

**THE MUNSTER NEWS
AND LIMERICK AND CLARE ADVOCATE
SATURDAY JULY 11th, 1874**

PERJURY

Patrick Lane, farmer, was put forward, charged with having committed perjury at Clonlara Petty Sessions on the 10th March last by having accused Michael Dillon (whose sister was married to him) with having fired a shot into his dwelling house, with intent to commit murder.

Mr Coffee, QC, and Mr Lynch, instructed by Mr. Murphy, prosecuted .
Mr O'Loghlen, QC, instructed by Mr John Frost, defended the prisoner.

Mr John Mason, PSC, Doonass District, deposed that on March 1874, he was acting in his capacity of Clerk at Doonass, when Mr Vanderkiste and Mr Hunt were the magistrates who adjudicated.

Patrick Dillon was then arraigned for unlawfully firing a shot into the dwelling house of Thomas Lane.

Witness took down the evidence of the various witnesses then examined, which he read to the Court.

Cross examined by Mr O'Loghlen -:

The Magistrates at Petty Sessions refused to return the case for Trial.

The elder Dillon was in Court while Lane was being examined.

Mr E B Warburton deposed that he was at the investigation held on the 13th March.

The prisoner was examined on oath with others.

Informations were refused by the Magistrates.

The witness did not examine the premises until Sunday last.

The witness was not cross examined.

Mr Vandeleur, CE, examined, deposed that he made a map of Lane's premises.

Witness detailed to the jury the locality of the premises with regards to the sleeping compartments of Dillon and the position alleged to have been occupied by the accused when the shot was fired, and also the various distances.

Pat Dillon examined by Mr Coffee, QC, -:

On the 13th March I was before the Magistrates charged with firing a shot through the window of Mr Lane's house.

There was a gun in the house on Saturday and John Lane was in the house with me on that night and we both slept in the same bed.

My sister was married to John Lane and was home in Limerick with her people and was with him when he left in the morning and never quitted his company all the night.

On my oath I did not get out of bed that night or go to Lane's window or fire a shot at any time.

I had no conversation with the prisoner that morning, and he did not charge me with firing a shot, nor did I hear a shot fired that morning nor was I at Lane's door or window that morning.

The prisoner did not ask me why I did it (fire the shot).

I did not say I would tell tomorrow why I did it.

I did not see him at five o'clock that morning, but I saw him after eight o'clock, going, I suppose, to Mass.

I had not my hand upon the latch of Lane's door that morning, or had a pistol in my hand or was talking to him.

All that is false.

By Mr O'Loghlan -:

Michael Lane processed John Lane for £20 and there is a charge of assault and rescue pending against me at this Assizes.

Michael got the decree against John, and Michael went there to execute the decree, and they seized the stock on the 20th January.

John is married to my sister.

I am returned for trial for beating the prisoner and rescuing the stock.

I have no licence for the gun; the gun in the house belonged to my father and was brought from Limerick. I don't know who brought it.

Mr O'Loghlen -:

On your oath you don't know who brought it?

I don't know who brought it. I suppose my father bought it.

I don't know if it was my father bought it, or whether he left it with John and me.

It was after the trial in Dublin that it was said I fired the shot.

My father and brother had gone to Limerick the day before, but my sister had gone in January.

I did not go to Mass that morning nor did Lane.

We slept till 8 o'clock and though there was Mass at 12 o'clock we did not go.

Some of us required to stay at home.

To MrCoffee -:

The right to the stock was afterwards tested by the Chairman, who gave back the cattle to my father.

My father has a licence for his gun.

John Lane, examined by Mr Coffee, QC.

Patrick Dillon was sleeping with me all night of the occurrence we never got a up until 8 o'clock.

During the night we heard. no shot fired.

I am married to Dillon's daughter but my wife was away.

By Mr O'Loghlen -:

My brother got a decree against me.

I swore the bill was for his use.

A decree was issued against me and the stock was seized.

Dillon is charged with assault at the seizure, but I am not.

I was present at the seizure.

I could not tell who bought the powder, but I suppose it was the owner of the gun.

I was not with the party who bought the powder.

Mr O'Loghlen.

Will you swear that you did not go into Mr. Bourke's shop in Limerick with your father in law and buy powder or caps on the previous Saturday?

Witness -:

I will swear I was never with him when he bought powder.

The gun was in my possession about 2 months.

Owen Neil, Head Constable, deposed that Michael Lane pointed out to him the window through which the shot was fired, and on examination of the blind, it appeared to him on the appearance of it that it was perforated from the inside of the room; there were eight or nine perforations.

His lordship and the jury were handed the blind to examine the holes made by the bullets.

By a Juror -:

The blind covered the whole window, and if a gun shot was fired from the outside, I think it would leave different marks altogether.

By Mr Coffee -:

One pane of glass was only broken and split diagonally; there was broken glass inside and outside: I found traces on the white-washed wall, which was fourteen feet three inches from the window: I found some big and some small marks on the plastered wall opposite the window: these marks were about two feet high on the wall, and did not correspond with the level of the window, being rather lower: there were fresh breaks on the plaster, which appeared to be marked

with something coming in contact with the wall; I examined them closely and found no marks or slugs, shot or pellets of any description, and no discolouration of the wall; I examined the floor but it had been swept; I examined the sweepings bit by bit most minutely, and could find no pellets; the floor was a hard mud floor, and the shot could not be trampled into it; I went into Dillon's house and found a gun capped and loaded; I put my finger into the muzzle to see if it had any appearances of being recently discharged, and it had not.

By His Lordship -:

The window is about two and a half feet from the ground outside, and two feet inside.

By Mr. Coffee -:

I found in Lane's house, a knife without a handle, and I tried it on the wall, and it produced exactly similar marks with the prong which goes into the handle; I did that in presence of a Magistrate.

To Mr. O' Loghlen -:

The lower part of the pane of glass was gone; and the upper part was cracked, and had the appearance of a star; the muzzle of the gun could be put through the lower part of the window, but then there would be no marks on the blind.

By a Juror -:

If it was fired close to a window it would burn the blind and the shot would not spread?

The holes in the blind and the wall did not correspond.

To His Lordship -:

If the gun was fired outside the outside of the room only loaded with powder to frighten a person, the wadding would be found inside, but there would be no marks on the wall.

By Mr O'Loghlen -:

I found both powder and shot in the house of Dillon; the gun was conspicuously placed against the wall between the door and the fire place.

By a Juror -:

I would not swear that the gun had not been discharged, but it presented no appearance of it; the gun had not apparently been cleaned for long time.

By Mr O'Loghlen -:

I found a revolver in the house; I found only one, though they were registered for two revolvers; I could not say if it was loaded, or if any of the barrels had been recently discharged.

By Mr Power, junior -:

The father and brother of Pat Dillon are the two who have the licence for the revolvers and gun, but John Lane had none; Michael Lane lives there, but Pat only comes off and on.

Mr. Coffee -:

They are registered for both guns and revolvers in Limerick and Clare.

Mr Vanderkiste, JP, deposed to Mr. Coffee that he visited the place on Tuesday following the Sunday that the shot was alleged to have been fired.

There was a large space of the wall covered with pellet shots about three times the round of his hat; He made Dillon fire a shot at almost 30 feet from it.

It shattered the window and the pellets remained in the wall.

Cross-examined by Mr O'Loghlen -:

I am agent for Dillon.

Do I understand that you got the brother-in-law of the accused man to fire a shot through the window?

Mr Vanderkiste -:

I did it for my own satisfaction to see what would be the effect.

By Mr O'Loghlen -:

I may have told my brother magistrates that I made this examination, and although having made it and being the agent of the parties I adjudicated with the Magistrates at Clonlara.

Mr O'Loghlen in a forcible speech addressed the Jury for the defence and argued that whoever fired the shot could have thrust the gun through the window and fired it having been loaded with powder and that the shot was only intended to frighten.

Dillon had no motive in frightening on account of the degree being obtained, whereas Lane had no motive in trumping up the story about the shot, because he had got his decree against Dillon.

Miss Mary Lane was then called and examined by Mr O'Loghlen -:

I am the sister of the prisoner.

I remember Sunday, the 8th March, and whilst in bed I heard the shot.

My mother sleeps in the same room as me and my brother Michael sleeps in the kitchen.

There are only two rooms in the house.

I jumped up when I heard the shot, and saw my brother at the kitchen door.

I heard him ask Dillon why he did that, and he Dillon replied, "To be off" or something like that.

I told him to close the door quickly, and did not go to bed but remained in my room for some time after that.

My father did not get out of bed.

I said to the Magistrates at Sessions that I and my brother breakfasted together that morning, but I was wrong for I recollect now that we did not.

It was about five o'clock in the morning.

By Mr O'Gredy

My brother lit the fire and prepared his own breakfast that morning.

When I told the Magistrates that I made the breakfast and ate it with my brother. I thought so, but when returning home from Sessions they (father and brother) made me sensible that I had not.

I know Dillon's voice.

When I heard the shot fired I went to call my brother back and I returned I was dressing myself, when I felt a lightness in my head and sat down on a chair.

I don't know how long I was there, and was so puzzled that I did not observe if the door was opened, but I suppose it must have been, so I called to my brother to shut the door immediately and he did so.

I heard Dillon's voice saying "Be off out to that" or some similar expression of that kind.

I recollect seeing the marks on the wall.

They were not pointed out to me by my father or brother at breakfast.

I did not see them until I returned from Mass.

Mr Coffee here read the disposition of the witness at Petty Sessions in which she was represented to have said her father pointed out the marks to her at breakfast before going to Mass.

"Is that true or false?"

Witness -:

It is not true that they pointed it out to me before Mass, for I recollect on the road home that it was after coming from Mass I heard my father saying "Lord save us; it was a terrible attempt; look at the marks on the wall"

It was after coming from Mass that he said that.

The room was swept before.

Mr. Coffee -:

What do you say to this in your information -:

"The room was not swept in time?"

Witness -:

Somehow I made the mistake and coming home with my father and brother I was made sensible that what I said was not correct.

I could not say if the marks were on the wall.

I did not see a knife there without a handle.

To Mr O'Loghlen -:

My mother was weakly, and did not go to Mass.

When I came back from Mass they had breakfasted, and the room had been swept.

It was then I heard my father use the expression with regards to the marks on the wall.

At Clonlara Petty Sessions I was confused, as we had no professional adviser and they had Mr. Connelly, of Limerick.

I was cross examined by Mr Connelly and by all the Magistrates.

James Malone examined -:

I am a farmer living near the Lanes but am no connection of theirs; I recollect Sunday, the 8th of March; I was in bed at 5 O'Clock when I heard a shot fired.

By Mr Coffee -:

There was little light or no light at the time; I have a wife but did not remark to her if she heard the shot, and I never spoke to her about it; I had a law against young Lane , but did not succeed; I heard them talking of the shot at Mass.

John Madden deposed that between 5 and 6 o'clock in the morning he heard a shot, is nephew of last witness.

Thomas Lane (senior) father of Michael Lane, deposed that he recollected on the 8th March, he and his wife were in bed and heard a shot, and subsequently the noise of fallen glass; he heard his son asking Dillon, "Why he did that?"

He knew Dillon by his voice, and heard him cry out "Get out of that"; his son Michael had gone to Mass and his daughter too before he had got up; there was no one in the room but witness and his wife; he did not find any shots or pellets, nor did he see any pellets knocked off the wall.

By Mr.Coffee-:

I have no doubt that I heard my son saying "What did you do that for?" and that I heard Dillon's voice replying "Get out of that".

I did not say that they were making so much noise that I could not hear what they said.

Mr Coffee read the evidence of the witness, which was that he heard his son and young Dillon arguing and his wife called him to come in or they would shoot him.

Witness explained that he was confused by the Magistrates at the sessions and disremembered the circumstances.

I am a confused old man and there is no use asking me other questions.

His Lordship then charged the jury on the evidence, which he said was very conflicting.

The jury retired, and disagreed, after a long, and the prisoner was allowed out on bail.

ALLEGED PERJURY

Mr Coffee, QC, said in the case of Michael, Thomas & Mary Lane who had been tried at last assizes for perjury at Doonass Petty Sessions, and in which the jury had disagreed, they had got instructions from the Attorney General to withdraw the prosecutions.

**NEGAGH GUARDIAN
WEDNESDAY JUNE 9th, 1875**

At the last Clonlara Petty Sessions, before Cecil O'Donnell and Messrs Hunt, Brown and Phillips, a farmer named Lane was sentenced to be imprisoned for 3 months, in default for paying a fine of £10 for threatening to take the life of his brother.

In 1873 Lane was bound in £100 to keep the peace for three years, but he broke his bail by threatening to run a “slane” through the body of his brother.