

COMMISSION OF OYER AND TERMINER-
YESTERDAY

Mr Justice O'Brien and Mr Baron Fitzgerald sat yesterday in the Courthouse, and resumed the hearing of

The Saddlers' Case,

The traversers appeared at the traversers' bar to take their trial for an alleged libel published concerning the Messrs Lennan, saddle and harness makers, Dawson street.

Messrs Macdonough, QC. and C Molloy, instructed by Messrs Smith and D'Alton, appeared for the prosecution.

Messrs Butt, QC, MP, and William McLaughlin, instructed by Messrs Byrne and Son, defended the traversers.

Their Lordships having taken their seats,

Mr Butt raised a question in favour of the traversers. He asked their lordships for a direction, on the ground that there was no evidence of the publication of the libel in the county of the city of Dublin, and that, consequently, the venue was not satisfied, and the jurisdiction of the jury did not come into force.

Mr Macdonogh submitted that there was clearly a case to go to the jury, and the venue was quite satisfied by arraigning the traversers as in the county where it was proved the alleged libel had been written. Here they had it proved that the document was in the handwriting of one of the defendants; that it was signed by both of them; that it was dated from the committee rooms of the society which took an active part in the matter; and that it had been received through the post in London by Lord Listowel, to whom it was addressed, the inference being that it had been forwarded to him from Conavore, in the county of Cork. The letter having been written by the defendants in Dublin, it left their possession in Dublin – then and there the publication took place, and, consequently, he submitted that the venue was right, and that the jurisdiction of the jury attached.

Mr. Butt contended that Mr. Macdonogh had failed to show upon what act he relied as evidence of the publication in the county of the city of Dublin. The question was, whether if a libel was written in one county, and published in another, they could try for publication in the county in which the libel was written. There was he continued, in this case, no evidence of a publication within the county of the city of Dublin, authorised by the defendants, which would warrant a verdict of guilty within that county.

Mr M'Laughlin followed in support of Mr Butt's contention, submitting that in point of fact there was no evidence at all that the alleged libel had been written in Dublin, but rather that it was presumed it was written in Dublin because the defendants lived in the city.

Their Lordships held that the authorities were adverse to the points raised by Mr Butt, and that the venue was rightly laid.

Mr Butt then addressed the jury on behalf of the traversers. He was sure the jury would deal fairly between his clients and the prosecutors. He was not then going to address them upon a question of law, but merely as to the facts of this case. The jury would have to make up their own minds if the plea entered by the traversers was a true one, and if they came to the conclusion that the saddle sent to Lord Listowel was not made by the Messrs Lennan, they would not trouble themselves about the question of slop shops. If they came

to this conclusion they would have no difficulty in finding that it was for the public benefit that such a matter should be made known. The second defence relied upon was that the traversers had an interest in maintaining – first employment for tradesmen in Dublin; secondly, in maintaining the character of the work; and that they honestly believed that the Messrs Lennan had sent an inferior saddle to Lord Listowel, which was not made in Dublin, and he (Mr Butt) would further ask them to believe that his clients had a perfect right to communicate to his lordship that he was deceived in the saddle which was sent to him. The traversers had acted openly in this matter. What they did was not done for themselves, as they wrote in the characters of president and secretary of the Saddlers' Union. Trades' unions were perfectly legal, and he believed they were necessary. The working men had just as much right to combine together for their own protection and to lay down regulations, as long as they kept within the law, as had members of the bar or the merchants of the city to meet together and to arrange amongst themselves how they would carry on their business. These men upon trial put their names to the letter complained of. They insinuated nothing, but broadly stated the facts, and invited the inquiry of Lord Listowel into the truth of their assertions. It was an extraordinary thing that his lordship was never shown the saddle mentioned in the letter, but after he was sent away it was put upon the table. And who did they examine as to the respectability of Morley's house? A man who knew nothing about the house, but who only purchased some articles from them himself. Those were the two very extraordinary circumstances in the case for the prosecution. The learned counsel next referred to the harness supplied by the Messrs Lennan to the Ambulance Committee, and which they thought was of Irish manufacture. They would find that it was imported. They would examine a witness to prove that the saddle which was sent to Lord Listowel came from Morley's, London. In conclusion he would ask the jury to carefully consider this solemn case. He appealed to them to do these men justice as they hoped for justice themselves. They should dismiss any prejudice they had, and pronounce the righteous verdict.

Joseph Keogh examined by Mr M'Laughlin – I am a general porter in the Custom House. In September last I was in the employment of Messrs Wallis, carriers. I remember in September taking packages from the office of the City of Dublin Steampacket Company to Messrs Lennan, Dawson street. I believe it was between the 18th and 21st of the month that I delivered these packages. I remained there until I brought back the packages empty. I saw the packages opened. One case contained two gentlemen's saddles, and the other a lady's saddle. The packages were given back to me, and I observed that they were addressed to London. I remained about twenty minutes. Young Mr Lennan assisted in taking the saddles out of the packages. It was not usual to keep the carrier waiting while the packages are being emptied. On the following Tuesday I delivered one case. I saw it opened. It contained a lady's saddle and two closed parcels – paper parcels. Both young Mr Lennan and his father were there. Young Mr Lennan put the direction on the empty case. I only observed that it was directed to London.

Cross examined by Mr Macdonogh – I cannot say how many men assisted in emptying the cases. The porter assisted in taking off the lid. There was another man also present, and I assisted myself.

Christopher Chapman, examined by Mr Butt – I am a saddle and harnessmaker. I was foreman when in Mr Lennan's establishment, but am now an operative in Mr Switzer's employment. I left Mr Lennan's employment about eighteen months ago. I had been

foreman with him for fourteen years. I was with him when the goods were supplied to the Ambulance Committee. I cannot call to mind the exact time when the deputation of saddlers waited on Mr Lennan. Mr Lennan and his son received the deputation in his office. I heard part of what passed. I was called in and questioned as to the men being kept occasionally idle. The answer I gave to that was that I was so busy in my own department that I could not always attend to the men. I know to my own knowledge that saddles and harness were imported. I am aware that different articles of saddlery and harness were imported for a period of six or eight years – up to the time I left. One military saddle was imported. There were also some five or six boys' and girls' saddles ("pilches" they are called) imported. They were put into the glass case in the ware room, but no mark was put on them that I am aware of. Eight sets of harness for the Ambulance Committee were also imported. They were sent first to the Rotunda Gardens, and afterwards to Lalouette's, to be tried on the horses. Mr Lennan, sen, and I tried the harness on the horses. I frequently attended meetings of the saddlers' trade, but am now exempt from attendance in consequence of ill health. The body meets together for the purpose of considering questions affecting the trade.

Cross examined by Mr Molloy – Military saddles are made according to regulation. They are made in London, but they have been also made in Dublin, and are made in every town in England where saddlery is carried on. I had directions from the Messrs Lennan to keep the men constantly employed. I complied with Messrs Lennan's directions by giving men employment when I could attend to them.

John O'Dowd, examined by Mr M'Laughlin – I am an operative saddler. I am now foreman with Messrs Box and Co, Abbey street. I succeeded Mr Chapman as foreman with the Messrs Lennan. I went there in April, 1871, and left within the last four months. I know that saddles were imported while I was there. From time to time they imported, to my knowledge, upwards of two dozen. I was eighteen months in their employment as salesman before I became foreman. The importation extended over the entire time I was with them. The saddles imported consisted of soft saddles for children, ladies' hunting saddles, side saddles for girls, and full sized hunting saddles. I cannot say what number of full sized hunting saddles were imported. There were sets of harness imported also. The speciality of the house was for home manufacture. It was always understood by customers that the articles were manufactured on the premises. Mr Lennan used to bring customers up to show them the men working on both sides of the gallery. He frequently did this, and I did it also myself. The people who were shown the men at work were purchasers. I have known that harness which was imported was crested on the premises. I was not one of the men who went to Mr Lennan to remonstrate about the piece work.

Cross-examined by Mr Macdonogh – I worked in Mr Lennan's ten years before the time I went to him as salesmaster. I stayed with him at that time until I could not earn sufficient money to live on. "Pilches" are not cheap saddles. They vary in price from 15s to £3 10s. I know one to sell for £3 5s. It would cost...

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..more to make them on the premises than to import them. I won't say that there were more than nine saddles imported. I have no knowledge that the set of harness which was created on the premises was sent to Aix-la-Chapelle, but I believe so. Upwards of two hundred full-sized hunting saddles would be disposed of by the Messrs Lennan during the

year.

To a juror - I left Mr Lennan's employment in August, the time of the dispute with the men. I do not know if Lord Listowel had ordered a saddle at that time, as the order would not come through me. I would know a saddle manufactured on the premises of the Messrs Lennan. I believe the saddle [produced] to have been manufactured on the premises. I have no doubt on that point. I am sure the saddle was made on the premises.

Wm. Fletcher, examined by Mr M'Laughlin - I am an operative harness maker. I was in the employment of Messrs Lennan for about 1 year and 11 months. I left in Jan., '71. I worked on the premises. When I went there, the piece-work system prevailed. The men were very often kept idle under that system. My average earnings under the piece-work system, provided I was kept employed, would amount to 30s on average. I did not earn anything like that amount while working on the piece system. I recollect on one occasion - on a Christmas Eve - I was sent home with only 9s 7d. I drew even smaller wages than that. This arose from not being fully employed. Mine was not an exceptional case. Several of the workmen got low wages also. I was on the premises during several working days of the week in which I only drew 9s 7d.

Cross-examined by Mr Macdonogh - I was not discharged by Mr. Lennan on the first occasion that I was with him for idleness. I left Mr Lennan the second time because I could not get sufficient employment. Mr Lennan never upbraided me with idleness or drunkenness, and had no occasion to do so.

John Keegan examined by Mr Butt - I am secretary of the United Trades' Association. I recollect waiting on Mr Lennan with three deputations. They were deputations of the United Trades, at the instance of the saddlers. These deputations waited on Mr Lennan in 1868, in the commencement of 1869, and again last year. On the occasion of the last deputation we were received by both the Messrs Lennan. I was accompanied by Mr. Canning, a saddler, and Mr. George Clare, the president of the United Trades' Association. I am acquainted with the organisation and objects of trade associations. The object of the General Trades' Association is to adjust differences between employers and workmen, to avert strikes if possible, and only to allow a trade to strike as a last resort when every legitimate means had failed, and to influence, as far as possible, home manufacture, consistent with fair competition. I stated to Messrs Lennan on that occasion that the saddlers, especially those in his employment, complained that they carried on a system of importing manufactures while their men were not fully employed, and that if they could not influence him to discontinue the practice, other employers would attempt the same system, to the detriment of home manufacture. He particularised the different articles which it was complained that these articles were of such an inferior character as to destroy the prestige of their own house. Mr Lennan said that he could not get those articles conveniently manufactured, as he could not get the workmen from the society when he needed them. We said that if his complaint were true, we would not say a word against him carrying on the system. On that occasion, Mr Lennan showed me two sets of harness which had been imported, and his apology was that he had to keep them for the purpose of competing with Mr Wheatstone, an iron-monger of Wellington quay, who kept cheap harness. I am not able to say which of the two sets of harness were marked as his own. Mr Lennan promised on the occasion of the first deputation not to continue the system of which we complained, and the other deputations went to him to complain that he had not carried out his promise. These matters were discussed in the presence of

Lynch, who was a member of the United Trades Association. The articles that were imported from England I have myself seen manufactured in Dublin.

Cross-examined by Mr Macdonogh, Q.C. - The last time we went on a deputation to the Messrs Lennan was in 1869. I had not motive for mentioning the name of the gentleman on the jury. I represented to the Society the proposal of Mr Lennan to have the goods made on the premises, and that he said there were no men in his employ who could do so. I would not know a hunting saddle from any other. I was on the broad principle of using Irish manufacture I went to the Messrs Lennan. Mr Lennan admitted that the stable head collars were imported by the trade, but a saddler represented that other firms made them on their premises. It was written in the day time. The two traversers and myself were present. The alleged libel was dictated by me.

Mr. Macdonogh - That is a wonderful discovery.

Witness - Lynch wrote and Lyster signed it. The draft is now with our solicitor. I did not see it after I left them. I did not post it, nor see it posted. We got the address of Lord Listowel from a directory. I did not see the address on the envelope.

Did you say there would not be a waxed-end drawn in Mr Lennan's establishment until this prosecution was withdrawn?

I never did, nor did I hear it said. I did not say I would never cease persecuting them until I left young Lennan without a shoe to his foot. I dictated the letter without a pause, and it was never changed. I am sure I never saw a stamp put on the letter.

To Mr. Butt - I had a conversation with the traversers about the matter first. The porter of Messrs Lennan told me he unpacked a number of saddles that came from England, and the porter, by direction of Mr Lennan, jun. took out one of the saddles and cleaned it. The same saddle was afterwards sent to Lord Listowel. I was told so by the porter of Mr. Lennan, in the presence of a third party. I cannot say what reply the traversers made. In a conversation with the traversers, it was stated that if we allowed the importation of inferior work it would deteriorate the reputation of Dublin work, and that we would be justified in exposing such a system, as otherwise, it would crush men out of employment. I said I believed that Lord Listowel was a gentleman who would support Irish manufacture, and it would be right to inform him that an article was foisted on him as Irish manufacture, and he could inquire into the matter himself.

And in point of fact, Messrs Lennan's porter told you that? He had, and I believed it.

Mr. Macdonogh - And after all your conversation you said you would write the letter? I did, and I presumed I was doing a right thing.

You were doing a right thing to write against a man behind his back? No, I intended he should see it, or rather I expected Lord Listowel would send it to him. I did not give him notice that I would do it. I never knew of any saddlers who were locked out being taken up and tried. It was not two saddlers who were out on strike that were taken up, but when I saw by the newspapers that proceedings were instituted in the police-office, I instructed a solicitor to appear on behalf of the Saddler's Society, and, if necessary, offer evidence that the saddler repudiated the gross outrage on the Messrs Lennan harness. I met the porter on Stephen's green. I did not know him, but he was speaking to another man. It was not I who wrote or dictated the letter to Mr Walsh.

Michael Dunne, a porter who had been in the Messrs Lennan's employment, was examined by Mr McLaughlin, and gave evidence to the effect that it was one of the imported saddles that had been sent to Lord Listowel.

In cross-examination by Mr Macdonogh the witness said he saw the saddle unpacked and put on the stand. The following morning he saw Lord Listowel's name on a piece of parchment tied to the saddle, which afterwards disappeared. He did not see it put into the box and directed to Lord Listowel, but he saw the name on the saddle. It was not he who delivered the box directed to Lord Listowel.

Mr Macdonogh produced the Messrs Lennan's delivery book, in which the witness's name was down as the person who had delivered the box to Mr Fishbourne for transmission to Lord Listowel. The witness admitted his handwriting, but adhered to his former statement that he had not delivered the parcel. In further cross-examination, it appeared that during the time the men were on strike the witness used sometimes go to the society's rooms, and used to tell the men how things were going on. He was dismissed by Messrs Lennan for absence from business.

Mr A M Sullivan was sworn, and was about to be examined in reference to the Ambulance harness, but on stating that he knew nothing about the matter he was allowed to leave court.

Mr Jeremiah Twohill was then examined by Mr. Butt, Q C - He deposed that he was a member of the Ambulance Committee, and had given Messrs Lennan the order for the harness. He could not say positively that he told the Messrs Lennan that the harness should be Irish make, but he meant it, and he had conveyed that to them. They had a conversation on the subject of Irish harness, and Mr Lennan in the course of conversation said it would be impossible within the time to make the harness. Told him I expected the harness to be made in Dublin. Afterwards when he went to them to press them to complete the order within the time, he was told they were doing the best they could with them, and Mr Lennan, jun, said they had the men working night and day at them. It was on the day the Ambulance left Dublin he heard the harness were not Irish made.

Cross-examined by Mr Macdonogh, Q C - They had gone to several other houses in town with the order, but could not get them completed by any of them but Mr Lennan within the time. The harness was rather peculiar, and he believed it was out of the ordinary saddlers' work. Did not think he told them positively that he expected the harness to be Irish made, but he believed he told them they were to be made in the concern.

Mr A E Lesage was next examined by Mr Butt, and proved that the harness supplied was imperfect, and not as good as the committee wished. Told Messrs Lennan that if the ship was not leaving that night they would have them returned. They wanted Messrs Lennan to reduce the bill, but they refused.

Mr E M'Mahon was examined in reference to the same subject.

Mr Richard Keegan gave corroborative evidence, adding that when he told the Messrs Lennan the harness was bad English harness, they said he knew nothing at all about it.

Messrs Leahy and Hinkson, saddlers and harness makers, were examined with the view of showing that the order could be executed within the time allowed.

This closed the traversers' case, and the court then adjourned.