

83
£5,000 DAMAGES.

**AUTHENTIC
REPORT**

**OF THE
CRIM. CON. TRIAL**

**OF
JOYNT V. JACKSON,
IN THE
EXCHEQUER COURT, DUBLIN,**

Commencing May 10th, 1880.

FROM SHORTHAND NOTES BY A GENTLEMAN IN COURT.

**PUBLISHED BY
EDWARD SMYTH, BOOKSELLER,
33, TEMPLE BAR, DUBLIN.**

1880

£5,000 DAMAGES.

AUTHENTIC

REPORT

OF THE

CRIM. CON. TRIAL

JOHN F. JACKSON.

BY THE

EXERCISES COURT DE BELL

Continued Nov. 1857

FROM SHORTHAND NOTES BY J. JACKSON

PUBLISHED BY

JOHN F. JACKSON, BOOKSELLER

28, TEMPLE BAR, LONDON.

1857

£5,000 DAMAGES.

AUTHENTIC

REPORT

OF THE

CRIM. CON. TRIAL

OF

JOYNT V. JACKSON,

IN THE

EXCHEQUER COURT, DUBLIN,

Commencing May 10th, 1880.

FROM SHORTHAND NOTES BY A GENTLEMAN IN COURT.

PUBLISHED BY

EDWARD SMYTH, BOOKSELLER,
33, TEMPLE BAR, DUBLIN.

1880

£5,000 DAMAGES.

K
540
T75
no. 20 (11)
Trials

REPORT

OF THE

CRIM. CON. TRIAL

OF

JOYNT V. JACKSON.

IN THE

EXCHEQUER COURT, DUBLIN.

Commencing May term, 1880.

FROM SHORTHAND NOTES BY A GENTLEMAN IN COURT.

1880-1881

EDWARD SMYTH, BOUND

33, TEMPLE BAR, DUBLIN.

1880

PREFACE.

THIS Trial, the report of which is now offered to the public, has excited very general surprise, and its publication, in pamphlet, so soon after the trial, with perfect accuracy, is deemed desirable.

Fortunately, it is seldom in Ireland our Law Courts are troubled with anything of the kind ; and, indeed, it is to be hoped many years may pass away before it becomes the painful duty of Pressmen and Newspapers to record a similar outrageous trial.

In reports of actions of this kind, on which general curiosity is strongly alive, the remarks of the Judge and speeches of Counsel are good indications of its result ; but there was hardly ever a trial in this country which gave them such an opportunity as the present. Let their respective exertions to elicit the truth be therefore appreciated, and it will be found that each in his place was distinguished ; and it is certain had Counsel changed places, the same excellence would have attended them. The vehement indignation of the Judge, the stinging words of Mr. Murphy, the very effective address of Mr. Porter for the plaintiff, the polished appeal of The MacDermott, and the shrewd searching questions of Sergeant Robinson, will be read with entertainment. The young lawyer will derive information from its perusal, and will excite him to emulate—should he get the chance (and it is to be hoped he never will)—these gentlemen. The charge of the Judge is also very instructive : and he appears to have been deeply moved by the evidence given for the

defence, he never having, during the hearing of the case, indulged in a joke—for which he is so remarkable. He clearly pointed out the law relative to such cases, and dwelt particularly, and properly too, on the fact that where a man seduces a woman, and that she becomes profligate afterwards, that man is in the eye of the law of the country to be held accountable for all.

It is of the utmost importance that trials of this class should be printed in book form, that the public may peruse at leisure the dark deeds of society, and, it is to be hoped, do all in their power to guard against their repetition.

Newspaper reports of trials are often, through hurry, imperfectly issued, and being considered in that light, are thrown aside, never to be looked at, or thought of again. This report, however, will be found to contain all that occurred of any note, and that accuracy may lay claim to.



JOYNT v. JACKSON.

The Plaintiff was Editor of the *Ballina Herald*, and the Defendant Manager of the Bank of Ireland, Ballina.

Damages were laid at £5,000.

Counsel for Plaintiff—Messrs. James Murphy, Q.C., A. M. Porter, Q.C., and W. H. Dodd, instructed by Mr. S. Crozier M'Cormack.

Counsel for Defendant—Messrs. Sergeant Robinson, The MacDermott, Q.C., and F. le Poer Trench, instructed by Mr. R. P. Burke.

FIRST DAY.

Monday, May 10th, 1880.

Mr. Murphy, as leading Counsel, opened the case. He said—

The Plaintiff resided at Ballina, and, besides being Editor of a local paper, was a Commissioner for taking Oaths, and also had a Printing Office. In August, 1867, he was married to the youngest daughter of the Rev. Mr. Sorsby, Presbyterian clergyman at Kilrush. She was then a young girl; well reared and well educated; having a good deal of natural talent. He had every reason to hope for happiness in the union. She was a truly modest girl, and had resolved to make the plaintiff a good, chaste, and faithful wife. What she was now the jury would see; and it would be for them to say who was the parent of the ruin and degradation in which the wife of Mr. Joynt was now undoubtedly plunged. They would hear a sad tale, showing the rapid and terrible descent from honour, chastity, and fidelity—to degradation and wretchedness—and that accomplished by the defendant, a man of matured years at the time he perpetrated the crimes with which he was charged. They would have the defendant before them, and see him. Perhaps he was of a character to make wives false, possibly counting more than one victim on his list. But in this case they would have to deal with him solely for the ruin, desolation, and misery

that he had brought on the once happy home of the miserable plaintiff here, and his now equally miserable wife. In December, 1866, before the marriage, the unhappy woman wrote to her intended husband :—

“It gave me great pleasure to hear from you. It reminded me so forcibly of words you had spoken when I should hear from you. I am glad that in every respect you are pleased with me—that is what I wish. It is my highest earthly wish ; no other but it reigns predominant in my heart. Before you went away, I well remember, I can never forget, that you said you had not while here seen anything in me which was not pleasant to you. If you ever think of anything to the contrary, I should like to know, that I may, if possible, alter and improve, so that I may, in the true sense of the word, be altogether such as you would have me to be. I thank you for your confidence. I prize it, and shall always guard it as something sacred ; and I trust you shall never find that I shall abuse it in any way. Your trust in me is so entire that I cannot say what I would ; but I hope—I humbly believe—you will never have reason to regret having reposed it in me, or find to your cost that, in however slight a degree, it was misplaced. How happy I feel that there need be no barrier between us. I would wish to be trusted as implicitly as I trust ; and each day shall I make it my duty, my pleasure, to learn wisdom and discretion—everything that prudence requires remembering—that now I may no longer be a child—petted and spoiled as I have been hitherto—but that a new kind of happiness has dawned upon me, which requires me to be more thoughtful, but not less joyful and happy. You must think it strange when you hear me say I have been petted and spoiled all my life. Think of the fact, though, when my defects and shortcomings are most palpable to you, and of the imperfections of my nature. Tell me when I am in the wrong ; lead me in the path of rectitude. I need a hand stronger than mine to direct me—a kind one ; none other would move me so. I am willing to follow yours wherever it may point out the way.”

The defendant was no young, hot-blooded youth, but a cool, calculating man ; and he had with him in his house, at the time he perpetrated this foul crime, an aged mother and two sisters of his own. The plaintiff was married in August, 1867 ; and it would appear that in 1873, or early in 1874, Mrs. Joynt fell a victim to the allurements and seductions of the defendant. Her husband had taken a lodge for her at the sea-side, Enniscrone, and there Jackson followed her. In the plaintiff's absence he pursued her, and accomplished her ruin. And soon after that the terrible demons, that did not come singly, but came trooping in when virtue had been lost, made their appearance, and, as if to stifle her conscience, and stung by remorse, undoubtedly the unhappy creature took to drink. Joynt tried to cure her of this ; but of the other crime he had no suspicion, until, having sent her to an asylum for dipsomaniacs, she, as she recovered, and as conscience asserted its sway, confessed her shame. Counsel charged that the defendant had tried to tamper with the plaintiff's witnesses, and had also attempted to have a charge of immorality

made against the plaintiff, but it had failed. The plaintiff could never have his wife placed over his household again, but he had not cast her off to beggary and starvation. The memory of his old love was still fresh within him; her former purity still occurred to him; the happy days he had spent with her—all was not forgotten within him—and to her support he must contribute. He and her father would, so far as they could, rescue her from the state into which she had been plunged, and allow her, in sorrow, and repentance, and shame, to blush away the rest of her life. Sad and unhappy fate for them and for her; miserable existence for them, loathsome for her; unendurable, and planting, of course, an eternal stain on the brow of the children of their marriage. They would have no doubt that Jackson was the author of all this terrible flood of calamity that had swept away hope and happiness from this little home. It would be for the jury, as men having due regard to all relations that made life sweet and endurable, to say what atonement was Jackson to make, what punishment they would inflict on him, in order to furnish a terrible example to criminals of this character, and make them know they must, by their ruin, pay for the ruin they had perpetrated on others.

The first Witness called was

MRS. CHARLOTTE JOYNT, who said:

I was married to the plaintiff in 1867, at the age of twenty. In 1873 the defendant made her acquaintance. He spoke to her at her own door in Ballina. She had not been introduced to him then. There were criminal relations between Mr. Jackson and herself. It first occurred in Ballina, and about a year after he made her acquaintance. She had then four children. That intimacy lasted down to 1879. Had been in the bank with defendant on more than one occasion at night. Had been at Woodbine Cottage. Had not been residing with her husband since he made this discovery.

Cross-examined.

She would swear she was not introduced to defendant in William Joynt's house. Did not walk in the country with defendant and the Misses Joynt. On one occasion walked with Mr. Porter of the Ulster Bank, to Gurteen, to Mr. Petrie's house. Took either wine or some spirits with Mrs. Petrie. Returned to Ballina about six o'clock with her husband. She thought her husband was jealous of Porter. Once walked on the public road with Mr. Murray, of the Provincial Bank. Had never walked with a Mr. M'Cullagh.

Had you ever intercourse with Charles M'Cullagh?—He took advantage of me on that evening.

Can you fix the year?—About three years ago. I was at the sea-side at the time. I never had intercourse with him in a stable.

Had he ever intercourse with you except on one occasion?—He had once.

Had he more than once?—I don't remember any more. The witness then said she was afraid of Major Gore at the time; that he used to be following her, and that it was when she was running away

from Major Gore that she had the intercourse with M'Cullagh on a sandbank. She knew a man of the name of Coolaghan. She had never anything to do with him.

Did you know a man of the name of Pat Brown?—Yes.

Do you remember when a man gave a whistle, and you and he went into a field?—I don't remember the whistle, but I remember being in a field with the man.

What was the name of the man?—Mr. Jackson.

What year was that?—About two years and a-half ago.

Baron Dowse—Had he improper relations with you there?—Brown had not.

Had Jackson that night?—Not that night.

Sergeant Robinson—Did Brown speak to you after you came out of the field?—Yes, he spoke to us after we came out, and to me afterwards.

Had that man, Patrick Brown, relations with you afterwards?—Oh, he treated me brutally.

Had he relations with you on the road?—He followed me in the most ruffianly manner. He knocked me down first, and I got up as well as I could. I thought he was going to take a knife to stick me—he was a most dreadful man.

Had he relations with you on the road?—He had. I tried to resist him.

Did you make any complaint when you got into the town of the way in which you had been treated by Brown?—I said something about a man following me, but I was afraid to say anything more. I was afraid to tell who I was with in the field. I could not bring any blame on Mr. Jackson. I complained to Mr. Jackson of the way in which Brown treated me.

Had Brown relations with you more than once?—Never.

He treated you in the way you described?—I did not half describe it. I know a man of the name of Jeffars of the National Bank. I never had any improper relations with him.

Witness further admitted improper relations with Dr. Harry Scott, who, she said, took advantage of her; with Mr. Murray, of the Provincial Bank, who, she said, also took advantage of her, and described him as “a very forward young man;” with Petrie, who, she said, was “a low man,” and in whose presence she once fainted; and with three others. She believed her husband to have been perfectly faithful to her. Had heard that a servant girl had said that he had seduced her, but she did not believe it. She dare say she took more than was good for her. In November, 1879, she was taken to a private lunatic asylum at Armagh; it was also an asylum for inebriates. She knew she was not mad. In January, 1880, she was taken from the asylum, and went to her brother-in-law's, and she afterwards went to her father's house. Her father told her she would be required to give evidence, or the case could not be proved against Mr. Jackson. For the last few months before she left Ballina she was reckless. She did not consider she was ever a drunkard; but she had been drinking largely from 1874. It was before the criminal intercourse with the

defendant that she took more drink than was good for her. She did not think any man would have dared to look at her only that they knew of her relations with Jackson. Defendant did not like her to take drink. He used to bring champagne for himself and her. She wrote to her husband from Corse-lodge Asylum, Armagh, making a confession to him.

Baron Dowse—Were you Mr. Jackson's mistress during all these years?—I was.

Mr. Porter—Did he make you presents?—He did; he was very kind to me.

Baron Dowse—Did he profess affection for you before he had any criminal intercourse with you?—Indeed he did.

Had you affection for him?—I had.

Sergeant Robinson—What presents did he give you?—He gave me gloves on one occasion in 1875; a travelling rug about three years ago. I did not tell my husband where I got it. He asked me where I got it, and I told him not to mind. He had great confidence in me. The rug was worth £2 or £3. Defendant was always giving me money, sometimes £1 a week.

Baron Dowse—What did you do with the money—did you spend it on dress?—My husband got plenty of dress for me. I don't know what I did with it. Miss Essie Joynt and myself used to spend it on ourselves, on little parties.

Sergeant Robinson—Did Miss Joynt know where the money came from?—She did. She is my husband's niece. She is about my own age—thirty-three or thirty-four.

To Baron Dowse—The going to Jackson's house at night occurred when her husband was away on the Continent. It was for about three weeks.

To Sergeant Robinson—I remember breaking Dr. Nolan's windows because I was vexed with him. Did not break William Joynt's windows.

Mr. George Thompson, Land Agent, Ballina, said he had always known Mr. and Mrs. Joynt to live together on affectionate terms. Remembered in the winter of 1878 finding Mr. Jackson in a locked yard attached to the Meeting House in Lloyd's Lane. There was a woman there also, but could not tell who she was.

Cross-examined, he said—Had not offered money to O'Brien, one of the defendant's witnesses.

Head-Constable MARA examined.

He was stationed in Ballina in 1878. On the night of September the 18th, 1878, he saw Mrs. Joynt cross the street at a quarter to eleven, join with Mr. Jackson, and go into the bank with him. She came out at two o'clock, a.m., and went to her own house. Witness went and spoke to her.

Mr. William Reid, the Manager of the Gas Works, Ballina, and Martin Sullivan, a farm labourer, deposed to seeing Mrs. Joynt and the defendant walking together.

Lizzie Sullivan said she had seen the defendant with his arm round Mrs. Joynt's neck at the Borough, near Ross. It was a moonlight night, about two years ago, in the summer.

Mr. RICHARD WATSON JOYNT, the plaintiff, examined.

He was married in 1867, and had four children alive. His wife and he lived very happily after their marriage. He was in the habit of taking sea-side residences in the summer either at Ross or Enniscrone. He had to attend to his business in Ballina, and was unable to go out to the lodge every day. He had no acquaintance with Mr. Jackson beyond a business one. In 1874, for the first time, he detected signs of drink on his wife. From June last year, down to the time she was removed to the asylum, she was very excited. He never suspected her infidelity until she had been removed to Rich-hill; never a shadow of doubt crossed his mind.

Cross-examined.

I was never jealous of my wife. I often watched her, because she used to go out in the evenings. Never inquired from anybody whether my wife had been on the Crossmolina-road with Mr. Porter. Spoke to her often about being out in the evening. I was never jealous of Mr. M'Cullagh or others. In 1874 there was a wonderful change in her, for which I could not account. I did not feel jealous about it.

Witness was cross-examined as to his moral conduct, but swore he had never been guilty of any immorality since his marriage. Had never objected to his brother James coming into tea. He might have conveyed to his wife that a person who drank was not fit company for her. He never observed his wife had more money than might be expected. She used often to grumble that he did not give her enough.

Re-examined—He had been processed by a servant named Catherine Curran for the support of an illegitimate child, but the process was dismissed.

Rev. WILLIAM SORSBY, Presbyterian clergyman, examined.

My daughter was married in Kilrush to the plaintiff. She was my youngest daughter, and was a perfectly modest and correct young lady. She came to witness's house after her second child was born. She appeared a loving wife and fond mother; and the plaintiff appeared a kind husband—remarkably so, steadily so, uniformly so.

Cross-examined.

In July last I was called in to pacify a quarrel between them.

To Mr. Murphy—There was never the slightest suspicion of what has come out to-day.

This closed the plaintiff's case, and the court adjourned until next morning.

SECOND DAY.

Tuesday, May 11th, 1880.

Sergeant Robinson in opening the defendant's case, said :

The first time the defendant knew this lady was in 1877 ; and the first place he met her was at a little party in the house of William Joynt, the plaintiff's brother, who had three daughters, whose names had been mentioned, but who had not been produced. The defendant had simply a bowing acquaintance with Mrs. Joynt, growing more intimate as time went on ; but he would pledge his oath that, except twice when he was in plaintiff's house, and on one occasion when he was in Joynt's house, he never met Mrs. Joynt in any covered building at all in the town of Ballina. He would swear he never gave her gloves or money, but he did give her a rug, and under these circumstances :—They were going to Enniscrone on a long car, and he gave her share of his rug. She expressed some admiration for it, and he gave it to her. Witnesses would be produced to show that Joynt's home was not a happy one. He was constantly accusing her of being out with young men in the evening ; and there was abundance of evidence that she constantly walked with Mr. Porter, of the Ulster Bank ; Mr. Murray, of the Provincial Bank ; Mr. Charles M'Cullagh, and Mr. Holmes, of the Provincial Bank ; and it would be proved that at very late hours of the evening she was with them on the road. There were four distinct acts of infidelity that would be proved against the plaintiff with Catherine Hastings, Margaret Durkar, Catherine Curran, and a fourth woman. This was a most remarkable case. This woman, in November, 1879, was removed to a lunatic asylum. By the law of the land no person could be removed to a lunatic asylum unless two doctors' certificates were obtained that the person was insane. Was it not a remarkable thing that no doctor had been brought to prove what was the state of her mind, what was the mania under which she suffered, whether it was a constitutional disease ? No jury could act on the uncorroborated evidence of such a woman as Mrs. Joynt had been. Counsel argued that even on Mrs. Joynt's own evidence, the first act of impropriety with the defendant took place about 1875. They would produce some testimony that before 1875 she was guilty of improprieties in many other ways. Evidence would be given that in 1870 she had been unchaste with a man named Sweeny, since dead. A fisherman named Gallagher would swear that about 1873 she had been a hundred times unfaithful with him. He would also swear that six persons, whose names had not yet been mentioned, had been criminally intimate with her when she was drunk. Mr. Petrie would prove indecent behaviour and improprieties on her

part ; and a witness named Farmer would prove that Beatty had been guilty with her. Was not this a remarkable as well as a hideous case ? Besides the lunacy of this woman, there was not a scrap of writing from the defendant to sustain her case. Evidence would be given as to acts of infidelity with Colligan, Jeffers, and a circus manager. Without her evidence the plaintiff had no case ; and could the jury, acting on their calm judgments, and having attention to the sanctity of their oaths, condemn any man on such evidence. Did she present any marks of contrition in the witness-box ? He could not see them ; he could see no signs of shame. He thought there was more or less of levity in her manner when giving this hideous catalogue of crimes against her husband. If they could not find anything like repentance on her part, what was the meaning of her coming forward at all ? It would be proved that the plaintiff, in March last, offered £10 to a man named Ormsby, and in February offered £20 to a woman named Heffernan, to swear that they had seen the defendant in criminal intercourse with Mrs. Joynt. If they believed that evidence, he need not point out to the jury what a strong bearing it would have on the general conduct of the plaintiff's case.

MR. JAMES JACKSON, the defendant, examined.

He was agent of the Bank of Ireland in Ballina. He had been manager of the National Bank there, but changed in 1875. He first made Mrs. Joynt's acquaintance in the summer of 1874. He was introduced to her in Mr. William Joynt's house by Mrs. William Joynt, who had known him many years previously. He was asked to stay to tea, and did. He might have met Mrs. Joynt walking about the bridges with Miss Essie Joynt. He never met her walking alone, or walked alone with her in his life. He never was out late at night with her. He never, on his oath, had criminal intercourse with Mrs. Joynt. He had been in her house twice. He met her walking on the lower bridge with Miss Joynt. He escorted them to the plaintiff's house in Knox-street. Was asked to take tea, and did so. He never took improper liberties with her on any occasion. On the second occasion he met the two ladies near the courthouse. Mrs. Joynt asked him down to the house, and he went and had tea with them. On one occasion, returning from the bath-house at Enniscrone, he met Mrs. Joynt and Mrs. Harpur, and took a cup of tea with them. That was the only time he was in the plaintiff's lodge. It was quite false that he ever came out of the plaintiff's lodge at five o'clock in the morning. He never had his arms round her neck ; and never walked on the sandbanks with her. Head-Constable Mara's evidence, as to Mrs. Joynt going into the Bank of Ireland at eleven o'clock at night, was perfectly untrue, as was Reid's evidence. Never gave drink to a lady since he was born. Never gave Mrs. Joynt money or gloves. He went down on a long car to Enniscrone one day, and accidentally met Mrs. Joynt. It was rather a cold day, and he gave a share of his rug to Mrs. Joynt. She took a fancy to it, and he gave it to her, as it was more suited for a lady. Mrs. Joynt never had been in Woodbine Cottage. His mother and sisters had lived with him for seventeen years.

Cross-examined by Mr. MURPHY.

What year was it you accidentally met her on the car?—I think it was in 1877.

What year was it you were in her house?—In 1875.

Where was the husband?—I don't know.

Didn't ask?—No.

What interval was there between the two visits?—About a month. I would have gone in if Mr. Joynt had been there.

Did you meet her at all, or speak to her, in 1878?—I may have met her in the street, and walked with her and Miss Joynt.

You saw no objection to doing so?—No.

She appeared a perfectly respectable, modest lady to you?—Yes.

You may have spoken a little to her in 1879, and walked with her and Essie Joynt?—No.

You never witnessed the slightest immodesty about her?—Never.

In fact, Mr. Jackson, you are about the last man in all Ballina that ought to have been suspected of any impropriety with Mrs. Joynt?—I don't know that. I have plenty of enemies in Ballina.

And you think it was some of your enemies got up the imputation against your immaculate self of intimacy with Mrs. Joynt?—I am perfectly satisfied they were instrumental in doing so. I say they were instrumental in putting it into the head of Mr. Joynt.

You never knew anything against Mrs. Joynt?—No.

And hearing you were accused of this, how did it first come to your knowledge it was put into the head of Mr. Joynt by the machinations of some enemies?—Nothing more than my own suspicion. I never heard the story about Brown until yesterday. The evening that Brown met her was the evening I was escorting her to her aunt. I knew it was that evening, because I saw Brown myself.

And Brown saw you. Now, how did you take notice of Brown that evening?—Because I happened to know the man.

Was he the only man you met?—I cannot say.

And you recollect Brown, and Brown recollected you. Now, tell the jury exactly where you met Brown on that eventful night?—I was escorting Mrs. Joynt, and she told me she was going up to her aunt's to tea, and I said, "I will see you part of the way."

Baron Dowse—Had you any admiration for her at all?—No, my lord; no more than I would for any other lady that would casually pass the door.

Mr. Murphy—Used many other married ladies ask you to escort them to their aunt's to tea?—I am not a great admirer of the fair sex.

Maybe they were admirers of you. Maybe it was you were seduced?—I don't walk much with ladies; but I know all the ladies of the town.

So much the better for them. Do you escort many married ladies to tea?—Oh yes; I escort married ladies.

How do you recollect that so distinctly, if it is a general thing with you?—I made an observation at the time, "There is a blackguard looking after you."

Oh, oh ! done Brown ; it's all out now. Now, Jackson, why did you say, "There is a blackguard looking after you," to the lady you were escorting ?—Because I knew him to be a blackguard.

Baron Dowse—That may be a reason for calling him a blackguard, but why was it a reason for telling her so ?—I knew him to have a predilection for following ladies.

Mr. Murphy—Did you see her to the door ?—No ; I left her at the corner, 150 yards from her aunt's house.

Why did you not go the remainder of the way ?—Because there were lamps lighted all the way.

Of course you did not take that into account when you swore you never walked alone with her in your life ?

Baron Dowse—Why should Brown follow you—a respectable man and a respectable lady ?—They have such habits, my lord, in country towns (laughter).

Mr. Murphy—There is a piece of information for you.

Cross-examination continued.

On the occasion when Mr. Thompson found him in the yard attached to the Meeting House, he had gone in there because he was taken suddenly ill. It was about fifty yards from the bank premises. Would not swear it was over thirty yards. It was untrue that Mrs. Joynt was in the bank house at night. Witness would not insult his aged mother by permitting such a thing.

A man might not be particular when carrying on an intrigue with a neighbour's wife ?—But I am.

You are particular on these occasions ?—On all occasions.

How did Mrs. Joynt come to kuow that occurrence of your being in the yard ?—I don't know.

To Baron Dowse—Mrs. Joynt was never in the bank house.

Mr. Murphy—Do you think she could describe the rooms in it, or the rooms in Woodbine Cottage ?—Yes ; because the rooms were open to inspection before I went in.

Were you very much startled to find out she was such an abandoned character ?—Very much startled. I never saw her under the influence of drink. I never saw her at Mullingar.

Did you admire Essie Joynt—I thought she was a good-looking girl.

Baron Dowse—If you never had any connection with this woman, what is the particular effect of the date 1877 that was mentioned by your counsel ?

Sergeant Robinson—I understand that is a mistake.

Baron Dowse—Did you instruct your solicitor or counsel that you never had connection with this woman until 1877 ?—Until October, 1877. (Sensation in court.)

Baron Dowse—What do you mean by that ?

Mr. Murphy—What do you mean by not knowing her until October, 1877 ?—I don't know how the question is put. I don't understand you.

Baron Dowse—Did you ever tell anybody at any time that you never had any improper connection with this woman till 1877 ?—I told my solicitor, my lord, that I never had any connection with her.

Did you say until 1877 ?—No, my lord.

Well, what is the value of 1877 in this case? You heard it over and over again?—I don't know.

Sergeant Robinson said what he had stated was that the defendant first saw her in 1877, and it turned out it was a mistake.

Mr. Murphy called on defendant's solicitor for his list of subpoenas.

Cross-examination continued—Have you spoken to Patrick Brown about this trial?—Never.

And Patrick Brown's name is in your subpoena. I suppose he went and made a confession of the violation of Mrs. Joynt?—Not to me.

And you never heard it from her?—No.

Did you ever tell your attorney you saw Patrick Brown this night?—I may have done so.

What brought that night and Brown to your mind?—In going over, preparing the evidence.

Baron Dowse—What was Brown to prove?—I don't know. My solicitor was gleaning information from other sources.

Mr. Murphy—Did you tell anyone that John Petrie would state that he had had intercourse with her?—He informed Mr. Burke's clerk he had met with her. He came up with me, and is staying with me in Dublin. Suspected Mr. M'Cullagh, senior, of trying to find out and give information to Mr. Joynt about me.

Baron Dowse—He had nothing to find out about you?—Nothing. The suspicion on my mind was that he was trying to get up an action against me, so that I should have to leave the town.

Mr. Murphy—What did you mean by this letter to the bank: "February 5th. Dear Sir—From a letter I have received, I am given to understand that an action is to be taken against me by a party in this town, prompted by vindictive feelings, or more properly from disappointed expectations." Whose were the disappointed expectations—were they the Joynts?—Yes. I don't say Mr. Joynt; I say Miss Essie Joynt.

Then it was not to M'Cullagh you alluded?—He was included also.

What were the vindictive feelings of disappointed expectations of Miss Essie Joynt?—I was told she expected I would propose for her (laughter).

And then you think she prompted this action against you?—Yes. She was going about town with a note-book in her hand, seeking for information against me.

I suppose it was your purity and integrity of character that induced them to fix on you?—I believe my character stands as high as any man in Ballina.

Anne Heffernan, who said she would not wish to give evidence unless Mrs. Joynt was present, deposed that on one occasion Mrs. Joynt and Martin Sweeny came into her house. Sweeny sent her out with 2s. 4d. for a pint of whiskey. When she returned Mrs. Joynt was on the bed, and Sweeny gave a jump out of it. That was about ten years ago. In February last the plaintiff came to her and said he would give her £20, and be ever her friend, if she went with him and swore she saw Mrs. Joynt going into the bank, or in improper relations with Mr. Jackson. She said she would not tell a lie to destroy his nice wife and long family. He then gave her a few shillings and went away.

Mr. Porter objected that any evidence should be given of misconduct on the part of Mrs. Joynt subsequent to 1873.

Baron Dowse said he had never tried such a case before, and he hoped he never would again. These actions had been abolished in England, and Ireland alone was favoured by having such an action still preserved for it. It was a general principle that no acts could be given in evidence since the time of the alleged seduction. However, he would not undertake to exclude the evidence as this case was so exceptional. What he would tell the jury was this—that if they disbelieved the defendant, and came to the conclusion that this woman was seduced by him, so far from freeing himself from responsibility by showing that she afterwards plunged into a career of licentiousness, if he (the Judge) were on the jury, he would consider that in assessing damages against him.

The witness was then examined as to seeing Mrs. Joynt and a young man named Coolaghan in an improper position in Loyd's-lane last harvest.

Cross-examined.

When she came up Mrs. Joynt said Coolaghan had taken a hold of her. She knew these eleven years that Mrs. Joynt was a bad character. Her house had the name of being a bad place, and all in Ballina knew it. Sweeny and Mrs. Joynt stayed in her house and drank the whiskey after the incident she had witnessed. She was angry with Sweeny, but not with Mrs. Joynt, because she believed she had been wronged. She would tell no lie; she would damn her poor soul for no one (laughter). She sometimes ran of messages for Mr. Jackson's mother and sisters, and she did one day's charing in the bank in the week.

JOHN PETRIE examined.

His father was a timber merchant, and owned ships in Sligo. Witness lived in Gurteen, near Ballina, and was married about three years ago. Mrs. Joynt had been at his place, and used to drink whiskey there. On the occasion of one of her visits he walked out in the fields with Mrs. Joynt. She wanted him to go into an old fort with her, but he refused. On another occasion he drove Mrs. Joynt and his sister into Ballina in a croydon. Recollected Mr. Porter coming to his house with Mrs. Joynt. She drank whiskey. They remained an hour and a half, until it was getting duskish, and they returned to Ballina through the fields. Remembered them coming on a second occasion. Mrs. Joynt drank three or four glasses of whiskey. Mr. Joynt came afterwards, and had some whiskey too, but did not speak to Mr. Porter. In the spring of 1879 Mr. Murray and Mrs. Joynt met at his house, and she had whiskey. Had met them both walking at half-past seven in a field near Downhill House. He was in Mostyn's office in Ballina when Mrs. Joynt sent for him. He went to her house, and had dinner with her. Her husband had gone to Sligo. They both had whiskey. She brought him upstairs, and showed him the silver she had, and in her own bedroom showed him a lot of improper pictures. On another day he was in a house in Gardiner-street paying a bill when Mrs. Joynt came in and he asked her to take a drink. They both went up stairs; she got drunk and he got half drunk, and then he had criminal intercourse with her; she tempted him.

Cross-examined by MR. MURPHY.

Were you a married man at that time?—I was.

A respectable married man?

Baron Dowse—Come, sir, what do you say to this?—It was whiskey did it.

To Mr. Murphy—Mrs. Joynt took so much drink that she got sick. Never in his life heard any talk about Jackson and Mrs. Joynt. Did not ask Mr. Thompson whether he heard of the talk about Jackson and Mrs. Joynt.

You were the Joseph in Ballina?—I was always a funny sort of fellow that way.

And carried a little bottle about with you?—Never. I keep a bottle at home, and maybe you do the same.

Mr. Murphy—Don't institute, please, any comparison between me and a fellow like you, who has acknowledged his degradation. Come, sir, what do you know about me that you speak that way? I never saw you before.

That is the way you go at random; impertinent fellows like you getting into the box. Did you look on yourself as a blackguard that night? I thought it afterwards.

Whom did you tell of it? Mr. O'Hara, Mr. Burke's clerk.

That was the way you showed your repentance for your blackguard conduct. Which was more blackguard—committing the act or telling of it? Which established your character as the greater scoundrel? Which, Mr. Petrie? Which established your character better, that volunteered statement and the disgrace on your own wife and the insult offered to her; which did you think established your title as supreme blackguard of Ballina, or the fact that you were guilty with her that night when she was drunk? I am telling you the truth.

Edward O'Hara, gasman, deposed he had seen Mr. Joynt walking on the Crossmolina-road late in the evening with Mr. Porter, Mr. Murray, and Mr. Holmes. In 1869 saw Mrs. Joynt in an improper position with a printer named Irwin, and in 1878 with Porter. Never saw her walking with any other banks than the Provincial or the Ulster (laughter). Mr. Joynt had met him on the road and asked him if he saw Mrs. Joynt. He said he did; that she was walking along the road linked with Mr. Porter.

Cross-examined. She would not walk with the National Bank or Bank of Ireland? I never saw her walking with either (laughter). Did not tell Mr. Joynt about this conduct.

James Timblin, clerk to Mr. M'Andrew, solicitor, deposed that six or seven years ago he saw the plaintiff having improper intercourse with a woman of the town, Catherine Hastings, in the Harbour Commissioners' Office, Ballina.

Cross-examined: He mentioned this incident to Mr. Corley in Swinford about two months ago before an action was spoken of.

To Baron Dowse—We were talking was Mr. Jackson "a lad," and was Mr. Joynt "a lad."

Patrick Heffernan deposed that about two years ago, having gone into a room in plaintiff's house to rake the fire, he found Mrs. Joynt and Dr. Harry Joynt in an improper position. Had seen Mr. Baxter go into plaintiff's house a hundred times when plaintiff was away.

Catherine M'Coy, wife of a soldier, deposed to seeing Mrs. Joynt and Mr. Baxter in a pew in the Meeting House, Loyd's-lane. The chapel was empty at the time.

Cross-examined : She had been married ten or eleven years.

Mr. Murphy—Where is the soldier?

Witness (laughing)—He died abroad.

You broke your heart for him?—Devil a tear I cried.

Were you taking anything to-day, any Ballina tea? I did.

Where are you located, where is the hotel where all the witnesses are staying? Mrs. Taynor's.

And how many of you are there? Fourteen (laughter).

Mr. Murphy : Was last night a wet night there, were you talking over this case? No. Heard that Mrs. Joynt was sick in Mrs. Timlin's shop in Gardiner-street. Mrs. Timlin sent out for a beefsteak to bring her round (laughter).

What other remedy was applied : Was a head of cabbage sent for? No. She saw Petrie coming out of the house ; he was half drunk ; he would bear a few buckets more (laughter).

The court adjourned until next day.

THIRD DAY.

Wednesday, May 12th, 1880.

At the sitting of the court an elderly gentleman from the side bar, addressing his lordship, said—My lord, I am Mr. Baxter, from Ballina, and I hope your lordship will be kind enough to let me make a statement and be examined.

Baron Dowse—You must place yourself in the hands of counsel.

Mr. Baxter—I have done so.

Mr. Porter said he would ask his lordship's permission to examine Mr. Baxter.

Baron Dowse thought it would be only fair to do so.

Michael Gallagher, a fisherman, from Enniscrone, was put into the box, and before giving his evidence said he wished to be paid his expenses.

Baron Dowse—In the country sometimes this form is gone through, but I don't think it is necessary in the city (laughter).

Witness then deposed there had been acts of impropriety frequently between himself and Mrs. Joynt at the Lodge at Enniscrone six or seven years ago. Had seen her walking with Mr. Baxter on the sands, and had seen them guilty of improper conduct together. She was in the habit of drinking, and used to go into public-houses in Enniscrone and spend the day there drinking. Had seen Robinson and Hopkins drinking with her. Had seen Mr. Corbett of the National Bank walking with her.

Witness was cross-examined by Mr. Porter as to the description and furniture of the rooms at Enniscrone Lodge. The servant saw him going into the lodge; her name was Hosey, and he was told she was now in London. He had never told any story about a boat's crew. When he saw Mrs. Joynt and Mr. Baxter together it was one o'clock in the day, and in a place much frequented. Would swear he never told human being until this moment about Mr. Baxter.

Baron Dowse—How do you think The M'Dermott knew it?—[No answer.]

Mr. Porter—Did you ever see Mr. Baxter inside the lodge at Enniscrone?—No. I know Mr. Jackson.

When did you speak to him last?—About a month ago.

Where were you speaking to him?—I just passed him by on the street in Ballina.

Did you speak to him?—He said, "Good evening, Gallagher."

At that time had you a subpoena?—No.

And you had given no statement of your evidence?—No.

And never did to anybody, to O'Hara or anybody else, until this moment?—No.

Mr. Porter—You may go down,

Baron Dowse—Did you give any statement of your evidence, of what you proved here, to anybody?—I did not.

The M'Dermott—How did Mr. Burke or Mr. O'Hara, his clerk, come to know what you would prove?

Mr. Porter objected.

Baron Dowse—Did you tell anybody what you could prove here?—I did not, my lord (loud laughter).

Mr. Murphy—Inspiration is a great thing.

The M'Dermott—Will your lordship ask him did he tell anyone what he saw?

Baron Dowse—Did you tell anybody what you saw?—I did not, my lord (loud laughter).

Mr. Murphy—If you have not been paid your expenses yet you won't get them after that.

Baron Dowse—I am quite sure Mr. Burke will do whatever is right.

The M'Dermott—A truthful and a stupid witness are nearly controvertible terms.

CATHERINE CURRAN sworn and examined.

She went into the plaintiff's service as a servant more than three years ago, and remained there two years and a quarter. Mr. and Mrs. Joynt occasionally quarrelled when Mrs. Joynt used to go out walking without Mr. Joynt. He cast up to her that she was walking with Mr. Porter, Mr. Murray, Mr. Corbett, and Mr. Cleary, of the National Bank. No one ever gave witness a letter saying it was from Mr. Jackson. Never heard Jackson's name mentioned in the house from the day she went into it until the day she left it. Her Mistress often cast up Maggie Cafferky to Mr. Joynt, and told witness that the girl left on account of improper intimacy with Mr. Joynt. Mrs. Joynt one time found a letter in her husband's drawer belonging to Maggie Durkan. Mr. Joynt had had a child by witness. While at Enniscrone Lodge had seen improper conduct between James Joynt and the plaintiff's wife. Letters had passen between them. In one letter James Joynt sent her £5. Had seen Charles Joynt after at Enniscrone. Remembers a tea party at Enniscrone in July, at which there were Mostyn, Charles Joynt, Corbett, Cleary, Murray, Mrs. Bell, and Mrs. Joynt. All went away before Mr. Murray. He remained with Mrs. Joynt until 10 o'clock. Had often seen Mr. Baxter in the house when the plaintiff was away, and had seen him alone with Mrs. Joynt. Had seen acts of impropriety between Mr. Murray and Mrs. Joynt, and between Dr. Harry Joynt and Mrs. Joynt.

A Juror (Mr. Megaw) said he did not think there would be any good result from continuing this line of examination. The jury had patiently listened to this from 12 o'clock yesterday until the present time. They were not, in his opinion, trying whether this woman was an abandoned woman or no. He was perfectly satisfied she was, and he thought they had got enough of it.

Baron Dowse said in a case of this kind, which he ventured to say was the most painful tried by any judge, it was quite natural they should express their opinion, but they must bear with anything counsel in their discretion put to them. He would recommend them to leave the matter with counsel.

Sergeant Robinson said he had the same feeling as the jury, and he wished he was not in the case at all.

Cross-examined—Often took drink from Mrs. Joynt, and often brought it to her. Mr. Joynt was often jealous of Mr. Baxter. Never heard an angry word between Mr. Joynt and Mr. Baxter.

James Farmer, civil bill officer, deposed that he had, in January, 1879, at Arnaree, seen Mr. Beatty taking liberties with Mrs. Joynt. About eight or nine years ago had seen an act of impropriety between Mrs. Joynt and Mr. Charles Du Val, the monologue entertainer, who was then performing in Ballina. On one occasion, in Mr. Joynt's office, he had seen a letter in the plaintiff's handwriting directed to Maggie Durkan.

Cross-examined—Was a civil bill officer, and accustomed to kiss the book. Had not heard that Mr. Beatty was coming up to town to contradict the evidence against him. Had not mentioned Du Val's case until last night in his lodgings. Had not been getting up evidence in the case, but was commissioned to serve three subpoenas. Was not in charge of witnesses in town.

Patrick Melia, ostler at Ballina, said he had seen improper conduct between Charles M'Cullagh and Mrs. Joynt at Enniscrone last June.

Cross-examined—Had never told the defendant's counsel anything about Mr. Baxter. Had never seen Mr. Jackson speaking to any girl or seducing anyone, or saluting any lady, or walking with anyone. He saw Mr. Joynt two months ago at a quarter to four in the morning letting out a young woman from his house.

Mrs. Anne Lundy deposed to seeing impropriety in November, 1875, between Mr. Jeffars, of the Ulster Bank, and Mrs. Joynt, and in 1878 between a circus man and Mrs. Joynt.

Cross-examined—Her husband went to America six years ago. She earned her living by sewing. On her oath she was not a woman of the town.

Head constable O'Meara was recalled and confronted with the witness, who still adhered to her last answer.

Baron Dowse said the head constable could be examined at the close of the defendant's case.

Patrick O'Brien deposed that six years ago he discovered the plaintiff and a woman of the town in an indecent position.

Robert Ormsby, shoemaker, Ballina, deposed that his wife had been a servant in the plaintiff's employment. At the end of last March the plaintiff came to him and said if either he or his wife would prove that Mrs. Joynt had been unfaithful with Mr. Jackson he would give them £10 and his expenses. Witness said he would tell Mr. Jackson, and he went off at once and did so.

Cross-examined : Witness had been 26 years in the North Mayo Militia.

Sergeant Robiuson announced that the defendant would examine no more witnesses.

Mr. Murphy said he proposed to examine Mr. Baxter, who had come up from Ballina, having seen a report with respect to himself. Mr. Beatty had telegraphed to say he had seen the report, and would come up. It was also intended to examine the plaintiff. One witness, a little boy, Martin Judge, was called on Monday on his subpoena, and did not appear. Before he was called he was taken away by a person on a car, a National schoolmaster in Ballina. He was spoken to in reference to giving evidence, and offered whisky to make him drunk.

The M'Dermott said Mr. Murphy had no right to state this in the hearing of the jury.

Mr. Murphy said every word of it would be verified. His solicitor found the little boy in a remote part of the city by himself crying.

Baron Dowse said an affidavit to this effect should be made.

Mr. Robert George Baxter, Ballina, was called by the plaintiff, and said he was a large shareholder in the Bank of Ireland, and was solely instrumental in obtaining for Mr. Jackson the appointment as manager. Never had any feud or differences with him. Witness was married nearly thirty years. He swore on his solemn oath, in the presence of his Maker, that he never in the Meeting-house, in her own house, or anywhere else, was improperly intimate with Mrs. Joynt; and he was grieved yesterday when he got a telegram desiring him to come to town. He was never guilty of the slightest indelicacy or impropriety of conduct towards Mrs. Joynt. He had gone to her house after hearing of the report about herself and Jackson. He went as a friend and adviser of her's and warned her not to keep company with that man as his character was notoriously bad. There was no foundation whatever for Gallagher's statement about him. There had been frightful perjury committed; and if he could have it punished if it cost him £1,000 he would. He had walked along the shore at Enniscrone with Mrs. Joynt and his wife—never without his wife.

Cross-examined.

On two occasions, when he went to speak to Mrs. Joynt, the door was closed, but not locked; it could be opened from the outside. If he had been guilty with this woman he would not deny it. He would think the sin great enough without going to damn himself by denying it, but, knowing in his soul he was innocent, he came up to state so—innocent—innocent, unquestionably.

Head-Constable O'Meara, recalled, said from his knowledge of Mrs. Lundy during the number of years he was in Ballina he did not believe her worthy of belief in her oath.

The witness was not cross-examined.

At Mr. Megaw's request his lordship asked could witness have been mistaken when in his former evidence he said he saw Mrs. Joynt go into the bank with Mr. Jackson at a quarter to eleven and remain until after one o'clock in the morning on September 18th. Did he still adhere to his former statement?

Witness—Positively, my lord; positively.

The plaintiff was recalled, and stated there was not one word of truth in the statement that he offered the woman Heffernan £20 for giving evidence. Had heard O'Hara, a gasman, state that ten years ago he was repairing gas pipes in witness's house. Witness did not get gas into his house until 1873. O'Hara never told him that he saw Mrs. Joynt on the Crossmolina road linked with Porter. Martin Sweeney was dead many years ago, and was seventy when he died.

To Baron Dowse—There was no truth whatever in Melia's statement that witness was seen letting a girl out of his house about two months ago. It was utterly untrue that Farmer could have sent any letter addressed by him to Maggie Durkan.

Cross-examined by The M'Dermott—Gas was introduced into Ballina in 1856. Had no particular reason for fixing on 1873 as the time when he got gas fittings. Mr. Baxter also agreed that was the date. Would not swear that Sweeney died before 1876.

Mr. Baxter recalled, said he distinctly recollected gas being introduced into Mr. Joynt's house in March, 1873.

Mr. Murphy handed to his lordship an affidavit sworn by Mr. S. C. M'Cormack in reference to the evidence of Martin Judge. After a discussion, his lordship said he would allow the witness to be examined.

Martin Judge, a boy aged 15, was sworn and deposed, in answer to Mr. Murphy, that in 1879 he was in the plaintiff's employment as messenger, cleaning boots, &c. About the beginning of last year, at half-past nine on a Wednesday night, he saw Mrs. Joynt and Mrs. Heffernan go by the riverside up to Beleek Manor, where some building was going on. Here Mr. Jackson met Mrs. Joynt, and went into the building, while Mrs. Heffernan stayed outside. Had carried letters from Mrs. Joynt to Mr. Jackson, and from him to her, some of them having money in them. On Monday he left the court with Mr. Griffin, a schoolmaster in Ballina, who took him out and brought him through the streets to a public shop and wanted him to take drink.

The M'Dermott objected to the evidence as the defendant was not at all brought into privy with Griffin's conduct.

Cross-examined.

Did not tell Mr. Joynt anything about what happened. Had seen her walking with Mr. Jackson a hundred times.

Mrs. Anne Heffernan was re-called by the defendant, and contradicted Judge's evidence in reference to her walking with Mrs. Joynt. She said she never walked with Mrs. Joynt in her life.

Mr. R. P. Burke, solicitor, deposed he knew no one of the name of Griffin in Ballina. He never heard of Judge until he was put into the box, and he knew nothing of his being taken out of court.

John O'Hara deposed he was for thirty years clerk to Mr. Burke. He knew Griffin when he was in Ballina. Griffin has been ten years in Dublin now. Did not employ Griffin to spirit away the boy, and did not know anything of his being taken away. Last night at the General Post Office Mr. Armstrong told him that two of Mr. Joynt's witnesses had been spirited away.

Cross-examined.

Did not know Judge shook hands with Griffin casually in the hall on the first morning.

The evidence then closed, and the case was adjourned until the following morning.

FOURTH DAY.

Thursday, May 13th, 1880.

The MacDermott, Q.C., addressed the jury in defence.

He asked the jury did they believe that if Mrs. Joynt's intimacy with the defendant began as far back as 1873, would not Mr. Joynt have heard of it before 1880? Untill they came down to within the last three years Mrs. Joynt's story was corroborated by no one, and to support this case against the defendant they had only the word of a wicked, guilty, interested woman who had been contradicted by witness after witness. Mr. Baxter was charged with the same offence as Jackson; it was only a difference of time, and Baxter had the deepest possible interest in saying "No" to it. He came up into the box, tinselled himself with gold, and appealed to Providence as a religious man, seemed to be horrified at the charge made against him, and said that it was he got Jackson made manager of the Bank of Ireland. The truth of that the defendant denied, but at the same time Baxter said he was warning Mr. Joynt that Jackson was a notoriously bad character. It was proved by the witnesses M'Coy and Gallagher that Baxter on two separate occasions had been guilty with that woman. Counsel did not know whether the jury had ever read "Woodstock," and the interview in it between Tompkins, one of Cromwell's saints, and Phoebe Mayflower, when he told her she did not know the privileges of the saints, that they were above ordinance and restraints. Sir Walter Scott drew the picture of the saint of that period, full of lust, and longing, and guilt, and sin, but at the same time having a beautiful outside of religion. Counsel was bound to impeach Mr. Baxter, and he did so. He had not brought up the caretaker of the Meeting House to corroborate his statement. He had sworn that the door of the room was never locked when he was in it speaking to Mrs. Joynt, but it was sworn by two witnesses that the door was locked over and over again, and one of these witnesses was the plaintiff's wife. Was Baxter telling the truth, or was Mrs. Joynt telling the truth? If she told a lie in that, was she not telling a lie about Jackson? There was Baxter, the father confessor, proved to have been sitting, consulting, and advising this common courtesan with the door locked. Joynt himself had been contradicted on their oath by nine witnesses, and his own wife. No one could over-estimate the importance of this case to the defendant. On the other hand they had a woman who, without struggle or scruple, fell into crime. Her married life presented not one feature to redeem it from abhorrence. Her path had been the path of vice; she never seemed to have felt a sense of shame, and never of the sacred influence of religion or morality. That was the woman, and that was the married life, and that was the society for which they were to give money to Joynt. Mr. Jackson had led up to this an irreproachable life. He occupied a position which was at all events respectable, and he was maintaining his mother and sisters. On

the part of the plaintiff's they could have nothing to gain by this case but money. On behalf of Jackson, his past life, his future life, his position, his social respect, everything that was dear to a man was at stake. The jury should pause and hesitate before they destroyed that upon the evidence of the policemen and the evidence of the two Sullivans, in order to give a little money to these Joynts who had for ever and ever heaped upon themselves irreparable infamy rather than lose the chance of making a little money.

Br. Baxter rose to address the court, but his lordship declined to hear him, stating that persons were often obliged in courts to listen silently to what was very unpleasant to them.

Mr. Porter, Q.C., then replied for the Plaintiff.

Mr. Jackson, he said, had certainly no ground to complain of want of zeal or want of ability on the part of his counsel. The MacDermott was justified in saying that this was a case of incalculable importance to Mr. Jackson. It was a case involving terrible consequences to him if he were guilty; but if he were, these consequences were the result of his act; and a man who had to come before a jury charged under the circumstances in which the defendant was, if he were guilty, and he instructed his counsel to appeal to the jury for sympathy with him, for pity for his broken career, and to refer at the same time to his aged mother, and so forth, ought to have thought of that before he entered into the terrible relations he was proved to have had with the wife of the plaintiff. He (Mr. Porter) was counsel not for Mrs. Joynt but for her husband, and on his behalf alone he had to address to them some words in placing before them the views which occurred to him as properly arising from the evidence they had heard. He never himself had either been concerned or had known a case so terrible in some of its aspects; in indecency almost unrivalled; he might say, even surpassing any case that had shocked the public mind of late years. But he felt bound to say that it occurred to him that the indecency of this case was not its worst feature. It was a case not alone of shocking and terrible indelicacy in any view, but it was a case full of the most terrible subornation of perjury that it had ever been his lot to witness, to read of, or imagine. Did they believe the evidence given by Mr. Jackson and his witnesses, or would they find themselves coerced to come to the conclusion that he had perjured himself in the most terribly inexcusable manner here, and that he had suborned a number of infamous and miserable witnesses to come and back up his case by false and perjured evidence? Although his learned friends had made the chief portion of their case an attack on Mrs. Joynt, he was not here to justify her: no man could think of doing so. Her position was terrible, miserable, wretched; a woman degraded, false, disgraced for ever, abandoned in life and habits, steeped in infamy and misery at the time she was removed from her husband's house; but still, even so, a woman who had gone through what she had endured, who had sinned as she had sinned, and who had fallen as she had fallen, might yet tell the truth. It would be for the jury to say whether they did not give more faith and attach more confidence to the oath which she had sworn, and the full confession which she made, than they did to that desperate and repeated denial of Mr. Jackson, bank manager, respectable man, town commissioner, justice of the peace though he be. And it would be for them to say whether he had not, by the desperate character of his defence, by the

shocking nature of the case which he had made, added tenfold to the outrage of the conduct of which he was originally guilty. The case made against the plaintiff's wife, that she was an abandoned woman, was a complete admission of the defendant's guilt. When a man was charged with adultery which he had not committed, it was sufficient to deny the fact; but where he was guilty it was important for him to show that the woman was of bad character. And anyone reading The MacDermott's speech, reading it between the lines, could perceive that he knew that there was not a human being within the court who did not know that his client was guilty; and his entire speech was one in reference to mitigation of damages. When they found a man swearing on the Gospels that he had nothing to do with this woman, and then bringing forward a gang of conspirators, they would ask themselves could they place any reliance on his denial? Some one must have seduced this woman, effected her ruin, and initiated her in that terrible downward career. She swore it was the defendant. Cafferky, the servant who introduced Jackson to her, was one of the plaintiff's witnesses who had been spirited away, and to whom that letter was written by O'Hara distinctly suggesting a bribe, and urging absence and reticence. How did Jackson know to instruct his counsel to make all these inquiries about persons with whom Mrs. Joynt admitted unchastity? Did the men themselves tell counsel, or did Jackson learn it from Mrs. Joynt? The greater her degradation, the greater the measure of the infamy into which she had fallen, the greater was the measure of the wrong of the man who committed it, and the more shocking the account Mr. Jackson would have to answer for. How did Jackson's counsel know about Brown, whose name was in their subpoena, and would have been produced but for Jackson's statement on cross-examination? All through this woman was trying to shield Jackson, and the shocking nature of the defence aroused that thing left of her womanhood, and drove her here to assert that if she had sinned and fallen, she was not, before she met the defendant, the abandoned woman which he was bringing all the vile harlots of Ballina here to prove. Did not the jury believe that when Mrs. Joynt left the box her conscience was a much less desperate possession than Jackson's? And if they believed her, it accounted for everything in the case. Counsel went through the evidence in detail, and said it presented a picture of this place and society such as rendered it a disgrace to any civilised community. People swore pretty firmly in the North—straight, direct, and to the point—and in the South the swearing was more coloured with circumstance, less direct and more ingenious; but did they ever, in the course of their lives, hear a case in which so much perjury was committed by people who had been bought by somebody's money, as if they had seen the notes counted out or the money told into their hands. Mr. Baxter had been abused as being a man making a great pretence to religion, and being in reality a false-hearted and untruthful hypocrite. Counsel did not know anything whatever of Mr. Baxter except what he had seen of him in court. He observed about him nothing that was inconsistent with the character of a gentleman, and a man entitled to belief upon his oath. He saw that his name was mentioned in the matter; he instantly put his foot in the train and came up to deny the charges against him. The MacDermott, in his speech, had deprived him of the ordinary conventional prefix, and called him "Baxter" throughout, as if that stamped him as unworthy of credence, be-

cause he had not the advantage of having the definite article prefixed to his name. (Laughter.) They had no evidence to exculpate the defendant but his own, and his own evidence even was not, according to the verbal admission, but the practical admission by words and the entire conduct of his case by his counsel. If that denial was untrue, were they, in the defendant's interest, to assume he never made Mrs. Joynt's acquaintance until recently, and that he did so because she was depraved? Counsel denied the right of anyone to ask a jury to find such a conclusion in favour of a man who had denied it himself. If they did not believe him they must believe the woman, and if they believed her, he was the origin of her wrong, and was responsible for the consequences of it. Was it to be said that in a case like this an action ought not to be brought? That topic came with a bad grace from the counsel of Mr. Jackson, the defendant. What it amounted to was this—"Your wife has been ruined, your name has been disgraced, your family are left motherless, you yourself for the remainder of your life are a married widower, but yet you ought not to come into a court of justice to seek for punishment and to seek for compensation." In the old times a wrong of this kind was often met by the duel. Such a thing could not be heard of in the present day, and if it were, was he to be told that a man was to expose his own life, or risk becoming a murderer, to avenge a wrong of this kind? In other countries the adulterer met with summary punishment, and was shot down like a dog in the street. Was that code to be introduced here? If not, the only appeal the law allowed for the outraged sanctity of private life was to a jury. If it were merely a matter of money compensation, what could atone to a man for the loss of his helpmate, for the loss of her society, for the loss of the guardian of his young and grown up family? But the jury had a higher function than that; they had by their verdict to mark their sense of the conduct of the defendant. The plaintiff was entitled, at their hands, to such a verdict as would teach a lesson to men of Jackson's character. It would be for them further to express their opinion on the character of the defence; and if they believed that this was an attempt by the seducer to drive down into deeper degradation the woman who loved him too well, and sacrificed everything for him, they could not give one farthing too much—if they gave the entire sum asked of them to vindicate law and justice, and show how they would deal with the guilty.

At the conclusion of the learned Counsel's address, there was loud applause in court.

BARON DOWSE, in charging the Jury, stated the nature of the pleadings and of the defence. He said :—

This was certainly the most painful case he ever had the misfortune to try, and the only satisfaction connected with the case that he saw was that they were now nearly approaching the termination. Without any further observations upon the nature of the case, he would ask their attention as shortly as he could to the evidence adduced in support of the affirmative charge that the plaintiff made against the defendant. It was the first case within his experience in which a woman had been put into the witness-box to declare her own shame and by her own evidence carry the case in favour of her husband. In this country, he was happy to say, they had little necessity for any Divorce Act, and it was a satisfaction to him to know that since he was on the Bench he had never tried a case of this kind, and at the bar he was only in one such case. Reviewing the evidence, his lordship said nobody could doubt but that Mrs Joynt was addicted to drink. She was more than once asked was she under the influence of liquor, and she denied it. It appeared as if she was more anxious to free herself from the charge of being a drunkard than an unfaithful wife. That was strange, but it might be that it was true. In reference to the denial by Mrs. Joynt of intimacy with a number of men about whom she was asked by defendant's counsel, his lordship said she certainly admitted a sufficient number of improper acts to damn any woman, and really heaping coals of fire as it were on her head, seemed to be for the purpose of re-kindling a fire to re-consume a cinder. Referring to Mrs. Joynt's description of the Brown incident which she said she told only to Jackson, his lordship said the jury knew very well that counsel did not ask questions out of their own heads, but upon the information supplied by their clients. Wherever this information came from, Sergeant Robinson had it, and cross examined this woman upon it, and it was one of the main tests by which he would ask the jury to try the truthfulness of Jackson's evidence in the witness-box. He would say nothing about Petrie. He did not think anything anyone said about Petrie would be equal to his merits (a laugh). The result of Mrs. Joynt's evidence was that, besides being the mistress of Jackson from 1873 or 1874 down to 1879, during these years she was unfaithful with eight persons—M'Cullagh, Murray, Brown, Scott, Petrie, Rush, Holmes, and a young man. It was a fearful story to tell, a dreadful story; and on her own showing her history was such that it ought to require at the hands of the jury the most careful examination, and not to be acted upon against the defendant unless they were satisfied in their consciences that it was substantially true. If she confessed to all these acts of licentiousness why should she not confess to the others if true, because her character was condemned beyond all hope of redemption in this world by what she admitted, and to admit what the defendant further charged against her would make her very

little worse. If Head-constable O'Meara's evidence was true, it was impossible that the defendant was innocent. O'Meara had no interest in this case; certainly not so much as the defendant, though he (his lordship) hoped it was not true that his position as manager of the bank depended on this case, for if he (Baron Dowse) was to form an opinion, it was that the banks were not very particular as to morality in Ballina (laughter). The defendant's whole evidence was colored by the one statement that up to 1880 he had not heard anything said against the plaintiff or his wife. If that was true he must have lived a life of monastic seclusion in Ballina. Now what was Jackson's evidence with reference to Brown. Recollect this woman was cross-examined by his counsel as to Brown. She was asked was she there with a man, did she hear a whistle, and did Brown come up. Now, who was the man. Mr. Porter said the man was Jackson. Hear Mr. Jackson's own explanation and see had he got into the position that Mr. Porter said he was in, and that should be laid before them from nothing but the evidence. "I heard Brown's story yesterday for the first time. The evening I accompanied her to tea to her aunt's was the evening Brown met her. We went towards the brick fields. It was a little out of town." He was asked, "How do you know it was the evening that you were with her that Brown met her?" "I knew this from her own evidence. I saw Brown that evening. She asked me to see her up. I had no admiration for her more than for any other lady who passes the door. I am not a great admirer of ladies. I said to her, 'There is a blackguard looking after you.'" That was a curious observation for a man to make to a decent woman, a lady he was escorting to tea in a civilised community. He was not assuming too much in saying Ballina was civilized community—it had, at all events gas, and banks and braes (laughter). "He knew Brown had a predilection for looking after ladies"—was there a fellow feeling made Brown and he wondrous kind. "She made no complaint to me of Brown. I heard no more about it." Well, in another part of his cross-examination Mr. Murphy asked for the subpoena of his witnesses, and in the subpoena he found Brown's name, and then came the question, "If the first you heard of Brown was yesterday, how did it get into the subpoena?" "I may have told my attorney that I saw Pat Brown that night." Although he swore five minutes before that the first he ever heard of it was from the woman in the box. He said, "The name came up in preparing the evidence. Then he (his Lordship) asked, 'What evidence did you think Brown was going to give?' 'I don't know what evidence he was to give.'" Now, they were asked by Mr. Porter to assume that all that proved that this man knew this occurrence about Brown, and the reason that he had not Brown here as a witness was that Brown would not swear he was not the man that was there that night. He (his Lordship) was bound to say that in his opinion the observations of Mr. Porter were worthy of their profound consideration. He asked the jury to consider had the defendant not made out too good a case for himself. If his own witnesses were true, this woman's name must have been blown up all over the neigh-

bourhood. Not only did the Ulster and the Provincial Banks know of it, but the National and the Bank of Ireland knew of it—all these grand financial establishments, that appeared in their hours of ease to be indulging in pursuits utterly inconsistent with our grave ideas of finance (laughter). The woman's name was town talk, and if so, where was the defendant shut up, where was he secluded that he heard nothing to her prejudice, as he swore, until 1880. Had he not made out too good a case for himself of his innocence and ignorance? If they came to the conclusion that the defendant was innocent, the verdict should at once be found for him. But, supposing they did not come to that conclusion, supposing they came to the conclusion O'Meara was telling the truth, that Reed was telling the truth, that the Sullivans and Judge were telling the truth, and that the woman herself was substantially telling the truth, then came the second great question, the question of damages; and it was upon that the bulk of the evidence for the defence was more properly submitted to them. In connection with this question, they must consider was the plaintiff himself an immoral, loose man. If he was, that was no excuse for the defendant, but was a great excuse for the jury giving him very small if not nominal damages. They must also consider did the plaintiff fulfil his marriage duties; did he live on good terms with his wife; and then what was the character of the wife when led astray. But the great question was, when did the defendant seduce the plaintiff's wife? If the defendant was the first man that seduced her from her marriage vows, it would be their duty to consider whether all that had been subsequently proved against her was not the natural effect of his own act, and they should, in that case, give the plaintiff substantial damages. If they were of opinion, even though he was the first man that seduced her, that she was a woman easily seduced, and a woman of licentious disposition, that she was a woman inclined to pursue "the primrose path of dalliance," without considering that that was a primrose path that very often led to the everlasting bonfire, then it would be competent for them to think that the defendant was not responsible for all her subsequent acts, but all those were acts for their consideration as jurors assessing damages. If they came to the conclusion that she fell with other men before she fell with the defendant, very small, if not merely nominal damages, would be enough for the plaintiff. No doubt perjury had been committed on one side or the other, and he thought it was probable it was on both sides. There was nothing in Mr. Baxter's demeanour to lead them to disbelieve him. It was said he was unworthy of credit because he and Mr. Joynt went to the same "conventicle." He thought the time had long gone by in this country, where all religions were equal in the eye of the law, to call a place of worship a conventicle. "Wherever two or three are gathered together in My name, there I am in the midst of them." An Authority uttered that to which even The MacDermott must bow. Then The MacDermott quoted from Sir Walter Scott's charming novel of "Woodstock" the story of the Puritan soldier Tompkins, who tried to seduce Phoebe Mayflower. Well, if that

fellow did seduce the little girl, it was not because he was a Puritan, but because he was a sinner, and there were sinners in all religions. Referring to some of the evidence given for the defence, his Lordship said there appeared to be no shame in this western Gomorrah, for it was little better if all these stories were true. His Lordship concluded by repeating to the jury his explanation of the law.

The conclusion of the charge, which had lasted a little over two hours, was received with applause, and the jury then retired.

A gentleman came forward and said he was Mr. Porter, whose name had been mentioned in the case. He had come from Cavan that morning to flatly contradict the statements made against him.

Baron Dowse said he was too late now, but he might make the statement in open court.

After half an hour's absence, the jury returned into court with a verdict for the Plaintiff, with £1,000 damages.
