

RETURN to an Order of the Honourable The House of Commons,  
dated 9 November 1882;—*for*,

COPIES “of any DOCUMENTS (except Official Documents of a Confidential and Privileged Character) in the nature of EVIDENCE or MEMORIALS, submitted for the consideration of the IRISH EXECUTIVE, with reference to the alleged MISCONDUCT of MEMBERS of the JURY, the VERDICT, and the SENTENCE, in the Case of *Francis Hynes*, Convicted of MURDER in the Dublin Commission Court on the 12th of August 1882, and Executed at *Limerick* :”

“And, of any LETTERS Written to or by the Lord Lieutenant with reference to such Documents.”

(*Mr. Sexton.*)

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*Ordered, by The House of Commons, to be Printed,*  
*22 November 1882.*

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COPIES of any DOCUMENTS (except Official Documents of a Confidential and Privileged Character) in the nature of EVIDENCE or MEMORIALS, submitted for the consideration of the IRISH EXECUTIVE, with reference to the alleged MISCONDUCT of MEMBERS of the JURY, the VERDICT, and the SENTENCE, in the Case of *Francis Hynes*, Convicted of MURDER in the Dublin Commission Court on the 12th of August 1882, and Executed at *Limerick*; and, of any Letters Written to or by the Lord Lieutenant with reference to such Documents.

— No. 1. —

The Under Secretary to the Lord Lieutenant to Mr. *Sexton*, M.P.

Sir,  
I AM directed by the Lord Lieutenant to request that you will be good enough to transmit the affidavits or statutory declarations respecting the conduct of the jury in the case of the *Queen v. Hynes*, which were referred to in the Debate in the House of Commons on the 17th instant, in order that they may be submitted to his Excellency for his consideration.

Thomas Sexton, Esq., M.P.

Dublin Castle, 19 August 1882.  
I am, &c.  
(signed) *R. G. C. Hamilton.*

— No. 2. —

Mr. *Sexton*, M.P., to the Under Secretary to the Lord Lieutenant.

Sir,  
I BEG to acknowledge the receipt of your letter of the 19th instant, conveying the desire of his Excellency the Lord Lieutenant that the affidavits respecting the conduct of certain jurors in the case of the *Queen v. Hynes*, which were referred to in the Debate in the House of Commons on the 17th instant, should be submitted to his Excellency for his consideration.

I now enclose herewith for submission to his Excellency the affidavits of Miss Elizabeth Josephine Carberry, Mr. William O'Brien, Miss Margaret Walsh, assistant at the bar of the "Imperial Hotel," Alfred Martin, billiard marker, and Richard O'Connor, assistant porter, all of which were read in the House of Commons on the 17th instant, and I likewise enclose, for the further information of the Lord Lieutenant, six other affidavits on the same subject also made by *employés* in the same hotel, namely, Mrs. Elizabeth Ennis, housekeeper, Robert Boylan and Patrick Tobin, coffee-room waiters, William Fennelly, waiter, Francis Brady, hall porter, and Robert Ennis, night porter, all of which latter affidavits have been placed in my hands since the date of the Debate in the House of Commons.

In view of the extraordinary importance of the interests, both public and personal, involved in the present case, and bearing in mind that material facts are the subject of a conflict of testimony, I deem it my duty to inform his Excellency of my conviction that public opinion demands the holding of an inquiry on oath, and in open court, in order that evidence may be given under complete responsibility, and that every material circumstance and allegation in the case may be brought to the most searching test.

I hope you may be enabled to communicate to me, upon an early day, the decision at which his Excellency arrives.

R. G. C. Hamilton, Esq.,  
Under Secretary to the Lord Lieutenant,  
Dublin Castle.

I am, &c.  
(signed) *Thomas Sexton.*

## Enclosures in No. 2.

AFFIDAVITS respecting the Conduct of the JURY in the Case of  
The QUEEN v. F. HYNES.

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(1.)

## AFFIDAVIT of WILLIAM O'BRIEN.

I, WILLIAM O'BRIEN, 21 years and upwards, make oath and say, I am the writer of the letter which appeared in the "Freeman" of 14th August, as to the disturbance on the upper corridor of the Imperial Hotel on Friday night, when the jury in Hynes' case were staying at the hotel. I am informed by the proprietor of the hotel, and believe that the upper corridor was cleared that night for the accommodation of the jurors, and the only persons not jurors who were left to occupy rooms on that corridor that night were Miss Carberry and myself, who are permanent lodgers in the hotel. I swear that my letter gives a true representation of what occurred shortly after midnight on the corridor. The disturbance lasted for a considerable time before my door was burst open. The man who entered my room was under the influence of drink. He was a low-sized dark-complexioned black-haired man, and wore glasses. After he left the room I rang and complained to the night porter of the intolerable misconduct that was going on. The noise shortly after ceased on the corridor, and on looking at my watch I found it was 25 minutes to one o'clock. I had no opportunity of seeing anybody except the man who entered my room, and whom I can identify, but at least three persons must have been engaged in shouting, rushing, and scuffling upon the corridor.

*William O'Brien.*

Sworn before me, this Seventeenth day of August 1882, at St. Andrew-street, in the county of the city of Dublin; and I know deponent.

*Wm. J. Ryan,*

A Commissioner appointed to administer Oaths in the  
Supreme Court of Judicature in Ireland.

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(2.)

## AFFIDAVIT of ROBERT BOYLAN.

I, ROBERT BOYLAN, coffee-room waiter at the Imperial Hotel, Sackville-street, Dublin, 21 years of age and upwards, make oath and say, that I gave the jury the principal part of their dinner on the night of Friday, 11th instant; I supplied whiskey; gave sherry and claret to two of the jurors. They all had drinks, but Mr. Reis ordered a bottle of champagne, and told me to bring only two glasses for Mr. Barrett, the foreman, and himself, and I supplied them with a large bottle of champagne, which they drank between them. That was at eight o'clock in the evening, in the jury-room, where they were dining. Mr. Reis asked me, in a jeering way, could they have a ladder to get down from the window. Shortly afterwards Mr. Reis left the jury-room to go down to the billiard-room; several other jurors left to go to the lavatory, and several remained in the jury-room; they were then divided into three different parties in different parts of the house. I went away for the night about nine o'clock, and know no more about it.

*Robert Boylan.*

Sworn before me, this Seventeenth day of August 1882, at the Imperial Hotel, Lower Sackville-street, in the county of the city of Dublin, a Commissioner for taking Affidavits in the Supreme Court of Judicature in Ireland; and I know the deponent.

*John Stone, Commissioner.*

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(3.)

## AFFIDAVIT of ALFRED MARTIN.

I, ALFRED MARTIN, 21 years of age and upwards, billiard marker at the Imperial Hotel, Sackville-street, Dublin, make oath and say, that on Friday night, the 11th instant, I saw six men whom I knew to be members of the jury in the case of the Queen v. Hynes, in the public billiard-room. I do not know where the rest of the jury were at the time, but

but they were not in the billiard-room. There were four persons in the billiard-room at the time who were not members of the jury; they were Mr. Bushe, Major Wynne, Dr. Cusack, and another stranger, a friend of Mr. Reis. I saw the jurors mixing with other persons who were not members of the jury. Mr. Reis handicapped a game of billiards in which persons not jurors were playing. Mr. Reis was intoxicated; I came to that conclusion from his conduct; he was keeping ringing the bell, and when the waiter came he said he did not want him, and that he never rung; he was making noise and jumping about. Mr. Campbell, the sub-sheriff's son, seeing him smoking cigars, told him he was rather extravagant in cigars; he said that he would smoke as much as he was in the habit of smoking at home. I saw jurors call for several drinks, and Major Wynne joined them in the drink. Mr. Reis remained an hour and a half in the billiard-room. The jurors went upstairs at about a quarter to 12. I am perfectly convinced that Mr. Reis was under the influence of drink.

*Alfred R. Martin.*

Sworn before me, this Seventeenth day of August 1882, at the Imperial Hotel, Lower Sackville-street, in the county of the city of Dublin, a Commissioner for taking Affidavits in the Supreme Court of Judicature in Ireland; and I know the deponent.

*John Stone, Commissioner.*

(4.)

AFFIDAVIT OF FRANCIS BRADY.

I, FRANCIS BRADY, hall porter of the Imperial Hotel, Sackville-street, Dublin, 21 years of age and upwards, make oath and say, that on Friday, the 11th instant, I saw, I should say, six of the jury in the case of the Queen v. Hynes, in the billiard-room that night, from about half-past eight until a quarter to 12; people passed in and out of the billiard-room as usual during the night. I saw Major Wynne and Mr. Reis in close conversation, but did not see them drinking together; Major Wynne was not one of the jury. I had an altercation with Mr. Reis; he came out of the billiard-room, and sat upon a form in the hall, and lit his cigar. I told him that it was against the rules of the house to smoke in the hall, that there was a smoking-room and a billiard-room; he told me to shut my eyes, and to go away; I said that he might as well ask the policeman opposite him to shut his eyes. The policeman sat upon a form in the hall while the jurors were in the billiard-room. The bell was rung repeatedly, and when any gentleman ordered a glass of brandy and a bottle of soda, Mr. Reis would say, "Oh, bring in a bottle of brandy and a glass of soda." The bell was rung repeatedly, and evidently for the purpose of giving annoyance to me. I remarked to the constable who was standing in the hall, "Is it not a very unusual thing for a jury to be mixing with other people; I never saw jurors in a public billiard-room before." The policeman said he had a superior officer above him upstairs, and that he did not mind. Mr. Reis was elevated from liquor; he was not staggering, but certainly was under the influence of drink, which made him merry and noisy.

*Francis Brady.*

Sworn before me, this Seventeenth day of August 1882, at the Imperial Hotel, Lower Sackville-street, in the county of the city of Dublin, a Commissioner for taking Affidavits in the Supreme Court of Judicature in Ireland; and I know the deponent.

*John Stone, Commissioner.*

(5.)

AFFIDAVIT OF RICHARD O'CONNOR.

I, RICHARD O'CONNOR, assistant porter in the Imperial Hotel, Sackville-street, Dublin, make oath and say, that shortly before 12 o'clock at night, on Friday, the 11th instant, I saw Mr. Reis and the other jurors in the case of the Queen v. Hynes, coming upstairs from the billiard-room; in passing me Mr. Reis raised his hand as if to strike me, and as a rough sort of joke; he just looked in at the door of the coffee-room, and went upstairs; he was under the influence of drink. I know Mr. Reis for three years past. When going up to his bedroom I heard Reis ask where did the women sleep; the night porter said it was three stories higher up; Reis said let us go up to them.

*Richard O'Connor.*

Sworn before me, this Seventeenth day of August 1882, at the Imperial Hotel, Lower Sackville-street, in the county of the city of Dublin, a Commissioner for taking Affidavits in the Supreme Court of Judicature in Ireland; and I know the deponent.

*John Stone, Commissioner.*

(6.)

## AFFIDAVIT of PATRICK TOBIN.

I, PATRICK TOBIN, 21 years of age and upwards, coffee-room waiter at the Imperial Hotel, Sackville-street, Dublin, make oath and say, that during the evening of Friday, the 11th instant, the jury in Hynes' case were staying at the hotel. I remember having brought a couple of drinks to the billiard-room as ordered, one was for Mr. Campbell, son of the sub-sheriff, who was in the billiard-room, apparently in charge of the jury. I also brought drink for Mr. Reis, one of the jurors; four or five of the jury were in the room at the time; some 10 or 12 persons were there, including a number of strangers. The billiard-room is on the ground-floor of the hotel. The corridor to which the jury were directed is situated upon the third storey. When I brought down the drink Mr. Reis was very noisy and impudent; I think it was about 11 o'clock. The drink which I brought to the jury consisted of some glasses and half a glass of whiskey and some glasses of gin and seltzer; it included a bottle of ginger beer and a glass of gin ordered for Major Wynne, a stranger not stopping in the hotel. I went upstairs, and my attention was again attracted by the jury at between a quarter and half-past 12 o'clock at night. I went upstairs in consequence of a disturbance created upon the landing to which the jurors had gone to go to bed. The sound of a man's voice could be heard through the house. I tried to prevail upon the jurymen to return to the jury-room or to go to bed. I did not succeed. I came downstairs then, but went upstairs again to the lower end of the corridor, on which Mr. O'Brien and the jurors had rooms. Mr. Reis was standing there with another juror, whom I can identify, but whose name I do not know. Mr. Reis ran down as far as where I was standing and let some shouts, and asked where was his bedroom. That corridor had been cleared for the night for the accommodation of the jurors, and the only persons outside the jury who slept there that night were two lodgers, Miss Carbery and Mr. O'Brien. Reis was drunk at the time; he shouted and kicked the boots from the door along the passage. He rushed along the passage three or four times. I tried to entice him to stay in a bedroom into which I had brought him, but he jumped out again. Finding that the man was drunk, I could do nothing else to induce him to retire. I have heard that the foreman of the jury stated that the last of the jurors had retired to bed before 12 o'clock; that statement is not correct. The bar as a rule is closed at 12 o'clock, but on the night of the 11th instant the bar was kept open an additional quarter of an hour, viz., till a quarter past 12 o'clock, and it was subsequent to the closing of the bar that night that I saw the man knocking about the boots on the landing.

*Patrick Tobin.*

Sworn before me, this Seventeenth day of August 1882, at the Imperial Hotel, Lower Sackville-street, in the county of the city of Dublin, a Commissioner for taking Affidavits in the Supreme Court of Judicature in Ireland; and I know the deponent.

*John Stone, Commissioner.*

(7.)

## AFFIDAVIT of MARGARET WALSH.

I, MARGARET WALSH, assistant at the bar of the Imperial Hotel, Sackville-street, Dublin, 17 years of age and upwards, make oath and say, that on the night of Friday last, the 11th instant, I remember closing the bar at 20 minutes past 12 o'clock. The bar is usually closed at 12 o'clock, but it was later that night. After closing the bar I went upstairs to the upper corridor, where I met one of the jury. As I was entering at one end of the corridor in which the stairs to my bedroom was situated, three or four persons were jumping about at the other end of the corridor. When I was going up the corridor with a candle in my hand, one said, "Look at the young female going to bed at this hour of the night." I said nothing, but put out the candle that I might not be seen, because from their conduct I was afraid of them. They were jumping across each other, and ran towards the end at which I was coming up. I judged from their appearance they might assault me. I ran upstairs, another flight of stairs, to my own room. When I was in it about five minutes, I thought I heard them coming upstairs, and I put my head out, when some one dashed up against me. I drew in my head and locked the door. They made no attempt to enter the room further, but I could hear them rattling at the baths all the time, and shouting.

*Margaret Walsh.*

Sworn before me, this Seventeenth day of August 1882, at the Imperial Hotel, Lower Sackville-street, in the county of the city of Dublin, a Commissioner for taking Affidavits in the Supreme Court of Judicature in Ireland; and I know the deponent.

*John Stone, Commissioner.*

(8.)

## AFFIDAVIT of WILLIAM FENLEY.

I, WILLIAM FENLEY, 21 years of age and upwards, make oath and say, I am a waiter at the Imperial Hotel, Dublin; on Friday, 11th instant, the jurors in the case of the Queen v. Hynes left the sitting-room about 20 minutes past 12 o'clock and went upstairs. In the meantime I heard them going up and down, roaring and bawling, and some of them were in their stocking feet. They came back to the sitting-room between half-past 12 and 1 and called for some drink and a pack of cards. The bar was then closed. I saw Margaret Walsh going upstairs at the time when the jurors were on the corridor above. I told them that the bar was then closed, and that they could get no cards. A little dark man, with spectacles, answering to the description of Mr. Reis, asked me for roast chicken and ham and roast pork. They remained there until a quarter to one.

*William Fenley.*

Sworn before me, this Seventeenth day of August 1882, at the Imperial Hotel, Lower Sackville-street, in the county of the city of Dublin, a Commissioner for taking Affidavits in the Supreme Court of Judicature in Ireland; and I know the deponent.

*John Stone, Commissioner.*

(9.)

## AFFIDAVIT of ELIZABETH ENNIS.

I, ELIZABETH ENNIS, housekeeper in the Imperial Hotel, Sackville-street, Dublin, make oath and say, that on the night of Friday, the 11th instant, after 12 o'clock, I went upstairs to put a mattress on the corridor for one of the police who were in charge of the jury. I saw a gentleman running up and down the landing in his stocking feet, and kicking the boots from before the doors on the corridor. I asked him did he know his number, and he said "Deuce a bit of it." Then I gave him in charge to a waiter, who took him away, and I saw no more of him. He appeared quite unsteady from drink, and inclined for amusement. After that I heard Mr. O'Brien's bell ring. I know the gentleman was one of the jury, and I identify him as Mr. Reis.

*Elizabeth Ennis.*

Sworn before me, this Seventeenth day of August 1882, at the Imperial Hotel, Lower Sackville-street, in the county of the city of Dublin, a Commissioner for taking Affidavits in the Supreme Court of Judicature in Ireland; and I know the deponent.

*John Stone, Commissioner.*

(10.)

## AFFIDAVIT of ELIZABETH JOSEPHINE CARBERY.

I, ELIZABETH JOSEPHINE CARBERY, 21 years of age and upwards, make oath and say, I lodge at the Imperial Hotel; my bedroom is No. 24, which opens on the upper corridor. No. 17, which I am informed is Mr. O'Brien's room, is on the same corridor. I have read Mr. O'Brien's letter in the "Freeman's Journal" of Monday last, containing an account of the occurrences on the corridor outside my room on Friday night last. I consider the letter gives a very moderate account of the noise and misconduct going on on the corridor on that night; several persons were taking part in the disturbance. They came to my door several times and turned the handle. They kicked at the door again and again. I thought they would smash the fanlight over the door by knocking at it with their knuckles; only that my door was locked I believe that they would have forced it in. From their boisterous conduct I believe that they must have been under the influence of drink. When I read Mr. O'Brien's letter I thought he described their conduct very mildly. The disturbance continued from about 12 to 12.30 o'clock.

*E. J. Carbery.*

Sworn before me, this Seventeenth day of August 1882, at the Imperial Hotel, Lower Sackville-street, in the county of the city of Dublin, a Commissioner for taking Affidavits in the Supreme Court of Judicature in Ireland; and I know the deponent.

*John Stone, Commissioner.*

(11.)

## AFFIDAVIT of ROBERT ENNIS.

I, ROBERT ENNIS, night porter at the Imperial Hotel, 21 years and upwards, make oath and say, I remember Friday night when the jury were staying at the hotel. I came on duty that night at half-past nine o'clock. I was engaged in the lower part of the house during the night. I remember Mr. O'Brien's bell being rung some time after midnight. I went up to the upper corridor and found two gentlemen on the landing, a low-sized little gentleman with spectacles, and a tall gray man. I know that these gentlemen were members of the jury, because I found out their numbers. They were playing tricks with one another; one of them wanted to steal the boots of the other; he gave them in charge into my hands saying they wanted to take them away and hide them on him. When I answered Mr. O'Brien's bell he made a complaint to me of the intolerable row that was going on, and he asked me who it was that burst into his room, and requested that Mr. Lawler should be informed of their conduct. I told the gentleman on the landing that a gentleman was after ringing his bell to complain of their conduct. They then stopped their tricks, and the little man asked me for a pack of cards. I told them I could get them none except an old pack that I had myself; I went downstairs and got them, but when I returned with the cards the little man with the spectacles said they were no use now as the others were going to bed. I then came downstairs, and know no more of the transaction.

*Robert Ennis.*

Sworn before me, this Twenty-first day of August 1882, at the Imperial Hotel, Sackville-street, in the city of Dublin, a Commissioner for taking Affidavits for the Supreme Court of Judicature in Ireland: and I know deponent.

*John Stone, Commissioner.*

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— No. 3. —

The Under Secretary to the Lord Lieutenant to Mr. Sexton, M.P.

Sir,

Dublin Castle, 21 August 1882.

IN reply to your letter of this day's date, I am directed by the Lord Lieutenant to acquaint you that it is not his Excellency's intention to hold a public inquiry into the matters therein referred to.

His Excellency has not yet been able to peruse the affidavits forwarded by you with respect to the conduct of the jury in the case of the Queen v. Hynes, but he will at once examine into the statements contained in them, with the view of satisfying himself whether there is any sufficient ground for interfering with the due course of the law in that case.

I am, &c.  
(signed) *R. G. C. Hamilton*

Thomas Sexton, Esq., M.P.,  
North Frederick-street.

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— No. 4. —

Mr. E. D. Gray, M.P., to the Lord Lieutenant.

Richmond Bridewell Gaol,  
21 August 1882.

Your Excellency,

I UNDERSTAND that it is your Excellency's intention to order an inquiry into certain charges against the jury in the case of the Queen against Hynes, made in a letter in the "Freeman's Journal" of the 14th instant. For the publication of that letter and asking an inquiry into these charges I am now in prison.

Your Attorney General in the House of Commons, your Solicitor General in public court, the judge on the bench, and a section of the public press, have all sought to fix upon me, personally and individually, the responsibility for the custody of the jury in that case. The inquiry must necessarily involve investigation of this charge against me, a charge which, if substantiated, might entail heavy penalties upon me.

I therefore claim, as a matter of justice, to be present at that inquiry, to be represented, if I so desire, by counsel, to have the right to examine and to cross-examine witnesses, and to get adequate notice of the time of holding same. Of course I am quite willing to attend



attend the inquiry, which I presume will be public and upon oath, in the custody of your gaolers. If any technical legal difficulty exists as to my leaving the gaol for the purpose, then I respectfully submit that justice requires that the inquiry shall be held within the precincts of this prison, so as to admit of my presence thereat.

I have, &c.  
(signed) *E. Dwyer Gray*,  
High Sheriff, Dublin City,  
M.P., Carlow County

To his Excellency  
Earl Spencer, K.G., Lord Lieutenant, &c.,  
Dublin Castle.

— No. 5. —

The Under Secretary to the Lord Lieutenant to Mr. *E. D. Gray*, M.P.

Sir, Dublin Castle, 21 August 1882.

I AM directed by the Lord Lieutenant to inform you that his Excellency has no intention of holding any public inquiry into the matters mentioned in your letter of yesterday's date.

His Excellency has just received certain affidavits respecting the conduct of the jury in the case of the Queen *v.* Hynes.

His Excellency has not yet been able to peruse these affidavits, but he will at once examine into the statements contained in them with the view of satisfying himself whether there are any sufficient grounds for interfering with the ordinary course of the law in that case.

I am, &c.  
(signed) *R. G. C. Hamilton*.

*E. D. Gray*, Esq., M.P.,  
High Sheriff of the City of Dublin.

— No. 6. —

Mr. *M. Healy* to the Lord Lieutenant.

87, Amiens-street, Dublin,  
21 August 1882.

May it please your Excellency,  
I HAVE the honour to inform your Excellency that I have been instructed by the High Sheriff of Dublin, Mr. *E. Dwyer Gray*, M.P., to appear on his behalf at the inquiry to be held by your Excellency in reference to the case of Francis Hynes, as announced by the Attorney General on Thursday last, in the House of Commons. Your Excellency is, of course, aware that Mr. Gray was committed to prison on a charge of contempt of court, in connection with this matter, and perceive how important it is to him that he should be properly represented when the matter comes under investigation. May I, therefore, beg to be furnished, on his behalf, with suitable notice of the date of the proposed inquiry and the place where it is to be held.

I should inform your Excellency that, in addition to the affidavits read on Thursday in the House of Commons, a number of others testifying to the same state of facts have also been sworn, and it will further be my duty to lay before your Excellency the names of several additional witnesses in a position to give important evidence touching the matter under investigation.

I am directed to add that Mr. Gray is most anxious that, having regard to the circumstances attending his commitment, as well as to the general importance of the interests at stake, the inquiry should be of a public character.

I have, &c.  
(signed) *Maurice Healy*, Solicitor.

To his Excellency Earl Spencer, K.G.,  
Lord Lieutenant of Ireland.

— No. 7. —

The Under Secretary to the Lord Lieutenant to Mr. *M. Healy*.

Sir, Dublin Castle, 21 August 1882.

I AM directed by the Lord Lieutenant to acknowledge the receipt of your letter of this day's date, and to acquaint you that his Excellency has communicated directly with Mr. Gray, M.P., on the matters therein referred to.

I am, &c.  
(signed) *R. G. C. Hamilton*.

*Maurice Healy*, Esq., 87, Amiens-street.

— No. 8. —

The Under Secretary to the Lord Lieutenant to Mr. *W. G. Barrett*.

Sir,

Dublin Castle, 22 August 1882.

I AM desired by the Lord Lieutenant to transmit to you herewith a copy of certain affidavits made respecting the conduct of the jury of which you were foreman, in the case of the Queen *v.* Hynes, and to request that you will communicate at your earliest convenience with the other members of the jury, and submit to his Excellency such observations as you and they individually may have to offer upon the statements contained in these affidavits.

It is desirable that any statements so made should take the form of statutory declarations.

*W. G. Barrett, Esq.,*  
St. Abans, Newtown-Smith, Kingstown.

I am, &c.  
(signed) *R. G. C. Hamilton.*

Enclosures in No. 8.

DECLARATIONS relating to the CASE of THE QUEEN *v.* HYNES.

## DECLARATION of MR. JAMES CAMPBELL.

County of the City of Dublin, to Wit :

I, JAMES CAMPBELL, of 20 Rutland-square, in the city of Dublin, sub-sheriff of the county of the city of Dublin, do solemnly and sincerely declare that I attended the Commission Court on the 11th August instant. That on the adjournment of the trial of the Queen *v.* Hynes, on the evening of said day, I took the jury to the Imperial Hotel, Lower Sackville-street, for proper refreshment and repose, and in charge of four sworn constables and two bailiffs. After having made arrangements for supplying dinner to the jury and officers in charge, and giving directions to the proprietor of said hotel that drink in moderation only should be supplied, and to which direction he promised to attend, I left for the purpose of having dinner at my above address, and of transacting some necessary business, taking care to caution the bailiffs to keep strict watch over their charge.

On my return to the hotel, between nine and ten o'clock, I found that two of the jurors had retired to their bedrooms, four of them only remaining in the dining-room, who soon after also retired to their bedrooms, two of the constables and one bailiff being in attendance on them. Being informed that the rest of the jury had retired to the billiard-room to smoke, I immediately proceeded there; I found one constable in attendance at the door, and one bailiff in the room; I enquired of said bailiff why a portion of the jury were allowed there, and he explained to me that some of the jurors objecting to smoking, they were brought to the billiard-room to smoke, same being the only room that could be procured. I observed there only one stranger; he was standing near the entrance, and not in any manner in communication with members of the jury. After remaining about half-an-hour, the jury not retiring, I returned home, leaving the jurors in charge as before. I say that of the 10 jurors with whom I communicated none of them presented the least appearance of being under the influence of drink. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act, made and passed in the sixth year of the reign of his late Majesty (5 & 6 Will. 4, c. 62), intituled "An Act to Repeal an Act of the present Session of Parliament," intituled "An Act for the more effectual Abolition of Oaths and Affirmations taken and made in the various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra-Judicial Oaths and Affidavits, and make other provisions for the abolition of unnecessary Oaths."

(signed) *Jas. Campbell.*

Made and subscribed before me, this 31st day of August 1882.

(signed) *P. F. McMahon,*  
Justice of the Peace, Dublin.

## DECLARATION of JOHN WILLIAMS.

County of the City of Dublin, to Wit :

I, JOHN WILLIAMS, of 14, Green-street, sheriff's bailiff, do solemnly and sincerely declare that I was the second bailiff sworn in charge of the jury in the trial of the Queen *v.* Hynes, on the evening of the 11th of August ultimo. I accompanied the jury from

from the courthouse, along with the other sworn bailiff and constables, to the Imperial Hotel. I remained in charge of the jurors who stayed in the lining-room, and after those jurors retired to their rooms I remained on the landing. I saw the jurors who went down to the billiard-room come up to their bed-rooms; they had no appearance of drink on them whatsoever, nor did I hear any unbecoming noises after they passed up to their bed-rooms, except some one calling in a loud voice for slippers. The only drink I consumed was as follows, viz.: before dinner, half-a-glass of whiskey; with dinner, one glass of whiskey; in the morning, after breakfast, one glass of grog. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the sixth year of the reign of his late Majesty (5 & 6 Will 4, c. 62), intituled "An Act to Repeal an Act of the present Session of Parliament," intituled "An Act for the more effectual Abolition of Oaths and Affirmations taken and made in the various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial Oaths and Affidavits, and make other provisions for the abolition of unnecessary Oaths."

(signed) *John Williams.*

Made and subscribed before me, this 1st day of September 1882.

(signed) *H. Tarpey,*  
Justice of the Peace for the City of Dublin.

#### DECLARATION of GEORGE STRONG.

County of the City of Dublin, to Wit:

I, GEORGE STRONG, of 30, Winetavern-street, sheriff's bailiff, do solemnly and sincerely declare that I was one of the bailiffs sworn in charge of the jury in the trial of the Queen v. Hynes, on the evening of Friday the 11th August ultimo. I accompanied the jury with another sworn bailiff and four sworn constables to the Imperial Hotel. I remained in general supervision of the jury till about some time after nine o'clock, when I took charge of the jurors in the billiard-room. I saw one stranger there, and I prevented another from coming in; there may have been a second stranger present in the billiard-room, but I took every precaution necessary to prevent, and did not permit any communication between the jury and strangers, and I remained with them until they were passed up to their bed-rooms. I saw no signs of intoxication on any of the jurors whatsoever, nor did I hear any unseemly noise after they had retired from the billiard room. The following is an account of what drink I consumed, viz.: before dinner, not quite a glass of whiskey; with dinner, one glass of whiskey; and during the evening, one pint of ale; after breakfast, one glass of whiskey. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the sixth year of the reign of his late Majesty (5 & 6 Will. 4, c. 62), intituled "An Act to repeal an Act of the present Session of Parliament," intituled "An Act for the more effectual Abolition of Oaths and Affirmations taken and made in the various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial Oaths and Affidavits, and make other provisions for the abolition of unnecessary Oaths."

(signed) *George Strong.*

Made and subscribed before me, this 1st day of September 1882.

(signed) *H. Tarpey,*  
Justice of the Peace for the City of Dublin.

#### DECLARATION of JAMES CAFFRY.

County of the City of Dublin, to Wit:

I, JAMES CAFFRY, acting serjeant of the Dublin Metropolitan Police, do solemnly and sincerely declare that I was the officer in charge of three policemen on the occasion of the adjournment of the case of the Queen v. Hynes, on the evening of Friday the 11th of August instant, and they with myself were sworn to take charge of the jury in said case. We proceeded to the Imperial Hotel with the jury, and on arriving there the jury, accompanied by myself and said policemen and two bailiffs, also sworn to take charge of them, and appointed by the sub-sheriff, were immediately conducted to the top corridor to select their sleeping rooms and prepare for dinner. Shortly afterwards they returned to the dining-room, which was on the flight of stairs immediately under said corridor. They sat down to dinner about 7.30 o'clock p.m., myself with said police and bailiffs remaining outside the door of said dining-room. At about 10 minutes to 9 o'clock p.m., the foreman of the jury, Mr. Barrett, asked permission of me, for himself and some others of the jury to be allowed to go to the smoking-room, as there were gentlemen on the jury

who had a very great objection to smoking, and he stated that in fact one of the jury had to leave the dining-room and come out to the landing where the police and bailiffs were, in consequence of smoking going on in the dining-room. Under these circumstances, and owing to the fact of the hotel being so crowded that there was no further sitting-room accommodation to be had, and as there was only the dining-room and the billiard-room (which at the time was empty) at our disposal, I permitted the six gentlemen of the jury who wished to smoke to go to the said billiard-room in charge of a bailiff and constable, the remaining jurors stayed in the dining-room in charge of the remaining constables and a bailiff. I myself remained in general charge of all. In about half an hour Mr. Hamilton, one of the jurors who remained in the dining-room, retired to his bed-room for a short time in charge of a constable, but came back to the dining-room. Soon afterwards Mr. Carey, another juror who had remained in the dining-room, retired to bed; about 10 o'clock Mr. Hamilton finally retired to bed; the other four jurors who had remained in the dining-room retired to bed about 11 o'clock. Two of the jurors went from the billiard-room to their beds at about 11.30 o'clock; the remaining four jurors quitted the billiard-room at about 11.45 o'clock, and retired to their bed-rooms accompanied by me, two of those jurors being the foreman, Mr. Barrett, and Mr. Reis. I further say that I did not discover, nor do I believe there existed, any sign whatsoever of intoxication on any of the jurors, neither did I hear or see any unnecessary disturbance or annoyance, or any noise, save and except Mr. Reis calling for half a dozen pairs of slippers for the gentlemen who had been in the billiard-room, and at the time he carried his bed-room candle in his hand. So far as my own refreshments were concerned, the following is an account of what drink I consumed, viz.: about 20 minutes before dinner, about a half glass of whiskey; with dinner, one glass of whiskey; with supper, one pint of beer. I say we dined and supped by threes at a time, the remaining three of us remaining in charge of the jury as already stated. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act, made and passed in the sixth year of the reign of his late Majesty (5 & 6 Will. 4, c. 62), intituled, "An Act to repeal an Act of the present Session of Parliament, intituled, 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in the various Department of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra-Judicial Oaths and Affidavits, and make other provisions for the abolition of unnecessary Oaths.'"

(signed) *James Caffrey.*

Made and subscribed before me, this 31st day of August 1882.

(signed) *P. F. McMahon,*  
Justice of the Peace, Dublin.

#### DECLARATION OF JAMES DONNELLY.

County of the City of Dublin, to Wit:

I, JAMES DONNELLY, constable of the Dublin Metropolitan Police, do solemnly and sincerely declare that I was one of the constables sworn in charge of the jury, under acting serjeant James Caffrey, on the evening of Friday, the 11th August inst. I say that I have read over the declaration made by said James Caffrey, and can testify to the accuracy of its contents. In so far as any noise which was alleged to have been made on that night by the jurors, the following is a correct account of what actually did take place:—Mr. Barrett, Mr. Reis, and two others of the jury, after they had retired from the billiard-room to their bed-rooms, again came out to the corridor and, whilst waiting there for the slippers which were ordered by Mr. Reis, were talking and laughing amongst themselves. Mr. Reis, who had a lighted candle in his hand, on again approaching his bed-room, there being no light in the corridor at the time except the candle in his hand, struck against a large bath pan which was placed upright against the wall. It rolled a distance along the corridor, and made some noise. I took hold of it and removed it from the corridor. So far as I know, no other noise nor any impropriety whatever took place. So far as my own refreshments were concerned, the following is an account of what drink I consumed, viz.: before dinner, about half a glass of whiskey; with dinner, one small bottle of stout; with supper, one pint of table beer. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act, made and passed in the sixth year of the reign of his late Majesty (5 & 6 Will. 4, c. 62), intituled, "An Act to repeal an Act of the present Session of Parliament, intituled, 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in the various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra-Judicial Oaths and Affidavits, and make other provisions for the abolition of unnecessary Oaths.'"

(signed) *James Donnelly.*

Made and subscribed before me, this 31st day of August 1882.

(signed) *P. F. McMahon,*  
Justice of the Peace, Dublin.

## DECLARATION of ROBERT YOUNG.

County of the City of Dublin, to Wit:

I, ROBERT YOUNG, constable of the Dublin Metropolitan Police, do solemnly and sincerely declare that I was one of the constables sworn in charge of the jury under acting serjeant James Caffrey on the evening of Friday the 11th instant. I say that I have read over the declaration made by acting serjeant James Caffrey and constable Donnelly, and so far as I know I can testify to the accuracy of both declarations. An account of the refreshments, in the form of drink, consumed by me is as follows, viz.: before dinner, half a glass of whiskey; with dinner, one glass of whiskey; with supper, one pint of table beer; in the morning, after breakfast, one glass of whiskey. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act, made and passed in the sixth year of the reign of his late Majesty (5 & 6 Will. 4, c. 62), intituled, "An Act to repeal an Act of the present Session of Parliament, intituled, 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in the various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra-Judicial Oaths and Affidavits, and make other provisions for the abolition of unnecessary Oaths.'"

(signed) *Robert Young.*

Made and subscribed before me, this 31st day of August 1882.

(signed) *P. F. McMahon,*  
Justice of the Peace, Dublin.

## DECLARATION of MICHAEL CAREY.

County of the City of Dublin, to Wit:

I, MICHAEL CAREY, constable of the Dublin Metropolitan Police, do solemnly and sincerely declare that I was one of the constables sworn in charge of the jury under acting serjeant James Caffrey on the evening of Friday the 11th August instant. I say that I have read over the declarations made by acting serjeant James Caffrey and constable Donnelly, and so far as I know I can testify to the accuracy of both declarations. The refreshments consumed by me of drink were as follows, viz.: before dinner, half a glass of whiskey; with dinner, one glass of whiskey; with supper, one pint of table beer. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act, made and passed in the sixth year of the reign of his late Majesty (5 & 6 Will. 4, c. 62), intituled, "An Act to repeal an Act of the present Session of Parliament, intituled, 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in the various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra-Judicial Oaths and Affidavits, and make other provisions for the abolition of unnecessary Oaths.'"

(signed) *Michael Carey.*

Made and subscribed before me, this 31st day of August 1882.

(signed) *P. F. McMahon,*  
Justice of the Peace, Dublin.

## DECLARATIONS OF JURORS.

## DECLARATION of Mr. WILLIAM GEORGE BARRETT.

County of the City of Dublin, to Wit:

I, WILLIAM GEORGE BARRETT, of Newtownsmith, Kingstown, in the county of Dublin, do solemnly and sincerely declare that I was foreman of the jury in the case of The Queen v. F. Hynes, tried at Green-street, before Mr. Justice Lawson on the 11th and 12th days of August instant.

I quite well remember all that occurred whilst the jury were at the Imperial Hotel, to which we were accompanied by the sub-sheriff, and his son, Mr. Campbell.

On our arrival we were immediately brought to the top of the hotel, and the sub-sheriff explained that this was in order that we might have all our bed-rooms on the one corridor, and that no one else would be there but the jurors.

Some of us having selected rooms, four or six having to be satisfied with double-bedded rooms, we descended to the sitting-room where dinner was served. I was asked by one of the jurors to order some sherry, and another wished for some gin and bitters; I ordered half a-pint of sherry and half-a-pint of gin; of the latter I saw but one juror, Mr. Reis, partake.

I and one or two other jurors took a glass of sherry and bitters; at dinner, the wine ordered by me, that being the only wine brought to us, was three bottles of claret, one pint of sherry, and one bottle of champagne (the latter being drunk by four of us, not two, as stated in Robert Boylan's affidavit in reference to this matter, sworn on the 17th August instant), videlicet, Mr. Wardropp, Mr. Maconchy, Mr. Reis, and myself; and one pint of whiskey, which scarcely any of it having been used by the jurors, I afterwards desired to be given to the four policemen, and three bailiffs who were outside, as they had not, I found on inquiry, had anything to eat since morning.

The wine drunk by me at dinner was two glasses of sherry and soda, and one glass of champagne.

After dinner six of the jury, of whom I was one, wished to smoke, and I inquired if any of the others objected, when Captain Hamilton and one or two others said they would prefer our not doing so there, and I then called in one of the bailiffs and asked him if we might go to some other room to smoke; some of our men suggested going to the billiard-room, and at first the bailiff hesitated, but immediately said he would go with us, and we were also accompanied by a policeman; the bailiff remained inside the billiard-room, and did not leave it till we did; when we entered the room two gentlemen were playing billiards; they left immediately upon their game being over, and no one of the jurors spoke to them.

When we had been in the billiard-room about a quarter or half of an hour Mr. Campbell, senior (the sub-sheriff), came in, and was followed shortly after by his son; the sub-sheriff remained with us in the billiard-room for about an hour, when he left, saying he would go see those jurors who were upstairs: his son however remained with us till we left the billiard-room at about 10 minutes before 12 o'clock.

Whilst the sub-sheriff and his son were there three gentlemen came into the billiard-room; I was introduced to one of them by Mr. Reis, but I had no conversation with him, or with any of the other strangers.

While in the billiard-room, the only drink taken by the jurors was—Mr. Reis two half glasses of brandy and soda, Mr. Gibson two glasses of beer, Mr. Wardropp two half glasses of whiskey and water, and myself two glasses of sherry and soda-water, which, with the wine which I before mentioned as being drunk by me, was the entire stimulants of which I partook while at the hotel; the other two jurors in the billiard-room, videlicet, Mr. Phillips and Mr. Maconchy, did not take anything; these were the only things brought to us, and I believe nothing was ordered except by me; twice I asked Mr. Campbell to have something, but he refused.

We left the billiard-room at 10 minutes to 12 o'clock, and Mr. Campbell, junior, came with us upstairs as far as the dining-room, which was on the landing next below our bedrooms; there Mr. Reis asked if he could have some supper, and we remained talking for some minutes, when Mr. Campbell left, having first said to me "Mr. Foreman, will you see these men to bed before you turn in," which I promised him I would do. We then went upstairs; Mr. Reis, who is certainly a man of very high spirits, was noisy when in the corridor, and went into two or three of the rooms, thinking, as I gathered from his remarks, that the entire corridor had been, as we were informed, given up to us.

I solemnly declare that Mr. Reis was, in my opinion, as were all the other gentlemen, quite sober all the time of our stay at the hotel. There was no disturbance or noise made by any of the other jurors present. There was neither singing nor horse-play between any two or more of them, and no one, to my knowledge, tried to enter any of the rooms but Mr. Reis.

I positively declare that I did not see Mr. Reis keeping ringing the bell or making noise and jumping about, as stated in the affidavit of Alfred Martin, sworn the 17th day of August instant; nor do I believe that he did so, nor did I nor, as far as I know and believe, did any of the other jurors join Major Wynne (whose name I did not even know) in the drink.

I positively declare that I did not nor, as far as I am aware and believe, did any of the other jurors ring the bell repeatedly, or at all, for the purpose of giving annoyance to the hall porter, as stated in the affidavit of Francis Brady, also sworn on the 17th day of August instant.

I did not see Mr. Reis raise his hand to strike Richard O'Connor, as mentioned in the affidavit of the said Richard O'Connor, also sworn the 17th day of August instant.

I positively declare that I am not the jurymen alluded to in the affidavit of Patrick Tobin, also sworn on the 17th day of August instant, as creating a disturbance on the landing, nor do I know to whom he alluded.

I deny

I deny that I was, or that any of the other jurors, so far as I know and believe, were jumping about in, or ran to the end of the passage, or passed any observation relative to Margaret Walsh, or that I or they, so far as I know and believe, went upstairs to her door, as stated in the affidavit of the said Margaret Walsh, also sworn on the 17th day of August instant.

I utterly deny that I or any of the other jurors, as I believe, kicked at the door of Miss E. J. Carberry's room again and again, or at all, as stated in her affidavit, also sworn on the 17th August instant; nor did I nor, as I believe, any of the other jurors knock at the fanlight over her door.

I utterly deny that I joined in any chorus, or singing of any kind, nor did I hear any of the other jurors doing so, and I do not believe they did; nor was I nor, as I believe, were any of the other jurors, scuffling, rushing, laughing coarsely, or indulging in horse-play along the corridor, or falling about the passage, as stated in the letter referred to in Mr. William O'Brien's affidavit, also sworn the 17th August instant.

I never said to any person that the last of the jurors was in bed before 12 o'clock, and the statement of my having said so, contained in the affidavit of Patrick Tobin, sworn on the 17th August instant, is quite untrue.

I positively say that during my stay at the hotel I had not any communication with, nor did I speak to any person except to the other jurors, nor did any person except the other jurors, speak or make any communication to me on the subject of the trial.

And I make this solemn declaration, in compliance with the request of his Excellency the Lord Lieutenant of Ireland, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the sixth year of the reign of his late Majesty (5 & 6 Will. 4, c. 62), intituled, "An Act to repeal an Act of the present Session of Parliament, intituled, 'An Act for the more effectual Abolition of Oaths and Affirmations, taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of Voluntary and Extra Judicial Oaths and Affidavits, and to make other provisions for the Abolition of Unnecessary Oaths.'"

*W. G. Barrett.*

Made and subscribed this Twenty-fifth day of August 1882, at No. 14, Grafton-street, in the City of Dublin, before me, a Commissioner of the Supreme Court of Judicature in Ireland for taking Affidavits, and I know declarant.

*Arnold J. Power.*

#### DECLARATION of Mr. RICHARD D. BARBOR.

County of the City of Dublin, to Wit :

I, RICHARD D. BARBOR, of Grosvenor-road, Rathmines, in the county of Dublin, Bank Manager, do solemnly and sincerely declare,—

That I was one of the jurors in the case of The Queen *v.* F. Hynes, tried before Mr. Justice Lawson, at Green-street, on the 11th and 12th days of August instant.

That we were brought away from Green-street a little before 6 o'clock on Friday the 11th, to the Imperial Hotel, Sackville-street, under charge of police. We had dinner about 7 o'clock. I had one glass of claret and water, one glass of grog at dinner, and one glass of claret after dinner, and no more.

I then wrote some letters and read the London "Times," and left for bed at 9.45 at once, when my clothes from home were brought up to the sitting-room. I was in bed before 10 o'clock.

I was some time asleep when some noise awoke me, and I heard some voices and a bath fall near my door. I do not know what persons were outside, as I did not get up, but fell asleep soon again.

I was only in three rooms during my stay at the hotel, videlicet, the sitting-room, bedroom, and a bath-room, near my own door, and in view of the police.

During my absence from court I never was out of the charge of the police.

I positively say that I never saw any one of the jurors under the influence of drink in the slightest degree at any time during their stay at the hotel.

Our foreman asked us, after breakfast on Saturday, to talk over the trial, whereupon I at once locked the door to prevent any person coming in, and it remained locked the entire time we were talking over the case.

I had nothing to drink, except what I have stated, from the time I left the court on Friday till the verdict was given in.

I positively say that during my stay at the hotel I had not any communication with, nor did I speak to, any person, except to the other jurors, nor did any person, except the other jurors, speak or make any communication to me on the subject of the trial.

And I make this solemn declaration in compliance with the request of his Excellency the Lord Lieutenant of Ireland, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the sixth year of the reign of his late Majesty (5 & 6 Will. 4, c. 62), intituled, "An Act to repeal an Act of the present Session of Parliament, intituled, 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of Voluntary and Extra Judicial Oaths and Affidavits, and to make other provisions for the Abolition of Unnecessary Oaths.'"

*R. D. Barber.*

Made and subscribed this Twenty-fifth day of August 1882, at No. 14, Grafton-street, in the City of Dublin, before me a Commissioner of the Supreme Court of Judicature in Ireland for taking Affidavits, and I know Declarant.

*Arnold J. Power, Commissioner.*

#### DECLARATION of Mr. JOHN BEATTY.

County of the City of Dublin, to Wit :

I, JOHN BEATTY, of Grafton-street, in the City of Dublin, one of the firm of Millar and Beatty, carpet manufacturers, do hereby solemnly and sincerely declare,—

That I was one of the jurors in the case of the Queen *v.* F. Hynes, tried on the 11th and 12th days of August instant, before Mr. Justice Lawson at Green-street, Dublin.

That at the luncheon of the jurors on the 11th of August instant, Mr. Campbell, junior, son of the sub-sheriff, proposed that in case of a lock-up the jurors should go to the Imperial Hotel; this we all strenuously opposed, and suggested the Gresham Hotel.

That at the close of the day, the trial not having concluded, the judge mentioned the Gresham Hotel as the place to which the jurors were to be brought, but we were told by the sub-sheriff that having been unable to obtain the necessary accommodation at the Gresham, he had arranged for us at the Imperial Hotel, and that we had no option.

That when we arrived at the Imperial Hotel we were told by the sub-sheriff that we were to have the exclusive use of the upper corridor, and that any rooms then occupied would be cleared out. Some of us thereupon selected our rooms, others I believe neglected to do so. Mr. Searight and myself elected to take No. 28, a double-bedded room at the extreme end of said corridor.

We then proceeded to the dining-room below and had dinner. I drank one and a half wine glasses of claret, which was all the stimulating liquor I took while at the hotel. I went to bed a little after 10 o'clock and soon fell asleep, and I heard no noise at all during the night.

After dinner some of the jurors left the room, going, some I believe, to their bed-rooms and others to the billiard room to smoke.

At about half-past nine o'clock the sub-sheriff came to us in the dining-room and remarked that he had been with the other jurors for some time in the billiard-room, and spoke of the times being so altered from what they formerly were, the jurors now having so much liberty, while formerly they would have been locked up in Green-street all night.

I met the whole of my fellow jurors at breakfast at nine o'clock the following morning, when I sat beside Mr. Reis, and I am decidedly of opinion that neither he nor any other juror showed the slightest appearance of having been intoxicated the night before, and they certainly appeared perfectly sober on the previous evening up to the time I left them when I went to bed.

I positively say that during my stay at the hotel I had not any communication with nor did I speak to any person except to the other jurors, nor did any other person except the other jurors speak to or have any communication with me on the subject of the trial.

And I make this solemn declaration in compliance with the request of His Excellency the Lord Lieutenant of Ireland, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the sixth year of the reign of his late Majesty (5 & 6 Will. 4, c. 62), intituled, "An Act to repeal an Act of the present Session  
of



of Parliament, intituled, 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of Voluntary and Extra-Judicial Oaths and Affidavits, and to make other provisions for the Abolition of Unnecessary Oaths.'"

*John Beatty.*

Made and subscribed this Twenty-fifth day of August 1882, at No. 14, Grafton-street, in the City of Dublin, before me, a Commissioner of the Supreme Court of Judicature in Ireland for taking Affidavits; and I know Declarant.

*Arnold J. Power, Commissioner.*

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DECLARATION of Mr. RICHARD CAREY.

County of the City of Dublin, to Wit:

I, RICHARD CAREY, residing at 57, Lansdowne-road, in the city of Dublin, do solemnly and sincerely declare that, on the day of the trial of the case of the Queen v. Hynes, when the jury (of which I was one) were brought to the Imperial Hotel, a short time after dinner I retired to my bedroom, where I remained till the following morning; during the night, about 12 o'clock, there was a good deal of disturbance and confusion on the corridor, and some person attempted to open my bedroom door, but after about a quarter of an hour the noise ceased; during my stay at the hotel I drank nothing but cold water and tea, and had no communication whatever with any person except those in whose charge I was, and my fellow jurors. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the sixth year of the reign of his late Majesty (5 & 6 Will. 4, c. 62), intituled, "An Act to repeal an Act of the present Session of Parliament, intituled, 'An Act for the more effectual Abolition of Oaths and Affirmations, taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of Voluntary and Extra Judicial Oaths and Affidavits, and to make other provisions for the Abolition of Unnecessary Oaths.'"

*Richard Carey.*

Made and subscribed before me, a justice of the peace for the said city, at No. 24, FitzWilliam-square, Dublin, this Twenty-eighth day of August 1882.

*Samuel Frederick Adair.*

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DECLARATION of Mr. WILLIAM GIBSON.

County of the City of Dublin, to Wit:

I, WILLIAM GIBSON, of 14, Lower Ormond Quay, in the City of Dublin, Seeds-merchant, do solemnly and sincerely declare—

That I was one of the jurors in the case of "The Queen v. F. Hynes," tried before Mr. Justice Lawson at Green-street, in the City of Dublin, on the 11th and 12th days of August instant.

That on leaving the Court on the evening of the 11th instant, I was with the 11 other jurors conveyed to the Imperial Hotel, Sackville-street, under the charge of the sub-sheriff, bailiffs, and policemen, where we had our dinner.

That I drank half a glass of gin and bitters, half a glass of sherry, and a glass of beer.

That after dinner, I and some others of our number, *videlicet*, Mr. Barrett (the foreman), Mr. Reis, Mr. Macouchy, Mr. Phillips, and Mr. Wardrop, wishing to smoke, were shown to the billiard room, under the strict surveillance of the police and bailiff, of whom the former remained at the door, and the latter in the room with us.

That no objection was made to our going to the billiard room.

While in the billiard room I drank two glasses of beer, for which the foreman gave the order, and which with the drink I had at dinner, as before mentioned, was all the stimulants I took while at the hotel.

I positively say that during my stay at the hotel I had not any communication with, nor did I speak to, any person except to the other jurors, nor did any person, except the other jurors, speak or make any communication to me on the subject of the trial.

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I left

I left the billiard room, together with the other gentlemen above named, and on coming to the landing on which our dining room was, I went up stairs before them to my room, No. 18, which I and Mr. Wardrop had secured earlier in the evening.

I positively say that at that time Mr. Reis, as well as myself and the said other jurors who had been in the billiard room with me, were perfectly sober, nor was any one of the jurors, so far as I know, and verily believe, under the influence of drink in the slightest degree at any time during the progress of the said trial.

Some time after my going up stairs, Mr. Reis came to our bedroom door, which he opened, and stepped in, but on seeing me in bed, went at once back, begging my pardon.

Shortly after, about 12 o'clock, I heard something like the rumbling of a sponge bath when knocked over, which I was afterwards informed by Mr. Reis was caused by his stumbling over a sponge bath in the corridor. I positively declare that I did not see Mr. Reis keeping ringing the bell or making noise and jumping about as stated in the affidavit of Alfred Martin, sworn the 17th day of August instant, nor do I believe that he did so, nor did I, nor as far as I know and believe did any of the other jurors join Major Wynne (whose name I did not even know) in the drink.

I positively declare that I did not, nor so far as I am aware and believe did any of the other jurors ring the bell repeatedly or at all for the purpose of giving annoyance to the hall porter, as stated in the affidavit of Francis Brady, also sworn on the 17th day of August instant.

I did not see Mr. Reis raise his hand to strike Richard O'Connor, as mentioned in the affidavit of the said Richard O'Connor, also sworn the 17th day of August instant.

I positively declare that I am not the jurymen alluded to in the affidavit of Patrick Tobin, also sworn on the 17th day of August instant, as creating a disturbance on the landing, nor do I know to whom he alluded.

I deny that I was, or that any of the other jurors, so far as I know and believe, were jumping about in, or ran to the end of the passage, or passed any observation relative to Margaret Walsh, or that I or they, as far as I know and believe, went up stairs to her door as stated in the affidavit of the said Margaret Walsh, also sworn on the 17th day of August instant.

I utterly deny that I or any of the other jurors, as I believe, kicked at the door of Miss E. J. Carberry's room again and again, or at all, as stated in her affidavit also sworn on the 17th August instant, nor did I, nor as I believe any of the other jurors knock at the fan-light over her door.

I utterly deny that I joined in a chorus or singing of any kind, nor did I hear any of the other jurors doing so, and I do not believe they did; nor was I, nor, as I believe, were any of the other jurors, scuffling, rushing, laughing coarsely, or indulging in horse-play along the corridor, or falling about the passage as stated in the letter referred to in Mr. William O'Brien's affidavit also sworn the 17th August instant.

And I make this solemn Declaration in compliance with the request of His Excellency the Lord Lieutenant of Ireland, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the sixth year of the reign of his late Majesty (5 & 6 Will. 4, c. 62), intituled "An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual abolition of Oaths and Affirmations' then and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra judicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths."

*Wm. Gibson.*

Made and subscribed this Twenty-fifth day of August 1882, at No. 14, Grafton-street, in the City of Dublin, before me, a Commissioner of the Supreme Court of Judicature in Ireland for taking Affidavits; and I know Declarant.

*Arnold J. Power, Commissioner.*

#### DECLARATION OF MR. EDWARD C. HAMILTON.

County of the City of Dublin, to Wit:

I, EDWARD C. HAMILTON, of Everdingen, Orwell-road, Rathgar, in the County of Dublin, half pay, Bengal Staff Corps, do solemnly and sincerely declare that I was one of the jurors in the case of "The Queen v. F. Hynes," tried at Green-street, before Mr. Justice Lawson, on the 11th and 12th days of August instant.

On the Court rising at half-past 5 o'clock, the Judge directed the Sub-sheriff to take charge of us for the night, and suggested that we should be taken to the Gresham Hotel. We were all much surprised when the Sub-sheriff told us to choose between the European and Imperial Hotels. We all remonstrated, requesting to be taken to the Gresham or Shelbourne Hotel, some jurors stating that they would prefer to pass the night in the room at the Court-house. The Sub-sheriff, however, ended the matter by informing us we had no choice, and that, as we refused to go to the European, he would have us at once removed to the Imperial.

On

On arriving at the hotel we were taken upstairs to a passage at the top of the house, which we were informed by the Sub-sheriff had been reserved entirely for our separate use. We were then immediately taken down to a room where dinner had been prepared for us. After dinner some of the jurors asked permission to smoke. I and some others asked if it were allowable that the smokers might go together to another room, as the evening was very close. No objection was raised to this, and the smokers were taken, under charge of bailiffs and police, to the billiard room of the hotel.

I solemnly declare that, from the hour I left the jury-box on Friday evening till we returned to it on Saturday morning, I drank one glass of whisky and seltzer water, and no more wine or spirits whatever. After dinner I went to my room, being unwell. I found Mr. Carey there, who was then looking for a room. I sat there talking to him for some time, when I went downstairs to inquire if my night things had arrived. They had not done so, nor did they come till near 11 o'clock. I went with Mr. Carey to find a vacant room for him. I first went to Mr. O'Brien's room, opposite mine, but finding it occupied I went to the next, which we found vacant, and I left him there. At about half-past 10 I went down a second time to inquire for my things, and for that purpose I went down to the hall. Hearing they had not come, I looked into the billiard room. I saw the Sub-sheriff standing talking to some gentlemen, and Mr. Barrett playing billiards. None of the gentlemen in the room appeared to me to be in the slightest degree under the influence of drink at that time.

At about 11, my things having arrived, I went to bed, but did not go to sleep till after the jurors had come upstairs. When the party from the billiard room came upstairs I heard Mr. Reis speaking and calling out loudly. I heard him knock over a bath and put it up again, with more noise than was absolutely necessary. Mr. Reis is shortsighted, and I am informed that at the time there was very little light in the passage. I heard someone go to two or three rooms, opening the doors, but I heard no singing, nor did I hear anything to lead me to imagine that drunken people were stumbling about in the passage.

During my stay at the hotel I did not speak to, or hold any communication with, any person except the other jurors, nor did any person except the other jurors speak to, or hold any communication with, me in relation to the case at trial.

And I make this solemn declaration in compliance with the request of his Excellency the Lord Lieutenant of Ireland, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the sixth year of the reign of his late Majesty (5 & 6 Will. 4, c. 62), intituled, "An Act to repeal an Act of the present Session of Parliament, intituled, 'An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra-Judicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths.'"

*Edward C. Hamilton.*

Made and subscribed this Twenty-fifth day of August 1882, at No. 14, Grafton-street, in the City of Dublin, before me, a Commissioner of the Supreme Court of Judicature in Ireland for taking Affidavits; and I know Declarant.

*Arnold J. Power, Commissioner.*

#### DECLARATION OF MR. WILLIAM MACKLIN.

County of the City of Dublin, to Wit:

I, WILLIAM MACKLIN, of 1, Crofton-terrace, Kingstown, in the County of Dublin, do solemnly and sincerely declare—

That I was one of the jurors in the case of the Queen v. F. Hynes, tried on the 11th and 12th days of August instant, before Mr. Justice Lawson, at Green-street, Dublin.

That I was brought by the Sub-sheriff with my fellow jurors to pass the night of the 11th of August instant at the Imperial Hotel, Sackville-street.

That I partook of no intoxicating liquor whatever during my stay at the said hotel.

That after going to the dining-room for dinner I remained there most of the evening, only going upstairs for a few minutes until I retired upstairs to bed at about 10.30 o'clock p.m.

That about an hour-and-a-half, as I believe, after going to bed, I heard a noise as of a bath falling and footsteps walking up and down the corridor in which my bed-room was.

That I did not see any one of my fellow jurors in the slightest degree intoxicated at any time during the said trial.

I positively declare that I had not any communication with nor did I speak to any person except to the other jurors, nor did any person except the said jurors speak to or have any communication with me during my stay at the hotel on the subject of the trial.

And I make this solemn declaration in compliance with the request of his Excellency the Lord Lieutenant of Ireland, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the sixth year of the reign of his late

His Majesty (5 & 6 Will. 4, c. 62), intituled, "An Act to repeal an Act of the present Session of Parliament, intituled, 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of Voluntary and extra-judicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths.'"

*William Macklin.*

Made and subscribed this Twenty-fifth day of August 1882, at No. 14, Grafton-street, in the City of Dublin, before me a Commissioner of the Supreme Court of Judicature in Ireland for taking Affidavits; and I know Declarant.

*Arnold J. Power, Commissioner.*

#### DECLARATION OF MR. JOHN STEUART MACONCHY.

County of the City of Dublin, to Wit :

I, JOHN STEUART MACONCHY, of Fairfield, Rathgar, in the County of Dublin, gentleman, do solemnly and sincerely declare that I was one of the jurors in the case of 'The Queen against F. Hynes,' tried before Mr. Justice Lawson, at Green-street, Dublin, on the 11th and 12th days of August, instant; and I say I remember being brought with the other members of the jury to the Imperial Hotel on Friday, the 11th instant. At dinner that day I drank four wine glasses of iced claret, and one wine glass of champagne; this was all the stimulants I drank while I remained in the Imperial Hotel. After dinner some of the jurors wished to smoke, but others objected to the smoking in the dining room, and then the suggestion was made to retire to another room, and the billiard room was named, as smoking was allowed in it; no objection being raised, six of us proceeded to the billiard room, accompanied by a bailiff, and a few games of billiards were played; there were strangers in the room; there was no conversation held in that room relative to the trial, neither was there any excess in drinking. I declare that everyone of the party were perfectly sober on leaving the room. On arriving in the corridor where our bedrooms were, some of the party did not know where to go, and therefore had to wait some time in the corridor, until one of the servants came up to show the rooms, which occupied some time; I myself, rather than wait, took a double-bedded room. The noise in the passage was occasioned by one of the jurors, Mr. Reis, moving or stumbling over a sponge bath, which slipped and fell with considerable noise; the same juror turned the handles of several of the doors to see who were in the rooms, thinking at the time, as I believe, that there was no one sleeping on the corridor but the jurors. I again solemnly declare that all were perfectly sober at the time I went to my room. All was quiet at 15 minutes past 12 o'clock, and there was no further noise in the corridor, which (had there been any) I must have heard, as I did not fall asleep until long after, on account of the noise in the street. I positively state that during my stay at the hotel in no wise had I any communication with, nor did I speak to, any person, except to the other jurymen, or did any person speak to me, except the other jurors, on the subject of the trial. I positively declare that I did not see Mr. Reis keep ringing the bell, or making a noise and jumping about, as stated in the affidavit of Alfred Martin, sworn the 17th day of August instant, nor do I believe that he did so, nor did I, nor as far as I know and believe did any of the other jurors, join Major Wynne (whose name I did not even know) in the drink. I positively declare that I did not, nor so far as I am aware and believe did any of the other jurors, ring the bell repeatedly, or at all, for the purpose of giving annoyance to the hall porter, as is stated in the affidavit of Francis Brady, also sworn on the 17th day of August instant. I did not see Mr. Reis raise his hand to strike Richard O'Connor, as mentioned in the affidavit of the said Richard O'Connor, sworn the 17th day of August instant. I positively declare that I am not the jurymen alluded to in the affidavit of Patrick Tobin, also sworn the 17th day of August instant, as creating a disturbance on the landing, nor do I know to whom he alluded. I deny that I was, or that any of the other jurors, so far as I know and believe, were jumping about or ran to the end of the passage, or that I or they, so far as I know and believe, went upstairs to the bedroom door of Margaret Walsh, as stated in the affidavit of the said Margaret Walsh, also sworn on the 17th August instant. I utterly deny that I or any of the other jurors, as I believe, kicked at the door of Miss E. J. Carberry's room again and again, or at all, as stated in her affidavit, also sworn on the 17th August instant; nor did I, nor, as I believe, any of the other jurors, knock at the fanlight over the door. I utterly deny that I joined in any chorus or singing of any kind, nor did I hear any of the other jurors doing so, and I do not believe they did; nor was I, nor, as I believe, any of the other jurors, scuffling, rushing, laughing coarsely, or indulging in horseplay along the corridor, or falling about the passage, as stated in the letter referred to in Mr. William O'Brien's affidavit, also sworn the 17th day of August instant. I was with Mr. Reis in the passage outside the bedrooms when I gave my boots to the waiter, but I deny that I was playing tricks, or that I desired him to take the boots away to hide them for me. And I make this solemn declaration in compliance with

with the request of his Excellency the Lord Lieutenant of Ireland, conscientiously believing the same to be true; and by virtue of the provisions of an Act passed in the sixth year of the reign of his late Majesty (5 & 6 Will. 4, c. 62), intituled, "An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra-Judicial Oaths and Affidavits, and to make other provision for the abolition of unnecessary Oaths.'"

*John S. Maconchy.*

Made and subscribed this Twenty-fifth day of August 1882, at No. 14, Grafton-street, in the City of Dublin, before me, a Commissioner of the Supreme Court of Judicature in Ireland for taking Affidavits; and I know Declarant.

*Arnold J. Power, Commissioner.*

#### DECLARATION of Mr. EPHRAIM PHILLIPS.

County of the City of Dublin, to Wit :

I, EPHRAIM PHILLIPS, of 37, Grafton-street, in the City of Dublin, draper, do solemnly and sincerely declare that I was one of the jurors in the case of *The Queen against F. Hynes*, tried before Mr. Justice Lawson, at Green-street, Dublin, on the 11th and 12th days of August instant, and I say I remember being brought, with the other members of the jury, to the Imperial Hotel, Lower Sackville-street, on Friday the 11th instant. On arriving there we were brought upstairs to a corridor at the top of the house, and were told that it had been cleared out specially for us to sleep in. Shortly after we were brought down to dinner, and Mr. Barrett (the foreman) ordered some drink to be brought for the jurors; I did not partake of any, I am a pledged total abstainer and the statement made on oath by Robert Boylan, that all the jury had drink at dinner is untrue; the foreman wanted to get lemonade or ginger beer for me, but I declined and used water only; I afterwards had a cup of coffee. After dinner some of the jurors wished to smoke, but others of them objected, and after a short time Mr. Barrett arranged that any that wished could go to the billiard room and smoke there. I went there with five others, although I do not, and did not, smoke.

There were two gentlemen playing billiards in the room when we entered, but they left shortly afterwards; we had no conversation with them. A friend of Mr. Reis, and another gentleman whom I afterwards learned was a Major Wynne, came in later during the evening; the latter seemed to be acquainted with Mr. Campbell, junior (who I may say was present with us a considerable time).

The sub-sheriff also spent some time with us.

I did not partake of any drink during the entire night, and I solemnly declare that Mr. Reis was not drunk, nor did he show any sign of being under the influence of it while in the billiard room; he talked rather loud and in a vivacious manner, but not more so than is his usual style. We left the billiard room in company with Mr. Campbell, about 10 minutes of 12 o'clock, and proceeded upstairs to our bedroom flat. On arrival there I had to look for a bedroom as I had not been given any particular room. I slept in a double-bedded room, another juror occupied it with me. Mr. Reis, on coming into the corridor, knocked a hip-bath down, making a great noise by the fall, and he spoke loudly about it; he afterwards called out for slippers, and, not getting any answer, called loudly down the stairs to have them brought up to him, but ultimately went down to the jurors' dining room and got them; he then proceeded to look for a bedroom, and had a light in his hand. I saw him enter a bedroom, and heard him making the exclamation to some person in bed, "Hallo, old man, have you got alone?"

I thought the room was occupied by one of the jury, and understood the expression to be a sort of congratulation to him at having succeeded in getting a single bedroom, as Mr. Reis had been annoyed, and protested he would not sleep in a double bedroom, a short time previously. The room door was not fastened, and Mr. Reis made no delay in leaving the room; Mr. Reis afterwards occupied a single bedroom nearly opposite mine.

I solemnly declare that there was no rough horseplay, singing, or jumping over or about one another; also that not one of the jurors went up the stairs to the servant's room, as stated by Margaret Walsh; also that Mr. Reis and the other jurymen were not drunk, or under its influence.

I also solemnly declare that I had no conversation with any outsider whatever about the case, and in fact did not speak to any person outside the jury that night.

I positively declare that I did not see Mr. Reis keeping ringing the bell, or making a noise and jumping about, as stated in the affidavit of Alfred Martin, sworn the 17th day of August; nor do I believe that he did so, nor did I, nor as far as I know and believe, did any of the other jurors join Major Wynne (whose name I did not even know) in the drink.

I positively declare that I did not, nor, so far as I am aware and believe, did any of the other jurors, ring the bell repeatedly, or at all, for the purpose of giving annoyance to

the hall porter, as stated in the affidavit of Francis Brady, also sworn on the 17th day of August instant.

I did not see Mr. Reis raise his hand to strike Richard O'Connor, as mentioned in the affidavit of the said Richard O'Connor, also sworn the 17th day of August instant.

I positively declare that I am not the jurymen alluded to in the affidavit of Patrick Tobin, also sworn the 17th day of August instant, as creating a disturbance on the landing, nor do I know to whom he alluded.

I deny that I was, or that any of the other parties, so far as I know and believe, were jumping about or ran to the end of the passage, or that I, or they, so far as I know and believe, went upstairs to the bedroom door of Margaret Walsh, as stated in the affidavit of the said Margaret Walsh, also sworn on the 17th August instant.

I utterly deny that I, or any of the other jurors as I believe, kicked at the door of Miss E. J. Carberry's room again and again, or at all, as stated in her affidavit, also sworn on the 17th August instant, nor did I, nor as I believe any of the other jurors, knock at the fanlight over her door. I utterly deny that I joined in any chorus or singing of any kind, nor did I hear any of the other jurors doing so, and I do not believe they did, nor was I, nor as I believe were any of the other jurors, scuffling, rushing, laughing coarsely, or indulging in horseplay, along the corridor, or falling about the passage, as stated in the letter referred to in Mr. William O'Brien's affidavit, also sworn the 17th day of August instant. And I make this solemn declaration in compliance with the request of his Excellency the Lord Lieutenant in Ireland, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the sixth year of the reign of his late Majesty (5 & 6 Will 4, c. 62), intituled, "An Act to repeal an Act of the present Session of Parliament, intituled, 'An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths.'"

*Ephraim Phillips.*

Made and subscribed this Twenty-fifth day of August 1882, at No. 14, Grafton-street, in the City of Dublin, before me, a Commissioner of the Supreme Court of Judicature in Ireland, for taking Affidavits; and I know Declarant.

*Arnold J. Power, Commissioner.*

#### DECLARATION of MR. CHARLES LIONEL REIS.

County of the City of Dublin, to Wit:

I, CHARLES LIONEL REIS, of 5, Grafton-street, in the City of Dublin, jeweller, do solemnly and sincerely declare,

That I was a juror in the case of the Queen *against* Hynes, tried at Green-street on the 11th and 12th days of August instant, before Mr. Justice Lawson.

That after our arrival at the Imperial Hotel, on the 11th instant, we were taken up stairs to a corridor at the top of the house, and were told by the sub-sheriff that the entire passage had been reserved for the exclusive use of the jurors. I did not then decide on the room I was to occupy for the night, as I did not like the one which I was shown into to wash my hands. I then went down with the other jurors to dinner. Before dinner I had half a glass of gin and bitters, and at dinner I had three glasses of light claret (St. Estephe) with water; after dinner I asked for a bottle of champagne, which I am accustomed always to take at my dinner, and this wine was divided between myself, Mr. Barrett, Mr. Wardropp, and Mr. Maconchy; I drank nothing more at dinner. After dinner, some objection having been raised to our smoking in the dining-room, I and some others of the jurors went down to the billiard-room, accompanied by a policeman and a bailiff; there I remained till we all went upstairs for the night, it being then ten minutes to 12 o'clock. While in the billiard-room I had two half glasses of brandy and two bottles of soda water, which, with the liquor hereinbefore mentioned to have been taken by me was all the stimulants taken by me while at the hotel. I solemnly declare that I was not in the slightest degree intoxicated, nor was any other of the jurors, as I verily believe. I positively state that during my stay at the hotel in nowise had I any communication with, nor did I speak to, any person except to the other jurymen, or did any person speak to me, except the other jurors, on the subject of the trial.

On going upstairs to the corridor, where our bedrooms were situated, and which corridor was understood by us to have been reserved for our exclusive use, we found the passage very badly lighted, and being very short-sighted I did not notice a bath which was lying against the wall; my foot came against it and it fell; on replacing it it fell again, and then somewhat noisily I put it up against the wall. I then looked for a room to sleep in, and in doing so came to the room in which Mr. O'Brien was; I had not a candlestick in my hand; I did not burst his door open, it being neither locked nor chained, and I found no obstruction whatsoever to prevent my walking into the room, which I did, and

and on doing so I struck a light on a match-box I had in my hand; seeing some one in bed, and naturally thinking it was a fellow juror, I remarked, "Hallo, old fellow, did you get alone here?" On perceiving my error I apologised and withdrew. I certainly was not then, or at any other time that evening, under the influence of drink, even in the very slightest degree. I then tried two other rooms, which were locked, and one was chained, and finding the rooms all occupied I rang the bell several times, but received no reply; then I called out loudly for a hotel servant to get me a room and to bring me a pair of slippers; I strongly deny the assertion that I asked for ham or roast pork, and being of the Hebrew persuasion I would not eat pork on any account. I positively declare that I did not keep ringing the bell or make a noise and jump about, as stated in the affidavit of Alfred Martin, sworn the 17th day of August instant; nor did I, nor, as far as I know and believe, did any of the other jurors, join Major Wynne (whose name I did not even know) in the drink.

I positively declare that I did not, nor, so far as I am aware and believe, did any of the other jurors ring the bell repeatedly, or at all, for the purpose of giving annoyance to the hall porter, as stated in the affidavit of Francis Brady, also sworn on the 17th day of August instant. I rang the bell to have some cigars previously ordered changed for better ones, and the waiter not coming I rang again; the other jurors said, not to mind changing them, and when the waiter came, I told him it was no matter; this was the only time I rang the bell in the billiard-room; I did not tell Alfred Martin (as stated in his affidavit) that I never rang the bell; if I spoke to Major Wynne at all, as Francis Brady states in the said affidavit, it could only have been about the billiards; I did not raise my hand to strike Richard O'Connor, as mentioned in the affidavit of the said Richard O'Connor, also sworn the 17th day of August instant, nor do I know Richard O'Connor at all; I positively declare I am not the jurymen alluded to in the affidavit of Patrick Tobin, also sworn the 17th day of August instant, as creating a disturbance on the landing, nor do I know to whom he alluded. His statement as to my being drunk, and as to his trying to entice me to stay in a bedroom into which he had brought me, and as to my jumping out again, is utterly and entirely false. Mr. Phillips was in the bedroom opposite mine, and I once went out of my room to answer a remark of Mr. Phillips, both our doors being open, and for no other purpose. I deny that I was or that any of the other jurors, so far as I know and believe, were jumping about or ran to the end of the passage, or that I or they, so far as I know and believe, went upstairs to her bedroom door, as stated in the affidavit of Margaret Walsh, also sworn on the 17th of August instant.

I utterly deny that I or any of the other jurors, as I believe, kicked at the door of Miss E. J. Carberry's room again and again, or at all, as stated in her affidavit, also sworn on the 17th August instant; nor did I, nor, as I believe, any of the other jurors, knock at the fanlight over her door. I utterly deny that I joined in any chorus or singing of any kind, nor did I hear any of the other jurors doing so, and I do not believe they did; nor was I, nor, as I believe, were any of the other jurors, scuffling, rushing, laughing coarsely, or indulging in horse-play along the corridor, or talking about the passage, as stated in the letter referred to in Mr. O'Brien's affidavit, also sworn the 17th day of August instant.

I utterly deny that I said to Elizabeth Ennis, "Deuce a bit of it!" or that she gave me in charge to a waiter, who took me away, as stated in her affidavit, also sworn the 17th day of August instant.

I was with Mr. Maconchy in the passage outside the bed-rooms when he gave his boots to the waiter, but I deny that I was playing tricks, or that Mr. Maconchy desired him to take the boots away to hide them for him. And I make this solemn declaration in compliance with the request of his Excellency the Lord Lieutenant of Ireland, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the sixth year of the reign of his late Majesty (5 & 6 Will. 4, c. 62), intituled "An Act to repeal an Act of the present Session of Parliament, intituled, 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra-Judicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths.'"

*Chas. Lionel Reis.*

Made and subscribed this 25th day of August 1882, at No. 14, Grafton-street, in the City of Dublin, before me, a Commissioner of the Supreme Court of Judicature in Ireland for taking affidavits; and I know Declarant.

*Arnold J. Power, Commissioner.*

#### DECLARATION OF MR. GRAVES E. SEARIGHT.

County of the City of Dublin, to Wit:

I, GRAVES E. SEARIGHT, of 78, Pembroke-road, in the county of Dublin, gentleman, do solemnly and sincerely declare that I was one of the jurors in the case of the Queen against F. Hynes, tried before Mr. Justice Lawson, at Green-street, Dublin, on the 11th and 12th days of August instant, and I say that at the luncheon of the jurors on the 408.

11th instant, Mr. Campbell, junior, son of the sub-sheriff, proposed to us that in case of a lock-up we should go to the European Hotel; this we all strenuously opposed, and suggested the Gresham Hotel.

That at the close of the day, the trial not having concluded, the judge mentioned the Gresham Hotel as the place to which we were to be brought, but we were subsequently told by the sub-sheriff that being unable to obtain the necessary accommodation at the Gresham, he had arranged for us at the Imperial Hotel, and that we had no option.

That when we arrived at the Imperial Hotel we were told by the sub-sheriff we were to have the exclusive use of the upper corridor, and that any rooms then occupied would be cleared out; some of us thereupon selected our rooms, others I believe neglected to do so. Mr. Beatty, another of the said jurors, and myself, then elected to take No. 28, a double-bedded room on the said corridor, at the extreme end thereof, and having washed our hands and tidied up for dinner, we proceeded to the dining-room below, where we met the sub-sheriff, whom I and others invited to remain for dinner, which, after some consideration he declined to do, but said he would return immediately after dinner. The dinner passed off without incident. I drank nothing but about half a glass of sherry and a glass of claret and water (iced) at dinner, and after dinner another glass of claret and water (iced), and before I went to bed one other glass of claret and water; after dinner coffee was served, of which I had some. The question of smoking was mooted, to which some objected, and about this time a few of the jury retired, some I believe to their rooms, others to the billiard-room; but as I never left the dining-room until going to bed shortly before half-past 10 o'clock, I have no personal knowledge of anything which may have then taken place elsewhere than in the dining-room. There remained with me in the dining-room Mr. Beatty and Mr. Macklin, and I believe a few others. About half-past 9 o'clock the sub-sheriff came to us in the dining-room, remarking that he had been with the other jurors for some time in the billiard-room, and in the course of conversation spoke of the times being so altered from what they formerly were, the jurors now having so much liberty, while formerly they would have been locked up in Green-street; but he did not make any comment, save in this general manner, on the circumstance of some of the jurors being in the billiard-room. Mr. Beatty then retired to bed, and I followed shortly after, on the sub-sheriff leaving us shortly before half-past 10 o'clock. I found the corridor nearly dark, and saw no one to direct me, and but that I knew the exact situation of my room, I would have had much difficulty in finding it. By Mr. Beatty's desire I placed the guard chain on the door before getting into bed. I slept but little, if at all, and was quite awake at 12 o'clock, which I heard strike, and about the same time I heard the approach of people along the corridor as of strangers seeking rooms; they spoke seemingly in their ordinary tone of voice, which in the stillness of night sounded loud; they came to our door, which someone essayed to open, but finding it guarded by the chain, went away leaving it ajar, and remarking that the room was occupied. I heard them then, as if in like manner, trying other rooms, but I positively assert that I heard no horse-play or noise, as of people jumping over each other, which, had such taken place at this end of the corridor, I must have heard, and Mr. Beatty, who was in the room with me asleep, was not, as I believe, awakened by anything which took place. Shortly after this I heard a noise in the corridor as of a sponge bath being overturned, and this no doubt did make what at this hour of the night became magnified into a considerable noise; and I heard loud calling, as if for something, but for what I could not distinguish. In the course of a short time the place became perfectly quiet, and I heard nothing more during the night, though, as I have before stated, I lay awake during the greater part of it. I met the whole body of jurors at breakfast at 9 o'clock the following morning, when I sat beside Mr. Reis, and had good opportunity of observing him, and most certainly, in my opinion, neither he nor any other juror showed the slightest symptom of having been intoxicated the night before. Some allusion was made to the noise created by the falling of the bath in the night, but no importance was attached to the circumstance, and the matter dropped. After breakfast most of the jury entered into conversation on the subject of the trial, when it was settled that certain questions or points which had occurred to us should be put by the foreman at the opening of the Court, if allowed by the Judge, and I positively say, that during my stay at the hotel, in no wise had I any communication with, nor did I speak to any person except to the other jurymen, nor did any person speak to me except the other jurors on the subject of the trial. And I make this solemn declaration in compliance with the request of his Excellency the Lord Lieutenant of Ireland, conscientiously believing the same to be true, and by virtue of the provisions of an Act passed in the sixth year of the reign of his late Majesty (5 & 6 Will. 4, c. 62), intituled, "An Act to repeal an Act of the present Session of Parliament, intituled, 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra-Judicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths.'"

*G. E. Searight.*

Made and subscribed this 25th day of August 1882, at No. 14, Grafton-street, in the City of Dublin, before me, a Commissioner of the Supreme Court of Judicature in Ireland for taking affidavits; and I know declarant.

*Arnold J. Power, Commissioner.*



## DECLARATION of Mr. WILLIAM WARDROP.

County of the City of Dublin, to wit :

I, WILLIAM WARDROP, of 55, Great Brunswick-street, Dublin (builder), do solemnly and sincerely declare that I was one of the jurors in the case of the Queen v. Hynes, tried at Green-street, before Mr. Justice Lawson, the 11th and 12th days of August instant, and I say that Judge Lawson directed the jury to be taken to the Gresham Hotel for the night, but that instead of doing that Mr. Campbell, the sub-sheriff, brought us to the Imperial Hotel, though I and others protested.

We arrived at the Imperial Hotel about 6.30 p.m., accompanied by Mr. Campbell and his son and the officers sworn in by the Court.

We were taken up stairs to the top storey, and Mr. Campbell stated that all the rooms on the corridor would be for our exclusive accommodation: and some of us having observed two or three rooms occupied, Mr. Campbell said they would be cleared for us.

Mr. Gibson and I, not finding single rooms, decided upon a double-bedded room on the said corridor, No. 18.

We came down to dinner about 7 o'clock, and before dinner the foreman ordered some gin and bitters, of which I had half a glass. During dinner I had a glass of sherry and three-quarters of a glass of whiskey and water. After dinner I had one and half glasses of champagne; then coffee and cigars were ordered, of which I partook. Some of the jury objecting to smoking, the room being small for twelve people, and the night warm, Mr. Barrett (the foreman) made enquiry whether we could go elsewhere. The billiard-room was suggested by someone of the jury, and thereupon six of us went to the billiard-room, accompanied by a bailiff and policeman. This was about 8.30 o'clock.

When in the billiard-room, Mr. Barrett, the foreman, ordered two half-glasses of whiskey and water, two glasses of sherry, two half-glasses of brandy and soda, and two glasses of beer. This was taken by four of the jury, I having the whiskey and water, which, with the liquor I before mentioned as having been drunk by me, was the entire stimulants of which I partook while at the hotel.

Mr. Campbell, the sub-sheriff, came into the billiard-room about 9.30 o'clock, remarking, "I hope you are enjoying yourselves," or words to that effect. He remained some time with us, and then went upstairs to see the other jurors. He came back to the billiard-room about 10.30 o'clock, remarking he had had a cup of coffee upstairs.

Mr. Campbell's son came in, accompanied, I believe, by a gentleman. This was about 11 o'clock. Mr. Barrett asked him to take something; he declined, but had a cigar, as had also Mr. Reis and myself.

About 11.45 o'clock, Mr. Campbell's son, who was playing billiards with the gentleman named above, remarked it was time for us to go to bed, as he was going home, and we assented.

On arriving at our bed-room corridor, Mr. Reis shouted for slippers, waiting some time for them. Mr. Reis and I then went down to the coffee-room in which we had dined, where we got slippers, and left our boots there. We then came upstairs to the corridor again, when some others of the jurors remarked, "We have not fixed on a room." Mr. Reis at once went to a bed-room, the door of which was neither locked or bolted, and went in and struck a match, remarking to someone in the room, "All alone, old man." He at once came out. I was at the door and in the corridor, and I heard no angry voice at all. He next went to No. 18, which I said was my bed-room, and we saw Mr. Gibson there in bed. Mr. Reis then passed on to the far end of the corridor, and tried one door, but, it being chained, he said the room was occupied.

When at the end of the corridor Mr. Reis spoke to a woman, and the only question I heard him ask her was could she show him a bedroom. To the best of my knowledge and belief he made no other remark to her, and I do not think he could have done so without my hearing him.

We then came back to where some of the jurors, viz., Messrs. Barrett, Maconchy, and Phillips were standing, and after talking a few minutes with them, I said, "Good night," and went off to bed to the room where Mr. Gibson was. I chained my door. Mr. Reis came there shortly afterwards and knocked at my door, but immediately went away, when I said I was all right.

It was about 12.15 when I left Mr. Barrett, Mr. Maconchy, Mr. Reis, and Mr. Phillips, and during that time or afterwards I heard no singing, saw no horse-play, or any conduct unbecoming a gentleman.

I distinctly declare that all the six jurors who were in the billiard-room were, as were all the other jurors, so far as I know and believe, perfectly sober; and I did not see the slightest symptom of any one of the persons being even in the slightest degree under the influence of drink during the entire of our stay at the hotel.

I positively say that during my stay at the hotel I had not any communication with, nor did I speak to, nor was I spoken to by any person, except with, to, or by the other jurors, on the subject of the trial.

I positively declare that I did not see Mr. Reis keeping ringing the bell, or making noise and jumping about, as stated in the affidavit of Alfred Martin, sworn the 17th day of August instant, nor do I believe that he did so, nor did I; nor, as far as I know and believe, did any of the other jurors join Major Wynne (whose name I did not even know) in the drink.

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I positively declare that I did not, nor, so far as I am aware and believe, did any of the other jurors, ring the bell repeatedly, or at all, for the purpose of giving annoyance to the hall-porter, as stated in the affidavit of Francis Brady, also sworn on the 17th day of August instant.

I did not see Mr. Reis raise his hand to strike Richard O'Connor, as mentioned in the affidavit of the said Richard O'Connor, also sworn the 17th day of August instant.

I positively declare that I am not the jurymen alluded to in the affidavit of Patrick Tobin, also sworn on the 17th day of August instant, as creating a disturbance on the landing, nor do I know to whom he alluded.

I deny that I was, or that any of the other jurors, so far as I know and believe, were jumping about in, or ran to the end of, the passage, or passed any observation relative to Margaret Walsh; or that I or they, so far as I know and believe, went upstairs to her door, as stated in the affidavit of the said Margaret Walsh, also sworn on the 17th day of August instant.

I utterly deny that I, or any of the other jurors, as I believe, kicked at the door of Miss E. J. Carberry's room again and again, or at all, as stated in her affidavit, also sworn on the 17th August instant, nor did I, nor as I believe, any of the other jurors, knock at the fanlight over her door.

I utterly deny that I joined in any chorus or singing of any kind, nor did I hear any of the other jurors doing so, and I do not believe they did; nor was I, nor as I believe, were any of the other jurors, scuffling, rushing, laughing coarsely, or indulging in horse-play along the corridor, or falling about the passage, as stated in the letter referred to in Mr. Wm. O'Brien's affidavit, also sworn the 17th August instant.

And I make this solemn declaration in compliance with the request of His Excellency the Lord Lieutenant of Ireland, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the sixth year of the reign of his late Majesty (5 & 6 Will. 4, c. 62), intituled "An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra-Judicial Oaths and Affidavits, and to make other provisions for the Abolition of unnecessary Oaths.'"

*William Wardrop.*

Made and subscribed this 25th day of August 1882, at No. 14, Grafton-street, in the City of Dublin, before me, a Commissioner of the Supreme Court of Judicature in Ireland for taking Affidavits; and I know declarant.

*Arno'd J. Power, Commissioner.*

— No. 9. —

The Rev. *Laurence J. Browne*, R.P., to the Lord Lieutenant.

To His Excellency the Right Honourable *John Poyntz*, Earl Spencer, Lord Lieutenant of Ireland,

Kilkeedy, County Clare,  
31 August 1882.

May it please your Excellency,

I most respectfully submit for your distinguished consideration the grounds which, as a priest, I consider sufficiently sound to show unconsciousness on the part of the man Dolougherty, shot near Ennis, and I note this to your Excellency whilst hangs in the balance the life of a fellow creature, Francis Hynes, that in the exercise of your exalted prerogative you may be graciously pleased to act with mercy.

I respectfully say that the deceased as a Catholic was strictly bound to confess to the priest orally, and if not able to do so *per signa*, supposing that he were conscious, this was essentially necessary for him where existed the *copia confessioni*, namely, the presence of a priest *in articulo mortis*. But he was not able to confess orally, no, not even to articulate even the smallest sin, and if he were, the priest could not administer the sacrament of penance *sub conditione*, as was sworn on the trial was done. What, then, was the fundamental reason why the priest did not administer the sacrament of penance absolute but only *sub conditione*?

The disposition of the dying man's soul could not be questioned; the road therefore was clear for the priest to administer the sacrament absolute if an insuperable difficulty did not ostensibly come before his eyes; what was that difficulty? Indubitably it was the man's unconsciousness.

That element locked his hands, and therefore he did give the Sacrament of Penance *sub conditione*. Seeing that confession was impossible, even the confession of one sin, as "*materia*" for the Sacrament, the priest, as was his duty, speaks into his ears the words of the Act of Contrition, and so hopelessly gone is the dying man, with the shot lodged in his head, that he can't repeat the words, so familiar to him in life, so often repeated by him each time he previously knelt at the priest's feet to confess his sins.

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Every principle has its test, and I respectfully ask your Excellency what better test of unconsciousness than where a man could not repeat words that he was accustomed to hear for 50 years each Sunday pronounced by the lips of a priest from the altar before Mass; words so few in number, so easy of expression, and which beyond all doubt, if able, he would have uttered to indicate the sorrow of his heart.

Every Catholic, when approximately nigh to death, sighs with all the ardour of his soul to receive the Holy Viaticum, but poor Doloughy could not receive it, as the priest at the trial swore that he was physically and mentally incapable to receive it.

Would that to-day were alive your illustrious uncle, the great and saintly Father Ignatius Spencer, whose name, as an ornament and a credit to the Catholic Church, is embalmed with undying recollection in every Irish Catholic heart, he, I verily believe, would give the weight of his name and the expression of his theological opinion in favour of the contention that consciousness could not exist when the Sacraments of Penance and Extreme Unction were administered *sub conditione*, and where, owing to thorough mental and physical prostration, the Holy Viaticum could not be given.

In confirmation of the rectitude of the priest's judgment of the dying man's unconsciousness, there was the sworn testimony of the two doctors attesting unconsciousness both before and after the clerical functions to the dying man.

I have, &c.  
(signed) *Laurence J. Browne, P.P.*

— No. 10. —

The Assistant Under Secretary to the Lord Lieutenant to the Rev. *Laurence J. Browne, P.P.*

Sir,

Dublin Castle, 2 September 1882.

I AM directed by the Lord Lieutenant to acknowledge the receipt of your memorial on behalf of Francis Hynes, a prisoner under judgment of death in Limerick Male Prison, and to inform you that his Excellency regrets he cannot alter the decision arrived at by him, that the law must take its course.

Rev. Laurence J. Browne, P.P.,  
Kilkeedy, Gort.

I am, &c.  
(signed) *W. S. B. Kaye.*

— No. 11. —

MEMORIAL of Mr. *John Frost.*

To His Excellency Earl *Spencer*, K.G., Lieutenant General and General Governor of Ireland.

The Humble Memorial of *John Frost*, of 6, Upper Ormond Quay, in the City of Dublin, Solicitor, respectfully sheweth unto your Excellency,

1. YOUR Memorialist acted as solicitor for Francis Hynes on his trial for the murder of one John Doloughy, which trial took place at Green-street Court House in this City before the Right Honourable Mr. Justice Lawson and a jury, on the 13th and 14th days of the present month of August. The said trial resulted in a verdict of guilty, whereupon the learned judge sentenced the said Francis Hynes to be executed on the 11th September proximo.

2. Your Memorialist humbly submits to your Excellency that the said sentence should not be carried into effect for the following reasons and on the following grounds:

3. The trial commenced on the 13th instant, and on the evening of that day the Court adjourned without finishing the cause. The jury was given into the charge of special bailiffs, to whom was administered an oath in the words following, that is to say: "You shall not allow any person to have communication with the jury, save through the sheriff with the permission of the Court, nor shall you allow the jury to separate or go at large until after the sitting of the Court pursuant to adjournment to be made for that purpose."

4. The jury then retired to the Imperial Hotel in this city, accompanied by the special bailiffs. Your Excellency has been forwarded 11 affidavits sworn by 11 different persons, all residents or servants in the hotel, all having the amplest opportunity of observing the events of that night, and all having no interest whatever in the trial. Your

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Memorialist submits to your Excellency's consideration the statements as to the occurrences in the hotel in these affidavits contained.

5. Your Memorialist further humbly submits to your Excellency that there is one most important point about which there is in effect no controversy whatever.

6. It appears from the testimony of several of the persons who made affidavits that no attempt even was made to keep the jurors together in the hotel, and separate from and without communication with the rest of the world; that the said jurors were permitted to go where they pleased in the hotel and converse with whomsoever they thought proper; that six of the jury entered the public billiard room of the hotel and remained there for over three hours, thus separating themselves from their fellows, who remained in another room of the hotel; that members of the outside public passed freely in and out of the billiard room when the jurors were there; that one of the jurors was in close conversation with Major Wynne, a member of the outside public; that the said juror actually hand-capped a game of billiards in which members of the outside public were playing; that the jurors in the billiard room mixed freely with the outside public in the room.

7. Your Memorialist humbly submits that these facts are substantially placed beyond all controversy by the letter voluntarily addressed to the public press by Major Hamilton, one of the jurors, a copy of which is herewith sent to your Excellency. In that letter Major Hamilton does not deny any allegation as to the jurors mixing with the outside public in the billiard room; he, in fact, admits the substantial accuracy of this part of the case.

8. In view of the foregoing facts your Memorialist is advised that his client's remedy lies in this appeal to your Excellency, as the authority with whom rests the discretion of carrying out or not carrying out the sentence. Such was, your Memorialist is advised, the decision in the case of the *Queen v. Michael Murphy* (Law Reports, Second Privy Council Appeals, pages 35 and 535). In that case, a prisoner having been tried and convicted of a capital felony by a Court of Oyer and Terminer in New South Wales, and sentence of death passed, an application was made to the Supreme Court, New South Wales, for a rule of *venire de novo*, on an affidavit which stated that one of the jury had informed the deponent that pending the trial and before verdict the jury, having adjourned to an hotel, had access to newspapers which contained a report of the trial as it proceeded, with comments thereon. The Supreme Court of New South Wales made a rule of *venire de novo*. Sir Alfred Stephen, the Chief Justice of New South Wales, in his judgment declaring that the bailiffs sworn to take charge of the jury thereby became, in fact, officers of the Crown. The order of the New South Wales Court was subsequently reversed on technical grounds by the Judicial Committee of the Privy Council, but, in delivering the judgment of the Privy Council, Sir William Erle said:—"If irregularity occurs in the conduct of a trial, not constituting a ground for treating the verdict as a nullity, the remedy to prevent a failure of justice is by application to the authority with whom rests the discretion either of executing the law or commuting the sentence. As there was, in the opinion of the Court below, irregularity in the trial of the respondent sufficient to vacate the judgment, their Lordships have no doubt that upon proper application on behalf of the respondent, which they recommend to be made, such weight will be given to these remarks as they may appear to deserve." Your Memorialist has not been able to obtain any official record of the fact, but he is informed, and verily believes, that in the above case of the *Queen v. Murphy*, the sentence on the convict was at once commuted. There will doubtless be within your Excellency's reach ample means of informing yourself correctly on this point.

9. It is humbly submitted to your Excellency that the separation of the jury in the present case and their free commerce and communication with the outside public was a miscarriage of justice and a violation of law. Your Memorialist is advised that until near the commencement of the present century the law was, that in no case of felony could the Court adjourn over the night. The object of that rule was, according to Lord Chief Justice Eyre, "that it may be quite sure that justice will be done both to the Crown and to the prisoner, that there should be no opportunity of having intercourse with the jury, and that there may be no improper influence upon the minds of those who are in any manner to take a part in the decision of the cause" (Cobbett's State Trials, vol. 25, page 130). The first case of a trial for felony in which the Court adjourned over the night was, your Memorialist is advised, that of the *Queen v. Hardy* (24, "State Trials," 414), and, in that case, in order to prevent any possibility of the jury communicating with the outside public, beds were supplied for them in the Court House, and they spent the night there. The present practice of sending jurors to an inn arose, your Memorialist is advised, for the first time in the case of the *Queen v. Tooke* ("State Trials," vol. 25, page 130 *et seq.*). In that case the Lord Chief Baron MacDonald justified the departure from the ancient form in the following words:—"But if you can preserve the spirit and are forced by physical necessity to make the form bend, it does not seem to me that the sacred principle of law is materially trespassed upon if the jury continue inaccessible. \* \* \* If the rule of law cannot be preserved, consistent with physical necessity, it seems to me the Court is justified in deviating from the particular mode that has obtained, taking care that the jury do continue inaccessible."

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10. The principle thus laid down by Chief Baron MacDonald has, your Memorialist submits, ever since been acted upon. When cases of felony run into a second day the jury has been sent to an inn for the night, but elaborate precautions have always been taken by those sworn by the Court to take charge of the jury, to secure that the jury shall be as "inaccessible" to the general public while in the inn as when shut up in the jury-box. The "sacred principle of law," the inaccessibility of the jurors, is jealously guarded by the oath administered to the bailiffs. It is submitted that in the present case the inaccessibility of the jury was not preserved, as the jury were allowed to go whither they pleased through the hotel, as half their number spent over three hours in the public billiard-room, mixing and conversing with the members of the general public who entered the room, and separate from their fellows. It is respectfully submitted to your Excellency that in this case the confinement of the jury in the hotel was ineffectual; that for all purposes of separation from the outside public they may as well have dispersed to their homes as remained in the hotel; that, in short, what Chief Baron MacDonald called "the sacred principle of law, the inaccessibility of the jury," was not observed.

11. Your Excellency's attention is respectfully drawn to the fact that there are many instances in which the prerogative of the Executive has been used to prevent the execution of the sentence where irregularities have been proved to have occurred in the jury room. Your Excellency's attention is directed to the very recent case of Gerald Mainwaring, who at the summer assizes of Derby, in the year 1879, was found guilty of wilful murder by a jury, and sentenced to death. It afterwards transpired that six of the jury were for a verdict of manslaughter and six for a verdict of murder, and that a casting vote of the foreman of the jury had decided the matter. In that case, when Sir Richard Cross, then Home Secretary, was questioned in the House of Commons as to whether, owing to the irregularities of the jury, the capital sentence would be carried out, Sir Richard Cross said in reply, "he should have thought it absolutely unnecessary to put such a question." (Hansard, vol. 149, page 676.) \*Mainwaring's sentence was forthwith commuted.

12. There have also been cases in which the judges when they discovered that such irregularities occurred declined to accept the verdict. For example, a case of the Queen v. Gilligan will be found reported in the Dublin papers of the 26th July 1867. In that case a woman was tried for child-murder, at the Tullamore assizes, the presiding judge being the late Lord Chief Baron Pigott. It was discovered during the course of the case that at luncheon time eight of the jurors had left the box, and had gone into a refreshment-room which was open to the public, but which was within the precincts of the court-house. The Lord Chief Baron commented strongly upon the conduct of the jury, fined each of them, and discharged them from giving a verdict. The woman was subsequently tried on a second indictment, and found guilty of concealing the birth of the child.

13. In the case of inferior courts the Queen's Bench has not hesitated to quash verdicts when the jury was guilty of irregularities or misconduct. Your Excellency's attention is respectfully directed to the case of the Ballyragget inquest, in which judgment was given by the Court of Queen's Bench in Ireland on the 6th day of March 1882. In that case a verdict of wilful murder was returned by a coroner's jury sitting at Ballyragget, in the county of Kilkenny, against two sub-inspectors of police named Bouchier and O'Brien. The Attorney General moved the Court of Queen's Bench to quash the inquisition on the ground that "it had not been taken and held as by law required, that the jurors empanelled on the inquest had during the proceedings communed with persons who were not their fellow-jurors, and with whom it was not lawful for them to communicate; that certain of the jurors absented themselves during the examination of some of the witnesses, and did not hear the said witnesses examined; also that after the evidence had concluded, and after the jury had been charged by the coroner, while they were deliberating on their verdict, the coroner and his son, the latter not being a juror, remained shut up with the jury during their deliberation." The communications of the jury with persons not jurors was, your Memorialist is advised, one of the main reasons relied on by the Crown for quashing the inquisition. After full argument the Court of Queen's Bench made an order quashing the inquisition, and the accused parties were thus freed from the verdict. A coroner's jury is in the nature of a grand jury; it decides nothing, but merely presents a case for inquiry. If the irregularity or the misconduct of a coroner's jury is a matter so serious that their verdict is quashed, and the persons accused by it allowed to go free, it is submitted that the case is surely far stronger in the case of the irregularity or the misconduct of a jury finally deciding on the life or death of a human being.

Upon these grounds, and for these reasons, your Memorialist humbly prays that the capital sentence on the said Francis Hynes should not under the circumstances aforesaid be carried into effect.

And your Memorialist as in duty bound will ever pray,  
(signed) John Frost.

## Enclosure in No. 11.

## The Jury in Hynes's Case.

To the Editor of the "Morning and Evening Mail."

Sir,

Everdingen, 19 August 1882.

BEING one of the jurors in the case of "*The Crown versus Hynes*," I think it right to lay before you what actually did occur at the Imperial Hotel on Friday evening, the 12th instant.

On the Court rising at half-past five, the presiding judge directed the sub-sheriff to take charge of us for the night, and suggested that we should be taken to the Gresham Hotel.

We were, therefore, much surprised when the sub-sheriff told us to choose between the European and Imperial Hotels. Knowing that these were chiefly patronised by the Land League and "Nationalist" party, we all remonstrated, requesting to be taken to the Gresham or Shelbourne Hotels, some jurors stating they would prefer to pass the night in the room at the Court House. The sub-sheriff, however, ended the matter by informing us he had no choice, and that as we refused to go to the "European" he would have us at once removed to the "Imperial." On arriving at the hotel we were taken up to a passage at the top of the house, which we were informed had been reserved entirely for our use.

We were then immediately taken down to a room where dinner had been prepared for us. After dinner some of the jurors asked permission to smoke; I and some others asked if it was allowable that the smokers might go together to a separate room, as the evening was close. No objection was raised to this, and the smokers were taken under charge of bailiffs and police to the billiard-room of the hotel. There they remained with the sub-sheriff, or his son, till they all went to bed shortly before 12 o'clock. This I have since been informed was irregular, but we were *none of us aware* that it was so at the time. I can only say that, as the sub-sheriff took us against our will to the "Imperial," he could as easily, with a strong guard of bailiffs and police he had at his disposal, have prevented our separating as we did. On inquiring from the proprietor of the Imperial Hotel, I am informed that the whole charge against the jury is that one of their number, Mr. Reis, got drink, or, rather, was at the time when they went to bed, more or less under the influence of liquor. But the foreman of the jury, Mr. Barrett, of Kingstown, and the other gentleman who accompanied him to bed, all state that he was perfectly sober, and Major Wynne, who was one of the gentlemen admitted into the billiard-room with them, informs me that none of the gentlemen in the billiard-room were under the influence of liquor when he was there.

The sub-sheriff and his son were there. If strangers were admitted to the billiard-room it was their business to have had the jurors removed who were under their charge, or to have arranged with the proprietor of the hotel that they would have had the room to themselves.

Now as to Mr. William O'Brien's story.

I was awake in room No. 27, nearly opposite his. When the party from the billiard-room came up-stairs I heard Mr. Reis speaking loudly, as is his custom. I heard him knock over a bath and put it up again noisily. I heard some one go from room to room knocking at the doors, but I heard no singing, nor did I hear anything to lead me to imagine that drunken people were stumbling about in the passage. The sub-sheriff had informed us that the passage was reserved entirely to ourselves; we had not all selected our rooms before dinner, and I was not surprised that those last upstairs had some difficulty at finding a spare bed, particularly as it now appears one of the rooms had been reserved for the use of the editor or ex-editor of "*United Ireland*."

The Attorney General has promised that a full inquiry is to be made into the circumstances of the case. This the jurors, one and all, are anxious should be made at once.

I am certain that whatever may appear to be against them in the affidavits of the billiard-marker, night porter and waiter of the Imperial Hotel as well as of Mr. William O'Brien, will assume a very different light when these gentlemen have their statements subjected to cross-examination.

*Magnus est veritas et prevalabit.*

Yours faithfully,  
(signed) *Edward C. Hamilton.*

## — No. 12. —

The Assistant Under Secretary to the Lord Lieutenant to Mr. John Frost.

Sir,

Dublin Castle, 1 September 1882.

WITH reference to your Memorial on behalf of Francis Hynes, a prisoner under judgment of death in Limerick Male Prison, I am directed by the Lord Lieutenant to inform you that his Excellency, after a careful consideration of all the circumstances of the case, has felt it to be his painful duty to decide that the law must take its course.

John Frost, Esq.,  
6, Upper Ormond Quay.

I am, &c.  
(signed) *W. S. D. Kaye.*

— No. 13. —

PETITION of Clergy and Gentry in the County of *Clare*.

To His Excellency the Right Honourable *John Payntz*, Earl Spencer, Lord Lieutenant and General Governor of Ireland.

The Humble Prayer of your Petitioners sheweth,

1. THAT on the 12th day of August 1882, a young man, Francis Hynes, was in the Commission Court, Green-street, sentenced to be hanged on the 11th September next.

2. Without raising any of the legal questions connected with the case, which questions we feel assured will receive the full attention of your Excellency, we do respectfully submit that the execution of the said Francis Hynes would give a rude shock to a community settling down after a period of much excitement. We may add, that this execution would inflict deep pain upon an unusually large circle of respectable relatives in the county of Clare and elsewhere.

3. Apart from the guilt or innocence of the condemned man, there are circumstances in his life calculated to excite much compassion; when a child he lost his mother; somewhat later on he was deserted by his father, who was then, and has been since, in a condition of partial insanity.

4. And we, the undersigned clergy and gentry of the county Clare, respectfully represent to your Excellency that, in our opinion, the extension of Her Majesty's prerogative of pardon in this case would greatly tend to restore tranquillity in our county.

And your Petitioners will ever pray.

*Bartholomew Scanlan*, P.P., Doora.  
*Patrick Hogan*, C.C., Doora.  
*Daniel Fogarty*, Adm., Ennis.  
*Michael Carey*, C.C., Ennis.  
*John Egan*, Diocesan College, Ennis.  
*James Loughnane*, C.C., Clare Castle.  
*Timothy Hogan*, P.P., Crusheen.  
*John Francis McGuire*, C.C., Crusheen.  
*James Walsh*, Adm., Newmarket-on-Fergus.  
*James Halpin*, C.C., Newmarket-on-Fergus.  
*John Hayes*, P.P., V.F., Tulla.  
*Michael O'Donovan*, C.C., Tulla.  
*Peter Quinn*, C.C., Tulla.  
*Mortimer Hartney*, P.P., Clare Castle.  
*Michael Culligan*, Diocesan College, Ennis.  
*John J. Tuohy*, C.C., Mullagh.  
*Antony Clancy*, Diocesan College, Ennis.  
*D. P. Kelly*, Diocesan College, Ennis.  
*Edward Power*, P.P., V.G., Lisdoonvarna.  
*M. Parsons*, Chairman, Ennis Town Commissioners.  
*Patrick MacDonnell*, M.D.  
*William MacDonnell*, M.D., Broadford.  
*Thos. O'Meehan*, Q.C., P.L.G.  
*A. Greene*, Surgeon, Ennis.  
*J. McLoughlin*, Ennis.  
*Aug. Butler*, J.P., D.L.  
*Aug. Fitzgerald*, J.P., D.L.  
*R. W. Nesbitt*, Rector, Newmarket-on-Fergus.  
*Robert B. Walton*, J.P., Ballysheen House.  
*James Molony*, F.R.C.S.I., President, Irish Medical Association.  
*Daniel O'Connell*, J.P., Kilgorey.  
*John Nikill*, Physician and Surgeon, Tulla.  
*C. W. Studdert*, Cragmoher.  
*W. Macnamara*, Surgeon, Corofin.  
*Geo. U. Macnamara*, L.R.C.S.I., &c..  
*Valentine J. Sherrett*, J.P.  
*M. Killeen*, P.P., Kilshanny, Clare.  
*Thomas Burke*, C.C., Ennistymon.  
*James A. White*, I.S.F., Superior.

*Francis McLoughlin*, O.S.F.  
*Michael A. Magrath*, O.S.F.  
*Michael Foley*, C.C., Corofin.  
*Michael Hayes*, C.C., Corofin.  
*Patrick Keran*, P.P., Carron, Kilfinora.  
*Michael Crowe*, P.P., Kilfinora.  
*M. Dinan*, O.F.A.G., Kilrush.  
*Daniel Corbett*, P.P., Quin.  
*B. H. Sherrett*, C.C., Tinavara.  
*P. Shannon*, P.P.  
*John Garry*, C.C., Kilnamana, Ennis.  
*Michael Tully*, C.C., Carron.  
*Thomas Newell*, P.P., Liscannor.  
*D. O'Brien*, M.D., Clare.  
*P. St. L. O'Dea*, L.R.C.P., and S. Medical Officer, Ennistymon.  
*T. T. McRedmond*, D.D., P.P., Killaloe.  
*W. H. O'Shea*, J.P., M.P., County Clare.  
*The O'Gorman Mahon*, J.P., D.L., M.P.  
*Mat. Purcell*, Baurae House, Chairman of the Board of Guardians, Scariff Union.  
*John Gallagher*, V.C.  
*Denis Costelloe*, Ballycorban.  
*Philip Reude*, J.P., Woodpark, County Galway.  
*James Boland*.  
*Joseph Meade*, J.P., Feakle.  
*C. Stuart*, C.C., Miltownmalbay.  
*Joseph Parker*, Clerk of Scariff Union.  
*Damer Doyle*, Manager, National Bank, Scariff.  
*Peter Murphy*, C.C., Bodyke.  
*Francis C. Sampson*, Medical Officer, Scariff Union.  
*Geo. C. Sterling*.  
*James J. Daly*, C.C., Scariff.  
*J. Hickie*, Scariff.  
*Michael Hogan*, P.L.G. and V.C., Corofin Union.  
*William Hogan*, P.L.G., Corofin.  
*John Crow*, P.L.G., Ruan.  
*James Cahill*, P.L.G.

*D. Sullivan*, Corofin.  
*James Caffey*.  
*Peter Mungovan*, P.L.G., Ennis.  
*W. Cotter*, P.L.G., Darragh.  
*John F. Harvey*, P.L.G.  
*John Quinn*, P.L.G., Knock.  
*James Halpin*, P.L.G., Newmarket-on-Fergus.  
*L. Nono*, Clare.  
 -- *Freeman*, Ennis.  
*Patrick Hegarty*, P.L.G., Ballyashea.  
*Prady Murphy*, P.L.G.  
*Michael Cahill*, P.L.G., Deerpark  
*Geo. Cahir*, T.C., Ennis.  
*John Calmody*, Ennis.  
*Lawrence Gilligan*, C.C.  
*S. E. Prosser*, Ennis.  
*C. P. Bolton*, Ennis.  
*William Stamer*, M.D., Ennis.  
*William H. Frost*, Solicitor, Ennis.  
*Laurence J. Browne*, P.P., Kilkeedy.  
*Bartholomew Kennedy*, T.C., Ennis.  
*William Hoare*.  
*John A. Murdock*, Queen's Hotel, Ennis.  
*Matthew J. Kenny*, Crayleigh, Ennis.

*Michael Collins*, T.C., Ennis.  
*Cornelius Sullivan*, T.C., Ennis.  
*Francis O'Connor*, C.E., Ennis.  
*P. W. Dillon*, M.D., Ennis.  
*J. W. P. Greene*, M.P.  
*Michael Macnamara*, Solicitor, Ennis.  
*John Scanlan*, C.C., Ennis.  
*William Carroll*, junr., C.E., Ennis.  
*Put Sexton*, Architect, West View, Ennis.  
*Thos. Molony*, late Chaplain to Her Majesty's Forces.  
*James Kimane*, T.C., Ennis.  
*Thomas Jourdan*, C.E., Doonaghboy, Killee.  
*John Shaw*, T.C., Ennis.  
*William O'Connor*, P.L.G., Ballyguery.  
*Edmond Power*, P.L.G.  
*Daniel Molony*, P.L.G., Bay View.  
*Maurice Walsh*, P.L.G., Kildysart.  
*Michael Dea*, P.L.G., Kildysart.  
*Mat. Kelly*, P.L.G.  
*Hugh Hennessy*, P.L.G.  
*Thomas Keane*, P.L.G.  
*James Breen*, P.L.G.  
*John Hennessey*, P.L.G.  
*John J. Blackall*, M.D., Killadysart Union.

— No. 14. —

The Assistant Under Secretary to the Lord Lieutenant to Rev. *Bartholomew Scanlan*, P.P.

Sir,

Dublin Castle, 1 September 1882.

WITH reference to the Memorial signed by you and other gentlemen on behalf of Francis Hynes, a prisoner under judgment of death in Limerick Male Prison, I am directed by the Lord Lieutenant to acquaint you, for the information of the Memorialists, that his Excellency, after a careful consideration of all the circumstances of the case, has felt it to be his painful duty to decide that the law must take its course.

Rev. Bartholomew Scanlan, P.P.,  
 Doorra, Quin.

I am, &c.  
 (signed) *W. S. B. Kaye*.

— No. 15. —

PETITION of Clergy and Gentry in the County of *Clare*.

To His Excellency the Right Honourable *John Poyntz*, Earl Spencer, Lord Lieutenant and General Governor of Ireland.

The humble Prayer of your Petitioners, sheweth,

1. THAT on the 12th day of August 1882, a young man, Francis Hynes, was in the Commission Court, Green-street, sentenced to be hanged on the 11th September next.

2. Without raising any of the legal questions connected with the case, which questions we feel assured will receive the full attention of your Excellency, we do respectfully submit that the execution of the said Francis Hynes would give a rude shock to a community settling down after a period of much excitement. We may add, that this execution would inflict deep pain upon an unusually large circle of respectable relatives in the county of Clare and elsewhere.

3. Apart from the guilt or innocence of the condemned man, there are circumstances in his life calculated to excite much compassion; when a child he lost his mother; somewhat later on he was deserted by his father, who was then, and has been since, in a condition of partial insanity.

4. And we, the undersigned clergy and gentry of the County Clare, respectfully represent to your Excellency that, in our opinion, the extension of Her Majesty's prerogative of pardon in this case would greatly tend to restore tranquillity to our county.

And your petitioners will ever pray.

*James O'Neill*, C.C., Kilrush, County Clare.  
*Michael Glynn*, J.P., Kilrush.  
*Richard Foley*, merchant, Kilrush.

*Michael McInerney*, Commissioner in Chancery.  
*D. Hatherton*, Manager, National Bank, Kilrush.

*William*



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- William Foley*, M.D., &c., Kilrush.  
*Godfrey Taylor*, Builder, Kilrush.  
*Thomas Gibson*, General Commission Agent, Kilrush.  
*M. Hynes*, Grocer.  
*Edward Walsh*, Merchant, Kilrush.  
*William Peacock & Sons*, Kilrush.  
*Daniel Sheen*, General Merchant, &c.  
*Michael Murphy*, 1, Market-square, Woollen Draper.  
*A. Carroll*, "Clare Advertiser," Kilrush.  
*Luke O'Brien*, Shopkeeper, Kilrush.  
*Thomas Fitzgerald*, Shopkeeper, Kilrush.  
*James Lorigan*, Shopkeeper, Kilrush.  
*D. Wilson*, Hubertfield, Dub. and Cork.  
*John Taylor*, Merchant, Kilrush.  
*John McKenna*, C.C., Kilrush.  
*Thomas S. Brew*, J.P., Kilrush.  
*James Doherty*, Tea and Merchant, Kilrush, County Clare.  
*M. O'Gorman*, J.P.  
*P. J. Boule*, "Kilrush Herald."  
*Henry Taylor*, Draper, Kilrush.  
*John Clancy*, Grocer.  
*Thomas McInerney*, Merchant, Kilrush.  
*John J. Keating*, Merchant, Kilrush.  
*Michael Hastings*, Grocer, Kilrush.  
*Richard Brew*, Flour Merchant, Kilrush.  
*James Allen*, Coach Builder.  
*Charles Cooté*, Medical Practitioner, Kilrush.  
*Patrick Considine*, C.E., Kilrush.  
*John Egan*, jun., General Merchant, Kilrush.  
*Robert Hewitt*, J.P., Granahan Castle, County Clare.  
*Denis Cleary*, P.P., O'Callaghan's Mills.  
*Denis O'Brien*, C.C., O'Callaghan's Mills.  
*W. J. Coing*, J.P., Violet Hill.  
*R. S. Goings*, J.P., Violet Hill.  
*W. Bentley*, J.P., Hurdlestown (for a commutation of the sentence).  
*Thomas McMahon Crgan*, J.P., Arderegan, Sixmilebridge, County Clare.  
*O'Donnellan Blake Forster*, J.P., Ballykeal House, Kilfinora.  
*John Brady*, J.P., Crescent, Limerick.  
*James O'Brien*, J.P., D.L., Ballynalacka, Lisdoonvarna (commutation of sentence).  
*J. P. McNamara*, J.P., Rocklodge, Liscaunor (commutation of sentence).  
*J. B. Knox & Sons*, "Clare Journal."  
*John Rynne*, M.D., Brookville, Ennis.  
*Thomas O'Gorman*, J.P., Bunaggy.  
*Robert H. Crowe*, J.P., Larah Hill.  
*John Lopdell*, Civil Engineer, Ennis.  
*Thomas William Rosengrave*, B.E.Q.U.I.  
*John Thomas Lingard*, J.P., Cooga.  
*Timothy Bunton*, Solicitor, Ennis.  
*John G. McKenna*, C.C., Kilmurry, Limerick.  
*William Lenane*, C.C., Bodyke.  
*William McMahon*, J.P., Kilmorry.  
*John Hill*, Surgeon and Physician, Belmont, Miltown Malbay.  
*Michael Flynn*, Licentiate Apothecary, &c.  
*E. MacMahon*, J.P., Carahan House, ex-County Inspector Police.  
*James Dillon*, Church-street, Ennis.  
*Thomas Glynn*, P.L.G., Castleclare.  
*Patrick Garvey*, T.C., Ennis.  
*Patrick Considine*, T.C., Ennis.  
*Patrick Ryan*, P.L.G., Ballymacahill.  
*Thomas de C. O'Grady*, J.P., Kilballyowen, County Limerick.  
*Michl. S. Minny*, Treagh Castle, Miltown Malbay, Solicitor.  
*M. J. Kenny*, P.P., Scariff.  
*George Walton*, Solicitor, Ennis, County Clare.  
*Thomas Maguire*, Proprietor "Clare Examiner," Ennis.  
*William Malony*, Merchant, Ennis, and Ashline Park, County Clare.  
*P. J. Dillon*, Merchant, Cappahare and Ennis.  
*Edmond Frost*, M.D., Newmarket-on-Fergus.  
*Solomon Frost*, P.L.G., Feenagh.  
*Samuel Burke*, P.L.G., Chairman, Thomastown, Kilrush.  
*Charles Martin*, P.L.G., Carnanes, Kilrush.  
*Michael Behen*, P.L.G., Tarnon Knock.  
*Thomas Lillis*, P.L.G., Churchtown, Cooraclear.  
*Patrick McInerney*, Morun, Carrigaholt.  
*Daniel Grogan*, P.L.G., Derha, Kilrush.  
*James Reidy*, P.L.G., Keelunhill.  
*Pat Liddane*, P.L.G., Querin, Kilkee.  
*Thomas Gibson*, P.L.G., Cappa, Kilrush.  
*Michael Bugler*, P.L.G., Birr.  
*Matthew Clune*, Chairman, Tulla Town Commissioners.  
*John Boland*, Callaghan's Mills, P.L.G.  
*Patrick Hennessy*, Toonagh, P.L.G.  
*Michael Power*, P.L.G., Brook Lodge.  
*Michael Quigley*, P.L.G., Knockjames.  
*Patrick J. Frost*, Chairman, Tulla Board of Guardians.  
*Joseph Enright*, M.D., Rosebank, Ennis.  
*John Scallan*, C.C., Ennis, County Clare.  
*D. Smyth*, P.P., Cloughjordan.  
*P. Nagle*, P.P., Kilmona House.  
*Thomas McMahon*, P.P.  
*M. Quinlan*, P.P., Kilkee.  
*Robert Fitzgerald*, P.P., Tudre and Dysart.  
*John McInerney*, C.C., Roscrea.  
*Thomas Vaughan*, Clk., Killaloe.  
*James Costigan*, C.C., Ballynacally.  
*Patrick Glynn*, C.C., Templederry.  
*M. B. Corry*, C.C., Quin.  
*P. White*, P.P., Miltown Malbay.  
*J. F. Maguire*, C.C., Crusheen.  
*Patrick O'Meara*, C.C., Castleconnell.  
*John Glynn*, C.C., Carrigaholt.  
*John Donellan*, C.C., Ballynacally.  
*John Wall*, P.P., Kilmurry, McMahon, County Clare.  
*Laurence F. Browne*, P.P., Kilkeedy, County Clare.  
*John McMahon*, C.C., Nenagh, County Tipperary.  
*P. M. O'Kelly*, C.C., Castleconnell.  
*Michael O'Sullivan*, C.C., Newmarket.  
*John McNamara*, C.C., Kilmaley.  
*D. Hayes*, Clk., Doonbeg.  
*Charles Stuart*, C.C., Feakle.  
*John Hamon*, C.C., Newmarket.  
*Thomas Ryan*, C.C., Ruan.  
*Peter Meade*, P.P., Ballynacally.

## — No. 16. —

The Asst. Under Secretary to the Lord Lieutenant to Captain *W. H. O'Shea*, M.P.

Sir,  
Dublin Castle, 4 September 1882.  
WITH reference to the further memorial on behalf of Francis Hynes, a prisoner under sentence of death in Limerick Male Prison, which was handed by you to the Chief Secretary, I am desired by the Lord Lieutenant to acquaint you, for the information of the memorialists, that his Excellency regrets he can see no reason to alter the decision arrived at by him, that the law must take its course.

Captain *W. H. O'Shea*, M.P.,  
Shelbourne Hotel.

I am, &c.  
(signed) *W. S. B. Kaye*.

## — No. 17. —

Mr. *Sexton*, M.P., to the Lord Lieutenant.

My Lord,  
North Frederick-street, Dublin,  
4 September 1882.  
I BEG to enclose, for your Excellency's information, a copy of a letter which I have received this day touching the case of Francis Hynes.  
This letter is from Mr. Edward Finucane, whom I know to be a respectable trader, residing in Ennis. The statement which he makes will, I hope, appear to your Excellency to demand careful investigation.

To His Excellency Earl Spencer,  
Lord Lieutenant of Ireland.

Yours, &c.  
(signed) *Thomas Sexton*.

## Enclosure in No. 17.

Sir,  
Ennis, 2 September 1882.  
THE unexpected decision arrived at by the Lord Lieutenant has aroused a feeling of dismay, suspense, and alarm here which any effort of mine would fall far short of conveying, yet I have in a few hours observed such indignation depicted on the countenances of those who abhor crimes as plainly indicates the horror felt at sacrificing a man who was not proved to be guilty in the way which even the law requires.

In honest and truthful frankness, and with all the solemnity befitting the terrible consummation of the sentence, I declare Francis Hynes not guilty, as I had such evidence to give as would alter the complexion of the case made against him. It would clearly demonstrate the error committed in attributing the *motive* fixed on for his being guilty of the awful crime for which he is to suffer.

I have no interest in the unfortunate man which would lead me to assert a falsehood, or, if I had, would I be forgetful of my duty to God and country so far as to assert his innocence if I believed he was guilty.

And now that all is nearly over in this world with the doomed man, I will not make a false statement, or would I any statement, but I have a feeling within my soul which compels my relieving it of a burden which is oppressive, by making known all I know of this sad case to one who has a heart to feel for the victim of prejudice who is to be sacrificed, not because his jurors acted as they should, but to appease the wolfish love for blood of the dominating classes where a victim is snared by the terrible network of the law; where every little was made much to convict; where very material facts were shut out, legally, perhaps, yet fatally, against his acquittal.

I deplore the consequences which will be the result, as I fear many other lives will be lost; I dread the all pervading feeling, "that this man will be hanged on a conviction that no man in ancient or modern times had the misfortune of suffering by one bearing any analogy whatever to;" hanged on the muttered affirmation of an unconscious man to words put to him; a man who probably would affirm it was you or I if our names were put before his shattered intellect; a man whose thoughts by day and dreams by night were of Francis Hynes, for so long as he was labouring under this mania, and so often did he come with imaginary causes for complaints to Captain McTernan that he must have impressed that name on the Captain's mind, causing a lesser mania there than in his own

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own, yet sufficiently fatal to make McTernan believe that Francis Hynes should be the murderer, that his should be the name the muttering meant to convey.

My evidence would have been that I was present at the payment of 80 £. for first year's grazing of the farm let by Mr. William Hynes to Mr. James Lynch, at the payment of 70 £. for the following year; that Mr. Lynch, who paid those sums, became the actual tenant, with the consent of the Hynes family; that after he was thus in possession the agitation against what was called "land grabbing" commenced, and that I, knowing the Hynes family were in straightened circumstances, advised Mr. Lynch to give a sum of 40 £., both for the purposes of relieving them and securing their goodwill, which sum was paid through me to the Rev. Father Loughnane for above purposes.

I would, also, have proved how very grateful they felt to Mr. Lynch, and in confirmation of this feeling, could tell that the man, who has been since murdered, came to me for the purpose of having Mr. Lynch take the grazing of the lands of Toureen, where the Hynes family reside; that I, declining to be the medium of another contract between the parties, Doolaghty, who was the herd at that time, went to Mr. Lynch's residence, a distance of six miles, and induced him to go see, and walk the farm over, if not to take the place, to encourage another to come forward more liberally than he had been offering for the farm.

This would show that Hynes had no motive for committing the atrocious murder. I could prove the mania which had taken possession of this herdsman's mind by the words of his own son, when, on the morning after his father's death, he called here, and to my inquiry if his father was dead, he replied in the affirmative; I then deplored the awful crime, sympathised with the boy and the afflicted family, adding: "Is not Francis Hynes arrested for the murder, and it is said he spent the day in Borefield?" The son replied, "Nothing will be done to him, for whoever would do it my father would say it was Francey Hynes."

Why the learned judge decided against having me examined was then to me a mystery; it must have been legal, yet the solution appears to be that which was said by some policeman in Clare Castle the day I had left to be present at the trial: "Mr. Finucane will not be heard as he is at the head of the Defence Fund for Hynes."

With respect to this assertion I pledge my word it is a falsehood, and as I went to appear as a witness at the request of the Crown, and was, and am to Mr. Lynch, as he is to me, a sincere friend and near connection, I felt astonished that a judge who should be just to all men would recklessly fling a foul aspersion on me, whose antecedents he did not know, and about whom, before animadverting on, he was in duty bound to have some knowledge.

There is still a strong hope that the wise, the great, the good man, who rules the destiny of the kingdom, he who has done so much for Ireland, will yet, with that great spirit of justice which animates him, step in and save the victim, and thereby do as much to allay outrage, and restore law and order, as the legal strangulation of the condemned man would do to rekindle the smouldering fire of indignation, and lead to the repetition of more crime, and sacrifice of many more lives.

Thomas Sexton, Esq., M.P.,  
North Frederick-street, Dublin.

I am, &c.  
(signed) *Edward Finucane.*

— No. 18. —

The Asst. Under Secretary to the Lord Lieutenant to Mr. *Sexton*, M.P.

Sir,

Dublin Castle, 6 September 1882.

WITH reference to your letter of the 4th instant, enclosing a letter received by you from Mr. Edward Finucane relative to the case of Francis Hynes, a prisoner under sentence of death in Limerick Male Prison, I am directed by the Lord Lieutenant to inform you that his Excellency having carefully considered Mr. Finucane's letter in connection with the evidence elicited at the trial, regrets that he finds no ground for altering his previous decision in the case.

Thomas Sexton, Esq., M.P.,  
North Frederick-street.

I have, &c.  
(signed) *W. S. B. Kaye.*

## — No. 19. —

The Rev. *H. S. Fagan*, M.A., to the Lord Lieutenant.Ballard, Rathdrum, County Wicklow,  
6 September 1882.

My Lord,

I AM not a citizen of Dublin, and cannot therefore join in the strong appeal which is to be made to your Excellency to-morrow; but I have studied the matter carefully, and only after long and careful study do I venture thus late to beg your Excellency to reconsider these sad cases. The old English maxim, better many guilty men escape than one innocent man suffer, was seldom more applicable than now. I have grown more and more doubtful about Hynes' guilt; the murmured fragments of words suggested to the dying man by the bystanders are but poor evidence.

As for the Walshes, I am convinced that the younger, at least, of them is innocent. Evidence which was unfortunately not put forward at the trial would have proved that he was far away from the place.

I know how serious the whole matter is, how deeply wrong it would be in such a case to yield one tittle to popular clamour; but surely men on trial for their life should not lose a hair's breadth of their chance because to acquit them would seem like yielding. Respectable Dublin may be wrong in its estimate of Reis (it is unluckily pretty unanimous, quite apart from politics); but the questions—

1st. Did the jury in the Hynes' case misconduct themselves?

2nd. Was all the evidence for the prisoners fairly brought forward in the case of the brothers Walsh? are so all important that I beseech your Excellency to once more reflect whether there may not be in these cases some ground for exercising your prerogative of mercy.

I am, &amp;c.

(signed) *Henry Stuart Fagan*, M.A., Oxon,  
late Fellow of Pembroke College,  
Rector of Great Cretingham.

## — No. 20. —

The Asst. Under Secretary to the Lord Lieutenant to the Rev. *H. S. Fagan*, M.A.

Sir,

Dublin Castle, 8 September 1882.

WITH reference to your letter of the 6th instant, on behalf of Francis Hynes, a prisoner under sentence of death in Limerick Male Prison, I am directed by the Lord Lieutenant to inform you that his Excellency has considered your statements, and regrets that he cannot find it consistent with his duty to the public to alter the decision he has already arrived at in the case.

I am, &amp;c.

Rev. *H. S. Fagan*, M.A., Oxon,  
Ballard, Rathdrum.

(signed) *W. S. B. Kaye*.

## — No. 21. —

The Lord Mayor of Dublin to the Lord Lieutenant.

Mansion House, Dublin,  
7 September 1882.

May it please your Excellency,

I HAVE the honour to inform you that the accompanying resolution, with reference to the case of Francis Hynes, prisoner now lying under sentence of death in Limerick Gaol, was this day unanimously passed by a public meeting of citizens held at the Mansion House, and that a deputation consisting of,—

The Lord Mayor, M.P.	Henry Wigham.
Ven. Archdeacon MaMahon, P.P.	H. J. Gill, M.P., T.C.
Col. The O'Gorman Mahon, M.P., D.L.	Alderman Meagher, P.L.G.
Very Rev. Canon Pope.	Thomas Sexton, M.P.
Abraham Shackleton, J.P., T.C.	Hon. Judge Little,
Captain O'Shea, M.P., J.P.	Very Rev. Dean O'Loughlin,

was appointed by the meeting to seek an audience of your Excellency for the purpose of presenting a memorial in pursuance of the resolution.

I have now to ask if your Excellency is willing to receive the deputation so appointed, and in that event if it would be convenient to name an hour to-morrow, as the date fixed for the execution of the sentence of death is now extremely close at hand.

I have, &amp;c.

His Excellency Earl Spencer, K.G.,  
Lord Lieutenant, &c. &c. &c.

(signed) *Charles Dawson*,  
Lord Mayor.

## Enclosure in No. 21.

Meeting held 7th September; Lord Mayor in the Chair.

Moved by Very Rev. Canon Pope; seconded by Thomas Sexton, M.P., and unanimously resolved,—

“That in the opinion of this meeting the exercise of the prerogative of the Lord Lieutenant by the commutation of the sentence of death passed upon Francis Hynes would be received with profound gratification and relief by the country, and that his Excellency be requested graciously to take into his consideration the circumstances that have arisen in connection with the trial, and since, together with those submitted in the influentially signed memorial already presented from deputy lieutenants, magistrates, clergy, and others residing in the county in which the crime was committed, and that we respectfully and earnestly urge upon his Excellency the great moral considerations of clemency and humanity which so frequently influence those in power to forego capital punishment, even when no doubts as to the guilt of the condemned disturb the public mind. That the Right Honourable the Lord Mayor be requested to forward a copy of this resolution to his Excellency the Lord Lieutenant, and that a deputation be now appointed to seek audience of his Excellency for the purpose of presenting him with a memorial in pursuance of this resolution.”

(signed) *Charles Dawson.*

## — No. 22. —

Mr. *Courtenay Boyle* to the Lord Mayor of Dublin.

Viceregal Lodge, Dublin,  
7 September 1882.

My Lord,

I AM desired by the Lord Lieutenant to acknowledge the receipt of your Lordship's letter asking his Excellency to receive a deputation to present a resolution in favour of a commutation of the sentence passed on the convict Hynes.

I am to say that it is not the practice either for the Home Secretary in England, or for the Lord Lieutenant in Ireland, to receive a deputation on the subject of a commutation of a death sentence.

His Excellency is not prepared to deviate from this rule, and must therefore decline to receive the deputation referred to by your Lordship.

I am to add that the resolution itself shall be carefully considered by his Excellency.

The Right Honourable  
The Lord Mayor of Dublin.

I have, &c.  
(signed) *Courtenay Boyle.*

## — No. 23. —

The Asst. Under Secretary to the Lord Lieutenant to the Lord Mayor of Dublin.

My Lord Mayor,

Dublin Castle, 8 September 1882.

I AM directed by the Lord Lieutenant to inform you that his Excellency, having carefully read and considered the resolution passed at a meeting over which your Lordship presided on 7th instant, regrets that he cannot consistently with his public duty interfere with the ordinary course of the law in the case of Francis Hynes.

The Right Hon. Charles Dawson, M.P.,  
Lord Mayor of Dublin.

I have, &c.  
(signed) *W. S. B. Kaye.*

## — No. 24. —

The Lord Mayor of Dublin to the Lord Lieutenant.

My Lord,

Mansion House, Dublin, 8 September 1882.

I THANK your Excellency very much for answer conveyed to me by Mr. Boyle.

To Mr. Hamilton I have pointed out a precedent of deputation being received by the Viceroy on a similar errand in 1867.

It appears that Mr. Hamilton, one of the jurors in the Hynes' case, who made himself prominent in the controversy arising out of the sentence, is secretary to the “Landlords’

Property Association," and as such has, in the past few days, issued a circular asking for subscription for that association.

I think this fact is one that may properly form an element in the final decision of your Excellency.

His Excellency the Lord Lieutenant, K.G.,  
 &c. &c. &c.

I remain, &c.  
 (signed) *Charles Dawson,*  
 Lord Mayor.

— No. 25. —

Mr. *Courtenay Boyle* to the Lord Mayor of Dublin.

My Lord,

Viceregal Lodge, Dublin, 9 September 1882.

I AM desired by the Lord Lieutenant to acknowledge the receipt of your letter of yesterday.

With regard to that part of it which refers to the year 1867, I am to say that, when my letter of last evening was written, his Excellency was not aware that there had been any instance in which a deputation had been received with reference to the commutation of a capital sentence.

This morning the case to which you allude was brought under his Excellency's notice, and I am to say that it does not alter his Excellency's view of the expediency of the rule, to which he is informed that it is the only recent exception.

As regards Mr. Hamilton, I am to say that his Excellency has no reason whatever to doubt that his duties as a juror were discharged honestly, and with a proper respect for his oath.

The Right Hon. the  
 Lord Mayor of Dublin.

I am, &c.  
 (signed) *Courtenay Boyle.*

— No. 26. —

MEMORIAL of the Commissioners of the Town of Cootehill.

The Commissioners' Office, Cootehill.  
 7 September 1882.

To His Excellency the Lord Lieutenant of all Ireland.

May it please your Excellency,

WE, the Commissioners of the town of Cootehill, in Council assembled, Beg, as memorialists, to approach your Excellency in relation to the fate of the unfortunate prisoner Hynes, now under sentence of death in Limerick Gaol.

We perceive from the public papers that your Excellency has already come to the conclusion that you find there are no grounds to alter the decision already come to, and that the law must take its course. May it please your Excellency, we are of opinion that your conclusion is one the consequence of which this Board believe might be regretted after the fatal penalty is carried out.

That your memorialists are of opinion that, taking into consideration all the surroundings, there are serious grounds for at least commuting the sentence.

That your memorialists are of opinion that justice should always prevail, but justice tempered with mercy, and justice of such a nature that no doubt remain as to its being impartial, and therefore we with great confidence request your Excellency to exercise the prerogative of mercy which our most gracious Sovereign has entrusted you with, and which we have no doubt will have good effect in creating greater loyalty to Her Majesty's throne and person.

Memorialists, for the reasons hereinbefore stated, most humbly request that your Excellency will find it consistent with right and justice to commute the sentence of the said prisoner Hynes.

And your memorialists will ever pray.

(signed) *Philip Carney, Chairman.*  
*Peter Morson, Town Clerk.*

— No. 27. —

The Asst. Under Secretary to the Lord Lieutenant to Mr. *P. Carney.*

Sir,

Dublin Castle, 8 December 1882.

WITH reference to the memorial of the Commissioners of the town of Cootehill, on behalf of Francis Hynes, a prisoner under sentence of death in Limerick Male Prison, I am directed by the Lord Lieutenant to acquaint you, for the information of the memorialists, that his Excellency cannot assume the responsibility of interfering with the ordinary course of the law in this case.

Philip Carney, Esq., Cotehill.

I am, &c.  
 (signed) *W. S. B. Kaye.*

— No. 28. —

PETITION of Mr. J. P. *Arkins*.7, Normanton Terrace, Claremont Road,  
7 September 1882.To His Excellency Earl *Spencer*, Lieutenant Governor and Governor General  
of Ireland.

May it please your Excellency,

WHEN "Spencer" called on the citizens of Dublin, in the cause of law and order, I was amongst the first of 600 who came to the front prepared to lay down my life at your command.

It may not be too much to ask your Excellency to give some concession to the conscience of a nation of which perhaps your Excellency will be pleased to account the 600 who were not at Balaclava as an integral part.

It is unnecessary to remind the historic house of Spencer that the quality of mercy is not strained. It falleth like the gentle dew from Heaven.

In the case of Francis Hynes your petitioner believes that law and order has been vindicated; the law requires no victim; and, further, that the exercise of Royal clemency will still more vindicate the law, and bring murder into contempt and stay the murderer's hand, and have a tranquillising effect.

Perhaps your Excellency will be pleased to remember that 600 men prepared to die for Her Majesty may fairly lay claim to the life and liberty of one man, at whose guilt there is even the shadow of a doubt.

And your Petitioner will ever pray.

(signed) *John P. Arkins*, Special Constable,  
and son of Tom Arkins, O'Connell's Henchman.

— No. 29. —

The Asst. Under Secretary to the Lord Lieutenant to Mr. J. P. *Arkins*.

Sir,

Dublin Castle, 8 September 1882.

I AM directed by the Lord Lieutenant to acknowledge the receipt of your letter of the 7th instant, and to inform you that his Excellency cordially appreciates your loyalty, and that of the others who came to the assistance of the Government on his appeal, but at the same time his Excellency must consider the case of Francis Hynes on its own merits, and he regrets that he sees nothing to justify him in interfering with the course of the law in that case.

John P. Arkins, Esq.,  
7, Normanton-terrace, Claremont-road.

I am, &c.  
(signed) *W. S. B. Kaye*.

— No. 30. —

Mr. J. T. *Devitt* to the Under Secretary to the Lord Lieutenant.

Sir,

2, Swanson-terrace, Limerick, 7 September 1882.

I HOPE I may be excused for again intruding upon your time and asking you, as a particular favour, to again represent my humble views to his Excellency the Earl Spencer. Public opinion, especially amongst the loyal and law-abiding portion of the community, in favour of commuting the sentence on Hynes is very strong, and will receive a severe shock if the poor young man were to suffer death.

The separation of the jury from each other, and the association of strangers with some of them, also one of them being a paid officer of the Crown, are all elements in the case to justify a change in the sentence.

I am convinced, and it is the opinion of all with whom I have spoken that an act of clemency on the part of the Executive would display such a desire to heal the sore and bleeding wounds of this country that it would no doubt materially tend to restore the blessings of peace and order among us.

The Under Secretary to the  
Lord Lieutenant.

I have, &c.  
(signed) *John Thos. Devitt*.

## — No. 31. —

The Asst. Under Secretary to the Lord Lieutenant to Mr. *J. T. Devitt*.

Sir,

Dublin Castle, 8 September 1882.

I AM directed by the Lord Lieutenant to acknowledge the receipt of your letter of the 7th instant on behalf of Francis Hynes, a prisoner under judgment of death, and to inform you that his Excellency regrets that he cannot take on himself the responsibility of interfering with the course of the law in this case.

John Thomas Devitt, Esq.,  
2, Swanton-terrace, Limerick.

I am, &c.  
(signed) *W. S. B. Kaye*.

## — No. 32. —

The Rev. *Archdall Byrn*, M.A., to the Lord Lieutenant.

May it please your Excellency,

I VENTURE to pen the few following lines on behalf of the unhappy convict, Francis Hynes, who now awaits the dread sentence so soon to be carried into effect, unless your Excellency, through that well-known clemency of character which so fitly attempers the justice that becomes the high and responsible office which you fill, see fit that it shall be otherwise. I, for one, fully admit the guilt and consequent justice of Francis Hynes' sentence, and further, that the dreadfully criminal state of this country for some time past, taken in conjunction with the too general sympathy with crime, and almost entire impossibility of obtaining convictions in any, even the most glaring instances of guilt, render it imperative on the authorities, as a rule, in the absolute interests of society, to carry such sentences as are passed under these circumstances into execution. But while allowing all this, which every sane and loyal person must do, I humbly conceive there are extenuating features in the case of this wretched young man, such as the natural impulsiveness of his character, without a mother, or apparently any restraining influences to check or guide him in his more youthful days, or secure him from the demoralising atmosphere and general surroundings amid which he was placed, and circumstances connected with his apprehension, &c., which tend to show that Hynes was not the cunning, hardened, premeditating criminal that plans his escape as deeply as he plots his crime.

On these and such like grounds, if it be possible to extend mercy to this young man, without any detriment to the sanctions of the law of the land, and while at the same time making it manifest that his was an exceptional case, which was not in anywise to be regarded as a precedent for future imitation, then, and in such case, I, in conjunction, I doubt not, with numbers of loyal subjects of our Most Gracious Queen and noble Constitution, who entertain similar sentiments, would most respectfully and humbly entreat your Excellency to exercise the royal and God-like prerogative of mercy in such way as to you shall seem fit in behalf of Francis Hynes, whose days, in any case, if report speaks truly, seem to be numbered.

Drumree Rectory, Killucan,  
Westmeath.

I have, &c.  
(signed) *R. Archdall Byrn*, M.A.

## — No. 33. —

The Asst. Under Secretary to the Lord Lieutenant to the Rev. *Archdall Byrn*, M.A.

Sir,

Dublin Castle, 8 September 1882.

WITH reference to your letter of the 7th instant, on behalf of Francis Hynes, a prisoner under sentence of death in Limerick Male Prison, I am directed by the Lord Lieutenant to inform you that his Excellency sincerely wishes he could take the same view of the case as you do, but such would not be consistent with his duty to the public.

Rev. R. Archdall Byrn, M.A.,  
Drumree Rectory, Killucan.

I am, &c.  
(signed) *W. S. B. Kaye*.



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— No. 34. —

The Mayor of Limerick to the Under Secretary to the Lord Lieutenant.

The Mayor's Office, Town Hall,  
Limerick, 7 September 1882.

Sir,

I HAVE the honour to send you herewith a Memorial from the Corporation of this City to his Excellency the Lord Lieutenant, on behalf of the prisoner Hynes, praying for the extension of mercy to him.

The Memorial was unanimously adopted at a Council meeting to-day, and I can only add that if his Excellency will be pleased to accede to its prayer it will be a source of the greatest comfort to all parties here, who will also be most grateful for it, and as saving our city from being the place of execution for a crime committed elsewhere.

May I pray you to lose not a moment in placing this Memorial in the hands of his Excellency, who, I am certain, will give it that merciful consideration which I believe the case it advocates deserves.

R. G. C. Hamilton, Esq.,  
Dublin Castle.

I have, &c.  
(signed) J. Counihan, Mayor.

Enclosure in No. 34.

To His Excellency The Right Honourable *John Poyntz*, Earl *Spencer*, K.G., Lord  
Lieutenant General and General Governor of Ireland.

May it please your Excellency,

WE, the Mayor, Aldermen, and Burgesses of the City of Limerick in Council assembled, beg to join with thousands of our fellow-countrymen in whose behalf petitions have been presented for the commutation of the sentence passed on Francis Hynes.

Apart from all considerations affecting the incidents of the trial, we beg to represent to your Excellency that the great majority of the people of this country entertain doubts, which we believe to be rational, as to the prisoner's guilt, and which we are strongly of opinion, on reading the evidence, ought not to be ignored.

We confidently appeal, in any event, to your Excellency's own feelings of humanity for the exercise of the prerogative of mercy in favour of the young prisoner's release from an ignominious death, by which not alone he would undergo a dreadful punishment, upon doubtful testimony, but his innocent relatives be also involved in utter disgrace and the heartrending affliction which would follow his doom.

Your Memorialists, therefore, pray that your Excellency may be pleased to have the prerogative of mercy extended to this unfortunate young man, a result which will be most gratefully received by the people of all creeds and classes here.

J. Counihan, Mayor.

— No. 35. —

The Assistant Under Secretary to the Lord Lieutenant to the Mayor of Limerick.

Sir.

Dublin Castle, 8 September 1882.

WITH reference to your letter of the 7th instant, forwarding a Memorial from the Corporation of the City of Limerick on behalf of Francis Hynes, a prisoner under sentence of death in Limerick Male Prison, I am directed by the Lord Lieutenant to acquaint you, for the information of the Memorialists, that his Excellency has carefully considered the Memorial, and regrets that he cannot see any reason for interfering with the course of the law in this case.

J. Counihan, Esq., Mayor of Limerick,  
Limerick.

I have, &c.  
(signed) W. S. B. Kaye.

— No. 36. —

Mr. *F. T. Davys* to the Lord Lieutenant.

May it please your Excellency,

Cremona, Swords.

UNSOLICITED and without any personal knowledge of, or acquaintance with either the relatives, friends, or solicitor of the person to whom I refer herein, I venture most humbly and respectfully to address your Excellency.

My intention was first to discuss through the columns of the medical journals the physiological or medicolegal points bearing on the evidence obtained from a dying man such as that which was given by Doloughy in the case of the Queen *v.* Hynes; but on reflection I feel that if the substance of my intended remarks, free from technicalities, were briefly laid before your Excellency, and that there existed in them grounds for your Excellency's believing that the dying man Doloughy was not quite capable of knowing what he was uttering when he said it was Francis Hynes shot him, that your Excellency in a desire to see justice tempered with mercy, might be graciously pleased to exercise your prerogative towards Hynes. It was freely conceded that the only man of whom Doloughy was afraid was Hynes; of him he was in constant fear. The very moment Doloughy received the dreadful shock, when he was shot down, the pre-impressed fears of Hynes committing such had then reflected the very image of that man in his brain, and Doloughy's tongue had feebly given utterance to the name of Francis Hynes; reaction after the shock had not set in, death supervening before the powers of the mind had made a rally. This theory forces itself on my mind as being the more tenable, when I think of almost a similar case that occurred in the year 1859. A man received the contents of a gun from a neighbour by whom he was repeatedly threatened, and of whom he was in hourly fear. The man who was shot down swore in his dying depositions that the man who shot him was the person who had previously threatened him. An eminent provincial surgeon, the late Dr. Durgan of Mullingar, became aware that the person accused and under arrest was innocent, and that for two reasons he should not be convicted. 1st. Because he knew he could prove an alibi; and 2ndly, because the dying man was not capable of knowing what he was uttering from the state of his brain. The doctor offered to walk in accompanied by two policemen, having changed his coat, and then asked the magistrate to ask the dying man if the person between the two policemen was the individual who shot him, the dying man said he was the person who shot him, though a short time before he swore that the person then in custody was the assassin. The prisoner was subsequently acquitted at the assizes.

I pray your Excellency may be pleased to pardon the liberty I have taken in thus addressing you.

His Excellency Earl Spencer,  
Lord Lieutenant Governor of Ireland.

I have, &c.  
(signed) *F. T. Davys*,  
Graduate in Arts, Licentiate and  
Fellow, Royal College of  
Surgeons, Ireland, &c. &c. &c.

— No. 37. —

The Assistant Under Secretary to the Lord Lieutenant to Mr. *F. T. Davys*.

Sir,

Dublin Castle, 8 September 1882.

I AM directed by the Lord Lieutenant to acknowledge the receipt of your communication on behalf of Francis Hynes, a prisoner under sentence of death in Limerick Male Prison; and to inform you that his Excellency has read the same with attention, and regrets that after a full investigation into the evidence, he sees no reasons to alter the decision previously arrived at by him in the case.

*F. T. Davys*, Esq., L.R.C.S.I.,  
Cremona, Swords.

I am, &c.  
(signed) *W. S. B. Kaye*.

— No. 38. —

MEMORIAL of the Town Commissioners of Queenstown.

Town Commissioners' Office,  
Queenstown, 8 September 1882.

To His Excellency The Lord Lieutenant, Dublin Castle.

Your Excellency,

WE, the Town Commissioners of Queenstown, beg to submit to your Excellency that, in view of the facts recently brought to light respecting the trial and sentence passed on the young man Francis Hynes, now a prisoner in Limerick Gaol, it would in our opinion be

be but a wise act of justice and humanity to commute the sentence now passed upon him, and we believe that the exercise of your prerogative in this matter will materially tend to allay the wide-spread feeling of distrust in the impartial administration of the law that the proceedings in this case have generally forced upon the community, and will give universal satisfaction. Hoping that your Excellency will grant the prayer of this Memorial. We are respectfully, on part of the Queenstown Town Commissioners,

Town Hall, Queenstown,  
8 September 1882.

*C. G. Doran*, Chairman.  
*Jno. Ahern*, Town Clerk.

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— No. 39. —

The Assistant Under Secretary to the Lord Lieutenant to the Chairman of the  
Town Commissioners of Queenstown.

Sir,

Dublin Castle, 9 September 1882.

I AM directed by the Lord Lieutenant to acknowledge the receipt of a Memorial from the Town Commissioners of Queenstown on behalf Francis Hynes, now under sentence of death in Limerick Male Prison; and to acquaint you, for the information of the memorialists, that his Excellency regrets he sees no ground for his interference with the course of the law in that case.

*C. J. Doran*, Esq., Chairman,  
Town Commissioners, Town Hall, Queenstown.

I am, &c.  
(signed) *W. S. B. Kaye*.

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— No. 40. —

Mr. *John Costello* to the Secretary of State for the Home Department.

Queenstown, County of Cork,  
4 September 1882.

Sir,

I took the liberty of addressing you in many matters relating to the disturbed state of this country recently; I now have again taken the same liberty on a question of the life or death of a highly respectable young man named Francis Hynes, whose fate is sealed, being about to be executed on the 11th of the present month in the city of Limerick. If it were in my power, I would extend the extreme penalty of the law to every other man found guilty of wilful murder in Ireland; from my feelings in that direction, if I had been on the jury that tried Francis Hynes, I may be led away by excitement consequent on the disturbed condition of this country, and join with others in finding against the accused in evidence that was not sufficiently clear. In the case of the condemned man, there would seem to be one link in the chain missing, and combined with that absent link another grave matter to be considered is; was the murder, if committed by the man Hynes, premeditated? Anxious as I am to bring all such class of persons to justice. I could not be brought to believe that a young man of respectability, and the son of a solicitor, would commit a preconceived murder; but if committed by Hynes it must have been at the impulse of the moment; I, therefore, pray you to take this unfortunate young man's sad case into consideration, and impress on his Excellency the Lord Lieutenant to reconsider his reply to the memorials sent forward on Hynes's behalf.

To Sir W. Harcourt, M.P., H.S.

I remain, &c.  
(signed) *John Costello*.

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— No. 41. —

Mr. *John Costello* to the Secretary of State for the Home Department.

Sir,

Queenstown, County Cork, 5 September 1882.

For over 30 years I had been called on to serve as a petty juror at assize courts in the City of Cork; in all cases of murder, I invariably adopted and recommend the wise course of suggesting mercy when a verdict of guilty had been the result. Whenever a jury in the discharge of that serious function happened to take a very unusual long time to deliberate on the guilt or innocence of the person on trial, but more particularly where a judge has occasion to order a jury to be locked up over-night, under a sheriff's protection.

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In reference to the missing or defective link in the chain of evidence in Francis Hynes case, that absent link would seem to be in the uncorroborated testimony of the identification of Hynes, when the brain of the murdered man must have been revolving in the brainpan of a man in the agonizing delirium convulsion of death, which may have been some imaginative hallucination through some forebodings consequent on unfriendly relations of long standing. In conclusion, I humbly beg to observe that the ends of justice would be equitably served by a commutation or reprieve in this unfortunate man's case.

I humbly approach you with an apology for presuming to trespass on your very precious time on this and other occasions,

And remain, &c.  
(signed) *John Costello.*

To Sir William Harcourt, M.P., U.S.

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— No. 42 —

Mr. *Courtenay Boyle* to Mr. *John Costello.*

Sir,

Viceregal Lodge, Dublin, 10 September 1882.

I AM desired by the Lord Lieutenant to inform you with, reference to your letter to the Home Secretary, that his Excellency having carefully considered the whole of the circumstances connected with the case, regrets that he cannot find it consistent with his public duties to interfere with the ordinary course of the law.

J. Costello, Esq.

I am, &c.  
(signed) *Courtenay Boyle.*

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— No. 43. —

MEMORIAL of Members of the Coroner's Jury.

To His Excellency Earl *Spencer*, K.G., Lieutenant General and General Governor of Ireland.

May it please your Excellency,

WE, the members of the coroner's jury in the Doloughy murder case, beg to approach your Excellency on behalf of the condemned Francis Hynes. We are intimately acquainted with the circumstances of the case, and having read carefully the case, as conducted in Dublin, beg most respectfully to state to your Excellency that the evidence at the coroner's jury, such as it was, was not that given at the trial in Dublin.

We are perfectly aware that the Crown, after a long contest, principally in the north of Ireland, have got power to retain evidence until it suits to bring it forward by surprise. We are thoroughly convinced that the trial in Dublin was hastened, with what we consider an undue haste, to a conclusion from which we and the people of Clare entirely dissent. We have known the condemned from his childhood, and we have carefully weighed the case as conducted by the Crown, and are unanimous that on the evidence alone we are called upon to ask your Excellency on these most important grounds to at least stay execution.

As an example of the untrustworthiness of dying depositions, we beg leave to refer to the case of the assassination of Mr. Pierce Carrigg (a land agent), which occurred about 25 years ago. Mr. Carrigg was shot at from the wall of *Toureen Demesne*. He was brought mortally wounded into *Toureen House*, now occupied by the brothers and sisters of the condemned man Francis Hynes, where his dying deposition was taken. From his description a man was arrested and brought into his presence, whom he fully identified as his assassin. Mr. Carrigg was then in the full possession of his faculties. He was fired at about one o'clock in the afternoon, in full daylight, when the amplest means of identification were afforded; nevertheless, on the subsequent trial it was conclusively proved that the man so identified could not have been the murderer.

(signed) *James Hayes*, Church-street, Ennis, Foreman.  
*John Reddan*, Church-street.  
*Daniel Tuohy*, Jail-street.  
*Thomas O'Halloran*.  
*Denis Culligan*, Church-street.  
*James Cronin*, Jail-street, Ennis.  
*Patrick Garvey*, Jail-street, Ennis.  
*Patrick J. Hickey*, Mill-street.  
*William Shank*, Church-street, Ennis.  
*James O'Brien*, Jail-street.  
*Francis McMahon*, Jail-street.  
*Thomas Moran*, Mill-street.  
*Patrick Molony*, Mill-street.

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— No. 44. —

The Assistant Under Secretary to the Lord Lieutenant to Mr. *James Hayes*.

Sir,

Dublin Castle, 8 September 1882.

WITH reference to the memorial signed by you and the other members of the coroner's jury in the Doloughy murder case on behalf of Francis Hynes, a prisoner under sentence of death in Limerick Male Prison, I am directed by the Lord Lieutenant to acquaint you, for the information of the memorialists, that his Excellency has considered the statements set forth in the memorial, and regrets that he cannot find it consistent with his duty to the public to alter the decision he has already arrived at in the case.

Mr. James Hayes.  
Church-street, Ennis.

I am, &c.  
(signed) *W. S. B. Kaye*.

— No. 45. —

The Rev. *David Humphrys* to the Lord Lieutenant.

My Lord,

9 September 1882.

I RESPECTFULLY request your Excellency's attention to one circumstance in connection with the trial of Francis Hynes. Your Excellency may not be conversant with the doctrine and practice of the Catholic Church regarding the last rites. The last rites of the Catholic Church are three sacraments, Penance, the Viaticum, Extreme Unction, and a blessing, which is called *Benedictio in Articulo Mortis*. The use of reason is required only for the administration of the Viaticum, it is not required for the administration of the other three rites. A priest therefore not only "dare," but is strictly obliged to administer these three rites, namely, Penance, Extreme Unction, and the *Benedictio in Articulo Mortis* to a Catholic who appears to him unconscious. So then the priest, who attended the dying man Doloughy, administered to him these rites, but did not administer to him the Viaticum; the "hard fact" proved by his evidence is, that he did not believe the dying man to be in a state fit to receive it; that he did not believe him to be conscious. I have taken the quotations from the "Daily Express," which published yesterday a most erroneous article on the evidence of the clergyman who attended Doloughy. The "Express" has not published my letter of correction, and hence I have ventured to address your Excellency. The life of a fellow creature trembling in the balance is my excuse and apology.

To His Excellency Earl Spencer,  
Lord Lieutenant of Ireland.

I am, &c.  
(signed) *David Humphrys, c.c.*

— No. 46. —

Mr. *Courtenay Boyle* to the Rev. *David Humphreys, c.c.*

Reverend Sir,

The Castle, Dublin,

9 September 1882.

I AM desired by the Lord Lieutenant to acknowledge the receipt of your letter, and to say that his Excellency was acquainted with the doctrine and practice to which you refer.

The Rev. *David Humphrys, c.c.*

Yours, &c.  
(signed) *Courtenay Boyle*.

— No. 47. —

Mr. *Joseph Barnes* to the Lord Lieutenant.

My Lord,

Rutland House, Grand Canal, Dublin,

10 September 1882.

I TRUST your Excellency will pardon the unwonted liberty I take in addressing you, with unfeigned respect, to exercise your clemency in pardoning the young man Hynes,  
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of whose innocence I have not a scintilla of doubt; were it otherwise I should be the last to approach your Excellency. My well-known independence of all parties, and the slowness of my convictions, will attach some weight to this application. Any popularity I have received, if based on aught save a sense of justice, I would fling to the winds. I forward some papers which will give a fair conception of my character and conduct.

The Right Hon. Earl Spencer,  
Lord Lieutenant of Ireland.

I have, &c.  
(signed) *Joseph Barnes.*

— No. 48. —

*Mr. Courtenay Boyle to Mr. Joseph Barnes.*

The Viceregal Lodge,  
10 September 1882.

Sir,  
I AM desired by the Lord Lieutenant to acknowledge the receipt of your letter of the 10th instant, on behalf of the convict Francis Hynes, and to inform you that his Excellency regrets that after careful consideration he can see no reason to interfere with the ordinary course of the law.

Joseph Barnes, Esq.,  
Rutland House, Grand Canal.

I have, &c.  
(signed) *Courtenay Boyle.*

— No. 49. —

The National Land and Labour League of Great Britain to the Lord Lieutenant.

To His Excellency Earl Spencer, K.G., Lord Lieutenant and General Governor of Ireland.

National Land and Labour League of Great Britain,  
South Liverpool Branch, Mount Pleasant,  
Liverpool, 9 September 1882.

It becomes my duty to forward to you a copy of a resolution passed at a meeting held under the auspices of the above association, to protest against the execution of Francis Hynes.

Mr. John Denver, moved, and Dr. A. M. Bligh, T.C., seconded:—

Be it resolved, "That whereas the solemn affidavits of 11 persons of unblemished reputation, placed in possession of Earl Spencer, K.G., Lord Lieutenant of Ireland, have raised very grave doubts in the public mind as to the fitness of the jury to calmly deliberate in the case of Francis Hynes, whose execution is fixed to take place on Monday next, 11th September. A further cause of doubt being created by the incarceration of Mr. E. D. Gray, M.P., High Sheriff of Dublin, and editor of the 'Freeman's Journal,' no other cause being assigned for his imprisonment than that he gave publicity to the imputed conduct of said jury."

We in public meeting assembled declare that life is too sacred to be trifled with, while the shadow of a doubt remains as to the competency of the jury, and furthermore record our protest against the execution of Francis Hynes taking place, until public opinion has been satisfied as to the conduct of the jury.

A further resolution was unanimously adopted ordering copies of the foregoing to be sent to your Excellency, the Right Hon. W. E. Gladstone, M.P., and the "Freeman's Journal."

I am, &c.  
(signed) *John Bligh, M.D., Chairman.*  
*W. J. Keating, P.P.*

— No. 50. —

Mr. *Courtenay Boyle* to Mr. *J. Bligh*, M.D.Viceregal Lodge,  
10 September 1882.

Sir,  
I AM desired by the Lord Lieutenant of Ireland to acknowledge the receipt of your letter, forwarding copy of a resolution which you state was passed at a meeting of the National Land and Labour League of Great Britain, South Liverpool Branch, protesting against the execution of F. Hynes.

J. Bligh, Esq., M.D.

I am, &c.  
(signed) *Courtenay Boyle*.

— No. 51. —

MEMORIAL of Rev. *John Curry*, C.C., Dunshaughlin, County Meath, to His Excellency Earl *Spencer*, Lord Lieutenant of Ireland,

Humbly sheweth,

THAT whereas the priest in attendance at the scene of the murder, for which F. Hynes is about to lose his life, swore he could administer the sacraments *only conditionally*, and whereas, did he believe D — conscious, he would be bound to administer them unconditionally; and whereas the priest's evidence was not correctly understood by judge or jury on this point, your petitioner humbly prayeth that Hynes's life be spared, and a probably innocent victim saved the scaffold.

Any Catholic theologian who studies Father Laughlance's evidence, will assure you it should be used for Hynes and not against him.

— No. 52. —

Mr. *Courtenay Boyle* to the Rev. *J. Curry*.Viceregal Lodge, Dublin,  
10 September 1882.

Rev. Sir,  
I AM desired by the Lord Lieutenant to acknowledge the receipt of your memorial upon the case of the convict Francis Hynes, and to say that his Excellency, having carefully considered the representation made therein, is unable to satisfy himself that it would be consistent with his public duty to interfere with the ordinary course of the law.

The Rev. *J. Curry*.

I am, &c.  
(signed) *Courtenay Boyle*.

— No. 53. —

Mrs. *Marian Hawkes* to the Right Honourable *W. E. Gladstone*.

Honoured Sir,

3, Alfred-street, Bath, 4 September.

CAN nothing be done in the case of the poor young man Hynes, sentenced to death on such peculiar evidence? I have watched all the evidence most carefully, and the point relied on for the conviction was the word spoken by the poor man, almost unconscious as he was. The resident magistrate says that he understood him to say one name, and that he then asked, "Is it Francey Hynes?" The poor dying man repeated the words after him just as he had been previously trying to do after the priest. I know from personal experience that very weak and dying people almost invariably repeat any question addressed to them, or at least the last part of it, as if they were trying to take in the meaning; and another peculiar thing is that they generally reply in the affirmative when they are too weak to form an opinion of their own. I feel sure that if Judge Lawson had seen as much of the difficulty of getting a reply which conveyed any real understanding of the subject from a dying person as I have, he would never have passed the sentence. Would it not be possible for him even now to reconsider it? I am sorry to trouble you on the subject, as it is a very sad one, just when you are trying to get a little rest from arduous work, but this day week will see the poor young man sent into eternity, and there are strong reasons for believing that he may be innocent.

Perhaps if you would kindly send on this letter to the Lord Lieutenant, it might draw  
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his attention to the real state of the case. I heard one case in a court lately which shows how difficult it is even for judges to get at the truth in Ireland. I had written to Lord Massey, asking him to reinstate a poor evicted tenant on his estate; he took it kindly, and wrote to his agent to give the man a chance, but the agent seems to have been offended that he was interfered with, and told the man that he was the party whose views were to be considered. While waiting for a decision the evicted tenant, who was in hopes of being let in again, met the man (emergency) who had possession of his place driving some cattle towards it, and made the remark that things might change in a day or two. The caretaker went off and got up an "intimidation case," which appeared to have been so added to by the time it was sworn before the resident magistrate, that when it was read in the court neither the poor tenant nor the caretaker recognised the conversation; the latter hesitated and tried to explain that he had not understood the man to threaten him that some harm was likely to come, which was what the information insinuated. The affair ended by the evicted tenant being ordered to find bail to keep the peace, which he had no intention of breaking; he was quietly hoping to be put in by his landlord, and the parties who got up the case knew that to be the truth, but the magistrate on the bench would have sent the poor old man to prison under the new Act, no doubt with hard labour, but for the man's excellent character and infirm health, for he was an old man and had been evicted from utter inability to pay; but he had a young son who had been working for a neighbouring farmer, and who would have gone back to help his old father, and it was for that reason that I asked Lord Massey to let the family in again, as I was sure the youth would have done his utmost to keep the old people on their own place. The tenants round had settled also, and the neighbourhood was quiet and orderly. I feel sure the case was got up out of spite, but it shows how difficult it is for men at a distance to understand these things.

God grant the poor sufferers patience and brighter days.

The Rt. Hon. W. E. Gladstone, Premier.

Yours, &c.  
(signed) *Marian Hawkes.*

— No. 54. —

*Mr. Courtenay Boyle to Mrs. Marian Hawkes.*

Madam,

Viceregal Lodge, 10 September 1882.

I AM desired by the Lord Lieutenant of Ireland to inform you that his Excellency has received from Mr. Gladstone the letter which you addressed to him on the 4th September, and I am to say that his Excellency, after a careful consideration of the representations which you make, regrets to be unable to interfere with the ordinary course of the law in the case of the convict Francis Hynes.

Mrs. Marian Hawkes.

Yours, &c.  
(signed) *Courtenay Boyle.*

— No. 55. —

*Mr. J. Milton to the Lord Lieutenant.*

My Lord,

9 September 1882.

WITH the highest respect for your office and yourself, and without any sympathy for Hynes or his partizan advocates, I venture to submit to your Excellency a matter not yet too late for consideration.

Had the illegal intercourse of the jurymen been known and pleaded immediately, they would assuredly have been discharged without sitting again, and another jury sworn. This is a provision of the wisest and most sacred character. There is yet an opportunity to make amends for the ignorance of that intercourse by granting a respite and ordering a new trial. Hynes's present predicament increases his right to this chance. To it I point under the sole influence of respect for the law, the Constitution, and prudent policy, and although I believe the condemned man guilty.

I am, &c.  
(signed) *J. Milton.*



— No. 56. —

Mr. *John Croky* to the Lord Lieutenant.

My Lord,

34, Kildare-street, 9 September 1882.

As I yield to none of Her Majesty's subjects in loyalty to the Queen and country and in support of law and order, and as I believe your Excellency will receive this in the spirit in which it is written, viz., to aid your Excellency in coming to a right conclusion, where the life of a fellow-being is at stake.

I beg to call your immediate attention to the only solid evidence for the defence, which seems to my mind, not only to justify, but strongly to call for the exercise of your high prerogative of mercy to commute the sentence of death in Hynes's case, viz., first, the sworn evidence of the priest, who swears in his evidence, truly copied in the second edition of this morning's "Freeman" of the trial, viz., that when he visited the dying murdered man to administer the last rites of his church, he found his mind so gone that he was obliged to refrain from giving the whole of his last rites of his religion. Now, this priest's evidence was given before any sentence was passed, and he, the priest, further swears that he came to this conclusion an hour before the dying declaration of the man was taken by the resident magistrate.

Now we all know Roman priests are always most anxious to give the last rites of their church to their flock if their minds are in their opinion conscious and able to understand what the priest says; we have, therefore, this priest's sworn evidence, throwing, I submit, a fair and reasonable doubt on the soundness of the dying declaration on which hangs the sentence to hang the unfortunate prisoner, as the doubt is supported by the sworn evidence of the priest, and as the principle of the British Constitution certainly supports the axiom that it is better that many guilty persons should escape than one innocent person suffer—in this case mercy seems trumpet-tongued to call for commutation of the sentence to the lingering death which penal servitude certainly inflicts. But especially solely in aid of your Excellency at this anxious moment of your mental toil, I beg to suggest that mercy be exercised under the existing circumstances of this case, seems to me the best preventative to future crime, which is the true object of all punishment.

I can only add, the accused and all his kin are total strangers to me, and in my person as a special constable lately sworn in, I would support the representative of my Sovereign, at the risk of my life if necessary. I have no object but to aid your Excellency in coming to a right conclusion. I therefore will not insult your Excellency by offering an apology, or thinking that you could look upon this, my respectfully inclined letter, in the light of an intrusion, as I am not sufficiently satisfied that your attention has been sufficiently called to the sworn evidence which, to my mind, throws a reasonable doubt as to the guilt of the man in such a shape as at last to call for commutation to penal servitude for life. I do so now in this case; the extension of this mercy would shine forth in its brightest light, while still justice would be upheld by the punishment of penal servitude.

I have, &amp;c.

(signed) *John Croky*, Special Constable,  
380B, College-street.His Excellency The Earl Spencer,  
&c. &c. &c.

— No. 57. —

Mr. *P. Callan*, M.P., to the Lord Lieutenant.

52, Claverton-street, St. George's-road, London, S.W.,

Saturday, 9 September 1882.

My Lord,

YESTERDAY I met here in London two Irish Queen's Counsel, both Crown prosecutors, on their respective circuits, admittedly eminent as criminal lawyers, and both of whom have had personally professional experience in criminal cases wherein points were successfully raised similar in principle to that raised in the Hynes jury case. Their opinion was so clear and decided, that I feel bound, even at the eleventh hour to bring the matter under your Excellency's notice.

They were clearly of opinion that when the prisoner Hynes, after the verdict of the jury, was asked, had he anything to say why sentence of death should not be passed upon him, had he pleaded in arrest of judgment the now admitted fact that the jury had separated and mixed with the outside public, Mr. Justice Lawson would necessarily have been obliged to reserve the point for the decision of the Court of Criminal Appeal; and a number of English barristers whom I have consulted on the subject are equally clear

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and decided in opinion that the decision of the Court of Criminal Appeal on the point would have been favourable to the prisoner, and adverse to the legality of the verdict.

It is true that the opinion of the Court of Criminal Appeal cannot now be judicially had upon the point; but it does seem not only harsh and unfair to the convict, but repugnant to every sense of justice and fair play, that the convict, merely because, having through ignorance of the fact of the conduct of the jury at the time, lapsed the legal opportunity of raising the point, should now suffer the "dread penalty."

In the Lamson case, the Home Secretary, though not the slightest doubt of the guilt of the convict existed, reprieved the convict for a fortnight for the consideration of the American affidavits in the case.

May I respectfully but most earnestly suggest to your Excellency to extend a similar reprieve in this case to enable your Excellency to obtain, though informally, the opinion of those judges who would have constituted the Court of Criminal Appeal had the convict raised the point at the dread moment where technically it should have been raised.

The opinion, though informally obtained, of such eminent judges as Chief Justice Morris, Justice Barry, and though last, not least, the pure high-souled Baron Fitzgerald, will give to the decision, whatever it may be, an authority, and carry with it a weight and respect which, with the greatest deference to your Excellency, it otherwise will not possess.

The circumstances of the case are and must be my only apology for thus writing your Excellency.

His Excellency  
The Lord Lieutenant of Ireland.

I have, &c.  
(signed) *Philip Callan.*

— No. 58. —

*Mr. Courtenay Boyle to Mr. P. Callan, M.P.*

Viceregal Lodge, Dublin,  
10 September 1882.

Sir,

I AM desired by the Lord Lieutenant to acknowledge the receipt of your letter in reference to the case of the convict Hynes.

His Excellency has considered carefully your letter, but finds nothing in it which would justify him in ordering a reprieve of the sentence, or make it consistent with his public duty to interfere with the ordinary course of the law.

Philip Callan, Esq., M.P.

I have, &c.  
(signed) *Courtenay Boyle.*

— No. 59. —

*Mr. Sexton, M.P., to the Lord Lieutenant.*

20, North Frederick-street, Dublin,  
Saturday Evening, 9 September 1882.

May it please your Excellency, I CONSIDER it my imperative duty to place at once in your Excellency's hands the accompanying letter, which has this moment reached me from Mr. James Lynch (the employer of the herdsman Doloughy), and which fully confirms the statement of Mr. Edward Finucane, recently transmitted to your Excellency, with regard to the friendly feeling between Mr. Lynch and the family of Francis Hynes, and also the state of mind of Doloughy in reference to Francis Hynes, for a considerable time before his death.

Submitting the statement of Mr. Lynch to your Excellency's consideration,

His Excellency the Earl Spencer, K.G.,  
Lord Lieutenant.

I have, &c.  
(signed) *Thomas Sexton.*

Enclosure in No. 59 (No. 1).

TELEGRAM from *Edward Finucane to Thomas Sexton, M.P.*

North Frederick-street, Dublin.

MR. LYNCH, who was Doloughy's employer, would have sworn to my statement if examined on Hynes' trial; the Crown kept him back, although he was summoned, and was in Court during the trial. I send Lynch's letter by mid-day post; it adopts mine, and confirms all I wrote you.

Enclosure in No. 59 (No. 2).

My dear Edward,

Lissane, Clare Castle, 8 September 1882.

I HAVE read your letter addressed to Mr. Sexton, M.P., relating to the trial of Francis Hynes for the murder of my late herdsman, poor Doloughy, and also to the good feeling existing between the Hynes' family and myself, and the evidence you had to give on the case. I adopt your statement in every particular, and would have proved all you mentioned as relating to my dealings with them, and our kindly feelings towards each other, had I been examined on the sad case, and sad trial, as I expected to have been when in Dublin, as a witness by the command of the Crown. Praying that it is not yet too late for my solemn confirmation of your honest and truthful statement,

Your sincere friend,  
(signed) *James Lynch.*

— No. 60. —

Mr. *Courtenay Boyle* to Mr. *Sexton*, M.P.

Sir,

Viceregal Lodge, Dublin, 9 September 1882.

I AM desired by the Lord Lieutenant to acknowledge the receipt of your letter of this evening, and the enclosures which accompanied it.

I am desired to say that his Excellency has carefully considered the representations made therein, but is unable to find that they add to the information which was already before him.

T. Sexton Esq., M.P.

I am, &c.  
(signed) *Courtenay Boyle.*

— No. 61. —

The Manager of the "Freeman's Journal" to the Under Secretary to the Lord Lieutenant.

The "Freeman's Journal," Dublin,  
8 September 1882.

Dear Sir,

THE enclosed has been addressed to the editor of the "Freeman's Journal," but as he does not think it expedient to publish it, he forwards it for the perusal of the Lord Lieutenant.

Yours, &c.  
(signed) *John Gillies*, Manager.

Enclosure in No. 61.

Dear Sir,

7 September 1882.

By inserting the enclosed letter in your paper you will be serving the cause of Francis Hynes, and show the world that he is innocent.

Editor "Freeman's Journal."

7 September 1882.

There is an old saying that it is often a man was hanged wrongfully, and, alas, what a sorrowful proof have I of this saying. John Doloughy was shot on Sunday the 9th of July last while coming home from the Friary Mass, and Francey Hynes was taken on suspicion, and was sentenced to be hanged, and yet I am the man who shot him, and Francey Hynes hadn't hand, act, or part in it, or didn't know anything about it, no more than the judge or jury who tried him.

I will now tell you all about it, barring what would implicate myself; I would tell it before, only that I was afraid to take a letter to the post office lest I may be noticed and suspected in any way, and if searched the letter would be quite sufficient to get me hanged.

On the Saturday before I shot Doloughy I was in Ennis, and having some drink taken, was induced to take more drink home with me, and which I drank on the following morning till I was more than half drunk; I then set out for mass; unfortunately I  
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saw Doloughy, and the thought struck me that it would be a good opportunity to give him a beating on his return home.

The devil tempted me not to go to mass at all that day, but to watch Doloughy on his way home, and if his wife was in company with him to attack them.

I then took the short cut home to prepare for the attack, as I knew I had not much time to lose, unless they stayed in Ennis for some time. On my way home from the first thought of attacking Doloughy, came the second of shooting him, and having the drink in me I determined on this. Having provided myself with a gun, a revolver, a piece of crape, and a woman's cloak, I proceeded towards Koslavan Cross, as it was there I first thought of doing for him, but seeing a few persons about the place I then went towards Gorris Cross, and seeing no one, I hid myself there for some time. It was then I remembered that Con M'Cormack was also at Ennis, and lest if he came that way before Doloughy that he should by any chance see me, I hastened as quick as I could to near Knockanane School-house, and seeing no one about I came out on the roadside thereabouts.

I then put the cloak on me, which up to that time was wrapped round the gun. I remained there something about 15 minutes, when as if Doloughy was to be shot I saw him coming on the road without his wife, and not a soul in view. In the meantime I walked on very slowly till he was drawing near me, at the same time settling the crape over my face, and then I stooped down as if to tie my shoe, but instead, cocking the gun, and preparing to take deadly aim, Doloughy thinking all the time that I was a woman, and when he was within about six yards of me I turned round, took aim, and shot him right into the face. Before he had time to do anything but raise his hands, and say Oh, when he saw the gun, I had him shot dead as I thought by a bullet, or I should also have discharged one of the chambers of the revolver at him, all of which were loaded by myself; I will tell another time how the shot got into the gun instead of the bullet; I will mention also that it was my intention to shoot the wife also if she recognised me, provided she happened to arrive at the scene of the attack or murder; I then ran off and hid my cloak, crape, gun, and revolver, but in spite of all my vigilance I was seen; but a staunch patriot was never an informer, nor won't be one.

I now ask Francey Hynes and his family and friends to forgive me for being the cause of his death, which I am more sorry for than any of them may imagine, and if I cannot save his life by this confession I have at least shown to the world that he is innocent of the crime for which he is to suffer.

I remain &c.

(signed) *The Man who shot John Doloughy.*

— No. 62. —

The Under Secretary to the Lord Lieutenant to the Manager of the  
"Freeman's Journal."

Dear Sir,

Dublin Castle, 9 September 1882.

I HAVE to acknowledge the receipt of your letter, dated the 8th instant, but only now (10.15 a.m.) handed to me, transmitting an anonymous letter, purporting to be written by "The Man who shot John Doloughy," and to inform you that I have sent it at once to the Lord Lieutenant in accordance with your request.

Yours, &c.

(signed) *R. G. C. Hamilton.*

— No. 63. —

MEMORIAL of Mr. J. W. O'Neill.

Abbeyfeale, Saturday Evening,  
9 September 1882.

To his Excellency Earl Spencer, Lord Lieutenant General, &c., of Ireland :

The Memorial of J. W. O'Neill,

Humbly sheweth,

THAT though having read this evening on this morning's "Dublin Daily Freeman" your Excellency's reply to the Memorial emanating from the Mansion House meeting of Thursday last, I do not coincide with the editor of the "Freeman" that such falsehoods as that which he quotes from the "Express" has murdered hope. I still hope that Francis Hynes will not be hanged on the kneeling whispered testimony of Captain M'Ternan, to whom the dying man whispered a reply which could not be distinctly heard but by this gallant R.M., and by the wife, and the boy, son of the murdered man.

A law

A law in contemplation by the Liberal and Conservative statesmen of the British Empire to grant a second trial to criminals capitally convicted, and until that law is passed your Excellency and your advisers are grand jury, petty jury, and judge, in the high court of earthly temporary public opinion; in that court awful is the responsibility which you, my Lord, incur, if, in the teeth of public opinion you go to the side of cruelty, turning a deaf ear, a blind eye, and a hard heart to the public and private craving for fair play in the various points of view suggested by public and private pleading by way of meetings, speeches, letters, and memorials. Why was not Cullinane called as a witness? Are all the facts stated in his letter to Mr. Sexton capable of being sustained on truthful testimony? Are my complaints of Captain M'Ternan's veracity, or rather, want of veracity, to be sustained by sworn testimony, by the records of the Kerry Court of Assizes, and by the notes and memory of Judge Barry? Did the jury conduct (*sic*), as stated, and is proved by many whose self-interest and self-respect would, if possible, prove the contrary?

With such questions unanswered to your Lordship's satisfaction, how could it be possible that any man of high or low degree who verily believed that a day of judgment was before himself, and that he had the light of reason to guide him and to establish his responsibility to his Great Judge, would venture to refuse at least a long day for the public investigation of all the circumstances connected with the case of Francis Hynes.

The fighting game-cocks teaching the Greek army under Themistocles, the spider teaching Bruce, the ant teaching Tamerlane, the crowing cock teaching St. Peter to repent, are a few of the historical instances that encourage such an humble Memorialist to attempt teaching a nobleman of your exalted, social, and political position to remember the words, not of the Viceroy, but of the King of Kings and Lord of Lords, at least, were there plenty room and plenty cause for the exercise of justice and mercy.

Mercy to the merciful, but judgment without mercy to those who will not show mercy.

Let those who do not hope be disappointed, as the middle or rather the end of the nineteenth century is a very bad time for the Draconic execution of Draconic laws.

The following scrap will show this species (*sic*) appeals to justice are going round the globe. Telegraph to New York for the truthfulness of the following scrap, and you will be just and merciful, and your Memorialist, as in duty bound, will ever pray, and will also pray to be excused for running such a race with the post in this desperate (*sic*) of life and death in which I ask you in the presence of God to place yourself in the position of Francis Hynes, of his poor father, and suppose your own son to be the convict and James Hynes the Lord Lieutenant, and this hope of justice and mercy will not be dead.

— No. 64. —

Mr. Courtenay Boyle to Mr. J. W. O'Neill.

Sir,

Viceregal Lodge, 10 September 1882.

I AM desired by the Lord Lieutenant to acknowledge the receipt of your memorial of yesterday, and to say that his Excellency having carefully considered the representations it contains, regrets to find no reason which would justify him in interfering with the course of the law in the case of the convict Francis Hynes.

Mr. J. W. O'Neill.

I am, &c.  
(signed) Courtenay Boyle.

— No. 65. —

The Rev. James O'Haire to the Lord Lieutenant.

To his Excellency Earl Spencer, Lord Lieutenant of Ireland, &c. &c. &c.

82, Upper Rathmines, Dublin,  
9 September 1882.

May it please your Excellency,

I AM a very humble and obscure individual, merely one who spent nearly a life in missionary work in South Africa, and am now almost as a stranger in Ireland after so long an absence; I am not a politician nor a public man, nor am I induced by anyone to address this letter to your Excellency. No one knows that I have presumed so far.

During my present visit to Ireland I have read calmly and carefully all that has appeared on both Conservative and Liberal journals published in this city in reference to the murder of Dolougherty and the case of Hynes, and have heard in social life the spontaneous opinions of some hundreds of men freely given on both sides.

I venture even at this late hour to approach your Excellency, not as a member of any party,

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party, nor as a portion of any clamorous crowd, but simply as a minister of the religion of the God of Justice and Mercy to crave your Excellency's clemency in favour of the unfortunate man Hynes. By the exercise of this act of mercy I trust your Excellency may find that the interests of law and order and good government will lose nothing and gain much.

Praying God to direct and bless your Excellency's decision,

I am, &c.  
(signed) *James O'Haire*,  
Missionary Priest.

— No. 66. —

*Mr. Courtenay Boyle to the Rev. James O'Haire.*

Reverend Sir,

Viceregal Lodge, 10 September 1882.

I AM desired by Lord Spencer to acknowledge the receipt of your letter in reference to the case of the convict Hynes, and to say, that his Excellency, after anxiously considering all the circumstances of the case has been unable to satisfy himself that it would be consistent with his duties to interfere with the ordinary course of the law.

The Rev. Father O'Haire.

I am, &c.  
(signed) *Courtenay Boyle.*

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DUBLIN COMMISSION COURT  
(FRANCIS HYNES).

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COPIES of any DOCUMENTS (except Official Documents of a Confidential and Privileged Character) in the nature of EVIDENCE or MEMORIALS, submitted for the Consideration of the IRISH EXECUTIVE, with reference to the alleged MISCONDUCT of MEMBERS of the JURY, the VERDICT, and the SENTENCE, in the Case of *Francis Hynes*, Convicted of MURDER in the Dublin Commission Court on 12 August 1882, and Executed at *Limerick*; and, of any LETTERS written to or by the Lord Lieutenant with reference to such Documents.

(*Mr. Sexton.*)

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*Ordered, by The House of Commons, to be Printed,*  
*22 November 1882.*

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[*Price 7 d.*]

408.

*Under 6 oz.*

H.—1. 12. 82.