-examined by Mr. Graydon—A military force under such circumstances must, at any cost, protect the parties they escort; the escort is looked upon as a safeguard; if officers or men permitted interference with parties committed to their care, I should feel it my duty to prefer charges against them, and they might be tried by court-martial, that is, if they allowed men under their safeguard to be injured; did they permit it, it would be a gross dereliction of duty; it is for a party commanding an escort to determine when it is necessary to resort to extremes; there is no fixed rule on the subject; if the people were interfered with, it is in the discretion of the commanding officers to determine; but if there were a magistrate present it would be the duty of the magistrate to give orders; in cases of emergency soldiers possess the right of any other subject of the Queen to defend themselves; overlooking instructions shows that in no case is a soldier deprived of his right as a citizen, and the first of these is self-defence.

Cross-examined by Mr. Blackall—If the magistrate gave orders to the men, I presume the men would not obey them whilst their officer was present; if Mr. Delmege gave orders to load it was obligatory on the officer to give the orders.

Re-examined by Mr. Coffey—Circumstances might arise in which the men might be justified in not waiting for the order of the officer; it is clearly the duty of the soldier not to allow his ranks to be broken; it is the duty of the officer to give orders to the soldiers what to do in the event of a threatened assault on the ranks, or in the apprehension of the ranks being broken; stones are of different sizes—one may be a pebble and another a paving stone; I should decidedly pick down the man who flung a paving-stone at me, while I should not the man who flung the pebble; I certainly would not fire indiscriminately; after an

assault made, and the crowd flying, I would not think a magistrate justified in firing on them; in all cases where practicable, or possible, soldiers should wait for the orders of the officer, and the officer should communicate with the magistrate; it is usual, under ordinary circumstances, to tell the men off by sections, and they fire by sections also; a soldier, after firing, would, under ordinary circumstances, commit a breach of military discipline if he re-loaded without orders. There were two sergeants with these forty-five men; it is the duty of the soldiers to take orders from the sergeants in the absence of commissioned officers.

To Mr. Blackall—It has been officially reported to Major-General Fleming that Mr. Delmege gave no orders to fire; I have conversed with the officers and some of the men, and they say they did not hear, nor do they believe Mr. Delmege gave any orders to fire.

To Mr. Graydon—It is a soldier's duty to resist to the last extremity being disarmed.

The examination of this witness having here concluded, the inquiry was adjourned to ten o'clock the following morning.

SECOND DAY—WEDNESDAY.

The proceedings were resumed this morning soon after eleven o'clock.

The same magistrates and law agents as on the first day were in attendance. The jury having answered to their names,

David John Wilson, Esq., of Belvoir, was first produced. Before entering upon his examination,

Mr. Coffey applied for the protection of the coroner for three witnesses, who had a reluctance to come forward in consequence of threats uttered against them by Mr. Delmege, sen. Mr. Delmege threatened to charge them with perjury.

Mr. Blackall and Mr. Kenny, on the part of Mr. Delmege, denied his having spoken at all to any of the witnesses, and challenged proof of the assertion.

The subject then dropped, and

Mr. Wilson was examined by Mr. Coffey—I was a magistrate of this county; I applied to be superseded about the 13th of March last, because I was about to do an act which I thought I ought not to do as a magistrate; I remember the 22nd of July last; I was in the town on that morning, about eight o'clock; this was one of the polling districts of the county; I took an interest in the late election; I observed the demeanor of the people that morning; I heard firing that day; previous to the firing I, considering it to be a contested election, never saw people conduct themselves more peaceably than they did; I have seen a great many contested elections; I recollect the contest in Clare in 1829; my observation extends from 1813 up to the present; I held the commission of the peace during several contests; I held it in 1847 and 1823; I was in the army for a short time; I was a commissioned officer for about four or five years; I did not observe with the people in the morning any sticks; there may have been, but I did not observe; previous to the firing I observed sticks; I did not think there was anything extraordinary in the demeanor of the crowd and the appearance of the sticks from my own observation; but from what I heard from a gentleman they did attract my attention; we were polling in the courthouse, and everything was going on quiet; Mr. Gabbett, a magistrate of the county, came in; I asked him how matters were going on outside; he said, "not very well; they're very much inclined to use their oak sticks;" I immediately left the bench and went out to the temporary police barrack; this occurred, I should say, about 12 o'clock; somewhere, as far as my recollection serves, about three quarters of an hour before the firing, I got a car drawn near the police barrack; I stepped up on it and addressed the people; I told them what I had heard from Mr. Gabbett—that they could not possibly do us a greater injury—that I looked upon the defeat of the Tory candidate as certain if they would only preserve the peace, and I declared that if they broke the peace I would leave the town, go to my home, and not appear again during the election; they promised to preserve the peace, and I called upon them to give me a proof of it by giving up their sticks; they complied with my request, and handed me sticks for a few minutes as fast as I could receive them; I handed them in to the police barrack; as far as I could see, no man retained his stick, and one man who attempted to keep it had it forcibly taken from him by the crowd; after that I returned to the courthouse, and I was on the bench while the polling was going on; after my return the polling was conducted peaceably and quietly, there being merely a cheer given when there was a vote for the Liberal candidates, and a groan when for the others; I knew of no man being prevented from voting, or attempted to be prevented, except one man; I saw that man taken away from three or four gentlemen coming into town; that man I followed into the house of a man named Halloran; I brought him back and handed him over to the custody of the gentlemen from whom he was taken; I saw that man polled afterwards; he polled, I think, for Vandeleur and Fitzgerald; I left the bench to see a man who voted for Colonel Vandeleur go safely through the crowd, and as I was passing the dock I heard a shot; before that shot was fired I did not see any voter struck; upon my oath I saw no man struck during the election; I saw blood upon a voter at the Liberal side, and he said he was struck by a man at the other; I considered it a most peaceably conducted election, not only as compared with other elections but in itself; I was in the polling place; I was in the village and amongst the crowd between this and M'Inerney's, but previous to the firing I was not in the lower part of the house; I was not near the chapel until after the firing; I know where O'Brien's house is.

Mr. Wilson's examination was then suspended in order to have a map of the locality proved, and put in evidence.

The map having been exhibited,

Lieutenant-Colonel Douglas, on the part of the military, objected to its reception, as not showing the elevation of the ground about the road through which the soldiers passed.

The Coroner—The jury have all seen the ground, and understand the position better than any map could show it.

Mr. Graydon also objected to the reception of the map.

Mr. Coffey—Why, it is an enlarged tracing from the Ordnance maps, and must be correct.

Mr. John Ganley, C.E., was then produced—He proved the map to have been prepared from the Ordnance survey, and afterwards checked by view and measurement of the ground; the map was a correct representation of the town of Sixmilebridge; it was on a larger scale than the original survey.

To Mr. Graydon—It is a mere plan, and is not in sections.

Mr. Graydon objected to the map as not showing elevations, and being calculated to mislead the jury. Mr. Coffey contended for its reception.

A Juror—The jury are all familiar with the ground. Mr. Graydon—But do you think, Mr. Coroner, that this map ought to be received?

The Coroner—It is my duty to satisfy the jury in everything, and if the jury, from their personal knowledge, be satisfied with this tracing, it is in my mind enough.

A Juror—The better part of the jury are for admitting the map.

Mr. Ganley was then examined at some length as to position and distances on the map.

Examination of Mr. Wilson resumed—I see in this map O'Brien's house; it is near the courthouse, at the angle a little in advance of it; I frequently went near the house in the course of the day; I did not at any time witness organisation or preparation among the crowds in this lane through which the military and cars passed afterwards; there was a large force of police in the village during the day; there was a stipendiary magistrate here, Mr. Cronin; there were military here, a company of the 14th, under Captain Dwyer; I know the police were not locked or prevented going through the streets; I know there were police from O'Brien's house to Miss Wilson's; one party was stationed under the windows, another at the court-house door, another at the temporary police barrack, where I gave in the sticks, and a fourth at Miss Wilson's gate (points out the several positions on the map); persons stationed at Miss Wilson's gate could see the escort party pass by the permanent barrack at Dr. Goings' corner; I presume there was a party of police stationed at the permanent barrack, but I don't know it of my own knowledge; the military were drawn up in front of the courthouse; I believe there was a company there; there were police and military at intervals between this and Miss Wilson's; and in the morning I am aware there were police at the permanent barracks; I was in and out so frequently that I cannot say how long previous to the shots it was that I was out; certainly I was out within twenty minutes of the time; I had a knowledge of what was going on from O'Brien's corner to Miss Wilson's; the appearance of the crowd between these two points was most perfectly peaceable; I did not see a single breach of the peace; upon my oath, I saw nothing like collecting in mobs or threatening masses during that day; I heard only one shot fired, and another very quickly after, while I was on the steps; up to that time I had seen nothing to warrant any firing with loaded arms; after hearing the second shot fired I rushed down the steps, and I saw some soldiers coming round the corner; in view of me at the time I saw no tumult, no riot, no stones thrown; I had a perfect view of the village to O'Brien's house; I saw the military come round the corner of the court-house; I saw some people flying, and I heard great shouting and crying; some men ran towards the lodge up the Ennis road, and some down towards Miss Wilson's, and some to the houses opposite the lane; the military came round O'Brien's corner; I saw one soldier fire, and I saw him charge.

A Juror—Do you mean you saw him load?

Witness—I do; the soldier had his musket to his shoulder, and fired towards the house opposite the lane; there were people between that soldier and the houses; upon my oath I did not see a stone thrown by the people in that direction; I had my eye upon that spot & place; I conceive I must have seen stone-throwing or rioting if they had occurred; as far as I can judge there were none; after the soldier had fired I saw him load again; I saw him put his hand to his pouch and afterwards to the muzzle of the gun, and I saw the men fire again; I cannot say I saw him put in a cartridge, but I saw him fire again in the same direction; between the interval of these two shots I did not see a stone thrown; it appeared to me that a general panic had seized the people, for they were running in all directions; I was in a very excited state; I called out to them for God's sake to stop firing; I saw another act with regard to a man at O'Brien's corner; I saw a young man running out of the lane round O'Brien's corner, and I saw three soldiers pursue him at the charge, and stab at him; he was running when I saw the thrusts made at him; the soldiers were running after him; I did not see whether these thrusts took effect or not; I don't know what became of that man; some time after that a van and some cars drew up opposite the courthouse, and I saw young Mr. Delmege get off, or stand by the side of one of them; I said, "this is horrible work. Mr. Delmege, did you give orders to fire?" he said he did not, that the soldiers fired without orders; I proceeded round the corner of the courthouse, and there I saw four bodies lying between the dead and dying (points out the position on the map where the bodies lay); there were large streams of blood flowing from the bodies; I knelt down by the first and endeavored to raise him; he appeared to be dead; I did not know him; I heard his name was Casey; the man upon the left hand side, whose name I heard was Frawley, had no signs of life; I returned very quickly in consequence of an observation made to me, and charged Mr. Delmege, jun., with being the cause of what had occurred; he repudiated the charge, but I think it right to tell why I charged him to show I had grounds for what I say.

The explanation was objected to by Mr. Kenny.

Examination continued—I went down the village afterwards; at the temporary barracks, where I put in the sticks, I saw the sign of a ball which was pointed out to me by a policeman; there were two there; I think the name of the party were Maher and Fay; I was told they would be here, but they are not.

An application was here made to Mr. Cronin, the resident magistrate in charge, for the production of these men.

Mr. Cronin, R. M., was not aware, up to this moment, that Mr. Wilson had any conversation with the police on the occasion.

Mr. O'Brien, R. M., of Tulla, undertook that they should be produced, and had the police officers called into court to receive the necessary instructions.

Mr. Wilson—I think it right to state that I met, the other day, the county inspector of constabulary for Clare, and mentioned to him the circumstances; he assured me that all the men should be here, and I find that these two are not here.

The policemen referred to by Mr. Wilson were then sent for to their respective stations, and

Mr. Wilson's examination was proceeded with—I saw the mark of the bullet outside the jamb of the door; one of the policemen told me he was near being shot; they also pointed out to me where a ball had

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