

March 12th, 1812

Enniskillen Assizes

On Saturday last the Hon. Mr. [unreadable] and the Hon. Baron McC [unreadable] arrived here from Cavan. The former [unreadable] his arrival, took his seat in the [unreadable] when the following gentlemen [unreadable] the Grand Jury:

Major General Cole, Foreman	Hamilton Irvin, Sr.
Henry Brooke, Esq.	Richard Dun, Esq.
George D'Arcy Irvine, Esq.	Henry Leslie, Esq.
Christopher L'Estrange	Jason Hasard, Esq.
Hon. John Creighton	Montgomery [?]
Col. Wm. Montgomery	George Leighan
Col. Wm. Archdall	John Cr [?]Esq.
John Armstrong, Esq.	James Denham, Esq.
George Nixon, Esq.	Francis Graham, Esq.
John Richardson, Esq.	John Brien, Esq.
Edward Archdall, Esq.	James Hall, Esq.
Wm. Tredennick, Esq.	John Aiken, Esq.

A number of persons were arraigned for private distilling, the principal part of whom [unreadable]mitted.

On Monday, Thomas Maguire* was put to the bar, and tried for the alleged murder of Loughran. [* from a previous notice in the newspaper, it was learned that this Thomas Maguire was a blacksmith from Windmill Hill in the parish of Rossory.—ed.]

It appeared in evidence that Loughran, had been in the employment of Maguire for upwards of six years, that on the day the unfortunate affair happened, the deceased had been drinking, and came into the prisoner's [unreadable] state of intoxication; that the prisoner reprimanded him for getting drunk and absenting himself off from his business; that the deceased used improper language to prisoner and called him a liar—prisoner was making nails for the purpose of shoeing horses and deceased advance to him as if to strike, on which prisoner retired the anvil towards the bellows; deceased [unreadable] about to go out of the door, but we turned [on readable] prisoner again, using bad language, and [unreadable] strike, when prisoner, who had a Hammer and his right hand and a nail rod in his left, made [unreadable]ward push with the latter, which slightly [unreadable] deceased. Deceased was at work [day?] and did not complain of the wound; however took ill and died in two days after. An [inquest?] was held on his body which was examined [for the?] purpose of ascertaining the effects of the [?] but it was [?] not then considered that it entirely [occasioned?] his death, but rather of bad habit [unreadable] from deceased taking medicine and drink. This latter circumstance, however, did not [unreadable] the jury as evidence. The Learned Judge gave an able and impartial charge to the jury, pointed out the degree of criminality in the offence

[unreadable] prisoner appeared to be guilty—and discriminating accurately between the crimes of murder and manslaughter. The jury shortly returned a verdict of Acquittal.

Williams Scott, for stealing a rapper from the hall door of William Stewart Esq was found guilty of [larceny?] to the value of six pence.

[Dennis?] Morrow, otherwise Morris, for stealing a [?] from a man of the name of Vertue —guilty. To be hanged on Thursday the second of April.

Alice Price was tried for stealing of pocket book containing some bank notes the from James Dunlap in the fair of Maguiresbridge. It was [unreadable] that she lifted it up off the ground and intended returning it to the owner on been ap[?], before our trifling reward.—Acquitted.

James Macbride, for stealing a hide of leather [?] in the shop door of Mr. Andrew Armstrong—guilty, to be confined 12 months.

[?James?] Brett, Surveyor of Excise, was put into [?]for taking off a vessel from a private distiller. This was a most shameful prosecution; The person from whom the vessel was taken, acknowledging on his cross examination, that he had just before spilled potale out of it. Mr. Brett having only done his duty was instantly acquitted, the Learned Judge appearing greatly displeased at [the entire?] proceeding.

John Black and Robert Ramsay for an assault and wounding ____ Benson, who had been serving Revenue summonses in the neighborhood of Irvinestown—both guilty—to be confined 12 months and give security for future good behavior.

Dennis Maguire for forging a bond for 500£. on [?]__ Betty of Belnaleck, and for uttering same claiming it to be forged. No evidence which [?] suffered to go to the jury was produced, [?] was of course discharged. A trial took [place] in the Record Court last Assizes to recover the amount of this bond with interest; but the plaintiff, Maguire, was nonsuited, on which the defendant instituted the present prosecution.

James Kittson and 13 others for the murder of Dennis Murvournagh, in the fair of Derrygonnelly on the 10th of July last.

This unfortunate business, it may be recollected we noticed in our paper shortly after the affair took place, and which we then stated to have originated in a bailiff, of the name of Maguire issuing a warrant against a man of the name of Fallis, for an assault at a former fair in Monea. The affray was attributed to party motives, and the parties were denominated under the religious affiliations of Catholics on one side, and Protestants, or Orangemen, on the other; and a great [?] of severe animadversions appeared in the Dublin [?] papers in consequence .

The first witness called on the prosecution was a man who said he knew Kittson, but was unable to identify him in the bar. The next witness examined was a young man of the name of Cullen, who deposed that he saw the Protestants with arms that they pursued the Catholics [and?] the deceased, and saw him about 1100

or so yards from the place where the quarrel first started, saw Kittson fire a shot, by which deceased fell. Saw others besides deceased scattered afield about 40 yds from Kittson. The Catholics had no guns. They ran away.

Cross examined by Mr. Rolleston:

Saw a number of strangers among the Catholics could not say how many; saw Pat McRory and Mick Cassidy; heard the latter was beat at Monea; saw no stones thrown; there were stones thrown on both sides; did not see them thrown after the first gun was fired. Informations were lodged against himself; Kittson's shot was [afte?]r the stones were thrown.

Sarah Maguire sworn.

Recollects the fair; saw men with guns and bayonets at it; could not identify Kittson, but pointed out wrong persons.

William Criggen sworn.

Recollects the July fair of Derrygonnelly; few persons with arms; saw Wm. Henderson armed with a gun but not a bayonet; heard a shot of fired about 40 yds from place of the affray. Saw Protestants pursue Catholics about half a mile in every direction; heard a shot could not say deceased was wounded by it.

Cross examined by Mr. Johnston:

Saw no strangers, might have seen many he did not know; heard McRory was there, saw [?]ody on each side assembled; heard the persons from Leitrim were fought for to be arrested; heard Cassidy was beat but did not know he came there for revenge; does not believe it.

John Fox sworn.

Is a pensioner, was at the fair; saw Kittson was pursuing those running away; saw deceased [?]with wound; saw Isaac Thompson load his piece with ball cartridge

Cross examined by Mr. Rolleston.

Did not see stones thrown; did not know Cassidy came there for revenge, but heard he had then beat before, would not believe he struck at [?]; thought Kittson a peaceable man. Thompson when loading his gun was quarter of a mile from the Catholics

Patrick Maguire sworn.

Saw some fighting and some flying; saw James Kittson and William Kittson with guns.

Thomas Burke sworn.

Saw guns with Isaac Thompson, with Hall and others heard shots, was present at the beginning, there were many strangers who afterwards were flying, did not hear that Michael Cassidy or McRory bought anything in the fair.

Rev. Mr. Ovens was here examined as to the warrant, which was of no consequence with regards to the trial.

Owen Devit corroborated former evidence with respect to the pursuers having arms.

Anne Leonard. Knew prisoners, Sandy Hall, Robert Armstrong, etc. they were of the Protestant party with arms. They huzzaed; said they were the boys subdued the Rebels; saw deceased when dead, had relatives in the fair, did not notice strangers that day more than at other fairs; heard there were stones thrown but saw none; was near at the time of the fight .

Honora Devlin identified James Kittson saw him at the fair with gun and bayonet; was with the party who killed the boy, saw him take aim and the boy fell, saw another person leap up as if rejoiced and say, "Well done Kittson, there's beef for the croppies." On her cross examination she said she knew Kittson well, she went with the armed party in anxiety for her own friends; Kittson was about 40 yds from deceased on her right; saw no stones thrown; two shots were fired; told the above the words to no person but her half-sister, not even to her husband until he was apprehended for the riot, and then she said if they would let her alone she would let them alone, but would not say anything unless summoned.

Brian Flanigan was produced but proved nothing .

Maguire the constable proved the execution of the warrant against Fallis and said he was rescued.

On that the defense, Mr. Noble Weir stated that he did not know of an intended quarrel until he was applied to by some persons who prevented him going home lest a riot would ensue as from the great number of Catholics that were seen from various quarters collected and armed with sticks . Maguire the bailiff had arrested Fallis and a quarrel was likely to take place, he desired Maguire to give the prisoner up to him and that he would be accountable for his appearance next day; Maguire at first refused, but afterwards complied with some reluctance. On the appearance of disturbance he applied to one Maguire to go and pacify the Catholics and he would prevent the others, Maguire and another person did go for the that purpose and when he thought peace had been made, Maguire the constable, who was drunk, again seized on Fallis, on which the quarrel began and the Catholics threw stones and huzzaed by way of defiance; the others who were yeomen then got their guns and pursued to a hill at some distance, and the former threw stones and shouted again, he heard two shots fired and he saw a man fall and others hit him on the head after he did fall.

On his cross examination and Mr. Weir said there were some squibs fired, that he saw Kittson; believed he had a gun, and that he followed—that he thought Protestants might have been shot, as the parties were mixed; could not form a belief who shot the man.

Alexander Acheson swore much to the effect of Mr. Weir's testimony. That he first applied to Cormick Maguire to endeavor to make peace, which he did, and Charles Maguire also; saw Pat McRory with a stick who struck first and then the quarrel began. On cross examination he thought the arms were for the purpose of defense, a quarrel being apprehended. He could not believe anything he did not see.

Wm. Veetch heard a shot fired—it was not Kittson who fired it, although he had a gun in his hand, he fired no shot—heard the man was shot while Kittson was standing with him; he did not go beyond the first hill, and was with him all the time.

Cross examined

Was not with him until the party was running over the bridge: did not know what kind of gun Kittson had, whether a fowling piece or a musket—Kittson had belts on.

Wm. Whitaker swore that Kittson was with him; that he could not have fired the shot by which the man fell, as he left him behind him and ran to see the man; Kittson did not fire previous to that; he heard one or two shots; Kittson fired neither; Kittson had on a bayonet belt; witness heard several shots but thinks they were blanks, thinks also the arms were resorted to for defense. Here the defense closed.

The Learned Judge then proceeded to charge the Jury, and recapitulated the entire evidence elucidating everything as he proceeded and pointing out the law and the nature of the crime on both sides, in the most clear and satisfactory manner; but still leaving the Jury to decide on the validity of the testimony they had heard, with which he said it was not his province to interfere. They Jury retired for about an hour and returned with a verdict of Acquittal on all.

At the conclusion of the business the Presentments of the county being read for the approbation of the judge, that for allowing 15 £. to the Rev. Stephen Keenan, his salary as Roman Catholic Chaplain to the jail, was traversed by James Mihan, one of the prisoners, and a jury empanelled to try the traverse. Counselors Cole and Macklin argued at some length in favor of the traverse and produced to other prisoners to prove that they would not attend their religious duties with the Rev. Mr. Keenan, under the impression of his not having jurisdiction from the Roman Catholic Bishop of the diocese. The Learned Judge expatiated on the impropriety of that traverse, and explained the law to the jury remarking that it was in the power of the Grand Jury to appoint to the situation whom they might consider a fit and proper person to discharge the duties of it, and that the Roman Catholic Bishop had no right or authority under the law to interfere with such appointment. The Jury of course found for the presentment.

July 23, 1812

On Monday last the Hon. Baron McClelland and the Hon. Mr. Justice Mayne the going judges of the Assize of the Northwest Circuit, arrived in this town. About two o'clock the former opened his commission in the Crown Court, when the following gentlemen were sworn on the Grand Jury.

Lieut. General Archdall, Foreman	
Henry Brooke,	John Crozier
John Armstrong	Montgomery Nixon
William Stewart	James King
George Nixon	Jason Hassard
John Richardson	James Denham
William Humphreys	Samuel Lyle
Edward Archdall	George Willis
William Tredennick	Christopher Humphreys
Hamilton Irvine	James Hall
Richard Dane	James Nixon, and
Henry Leslie,	John Brien, Esqrs

His Lordship then addressed the Grand Jury, congratulating them on the peaceable appearance of the county, few charges of considerable importance appearing on the calendar, and only one or two of them committed since last Assizes. He then diverted to the state of the gaol, noticing the death of the late Catholic Chaplain, and requiring them to appoint a fit person to the discharge of that office. With respect to the mode of accounting for money presented for public-works his Lordship remarked, that the greatest attention of the Grand Jury was required on this subject, and that no accounting affidavit should pass in future unless the name of each man employed, and the days of the month and week, were inserted in the account of the expenditure, and so of the proprietor of each house. When the work was executed by undertakers, a specific account must also be kept, and those undertakers be bound to keep and repair for one year such part of the road as they may be employed to make.

In the civil bill court there was a very little business and none of the least importance. The Crown Court was principally occupied with trials for offenses arising out of private distillation, the source of all the evils of this country. Mr. Brett and Mr. Delany, Revenue Officers, and Henry Benson, whose apprehension we noticed in our paper of the 28th of May, were tried for the circumstances there in stated, namely the murder (as it has been termed) of Patrick O'Donnell, the unfortunate man whose life was lost in conveying illicit spirits to this town. The principal evidence produced on the part of the prosecution was Archibald Allingham, the owner of the spirits, who had for sworn positive examinations

against the prisoners, but afterwards confessed that he did not believe Mr. Delany to be of the party. Throughout the trial the prosecutor's prevarication amounted to nothing short of actual perjury, and the prisoners were of course deservedly acquitted. In his charge to the Jury the Learned Judge animadverted in the most pointed terms on the profligacy and mischief attending this illicit traffic, and when the verdict of acquittal was pronounced, addressed the gentleman of the Revenue, pointing out the law with respect to the contract of Revenue officers. Here Mr. Brett made an appeal to his Lordship, and called on the county then assembled to instance any act of cruelty, rashness, or inhumanity, during his experience in Fermanagh, on which his Lordship complimented him highly, remarking that in any case which came under his observations his conduct had been regular and meritorious, in the highest degree.

Allingham, the prosecutor has been found guilty on two different charges, but we have not learned his sentence, several other convictions took place, which neither time nor space admit us at present to comment upon. Two women, one for shoplifting, and the other for house robbery were sentenced to seven years transportation. On a charge of the abduction, Thomas Tubman submitted, throwing himself on the mercy of the Court.

The judges leave town for Omagh this morning.