P67/83(1)

Court of Common Pleas

Hugh William Bradshaw
Plt.
Richard L Loyd
Def

I Richard Edward Loyd the defendant in this case make oath and say
(1) I have read two affidavits purporting to be made by the plaintiff and his Cousin and attorney Samuel Bradshaw -
(2) That on the 10th of September 1867 I dined at a dinner given by the Agricultural Society of the County of Tipperary and having partaken rather freely of wine ~~I went~~ walked after dinner to Dobbyns Hotel in the Town of Tipperary about 8 o'c in the evening
(3) I have been informed and believe that after arriving at Dobbyns Hotel I was seen by the waiter John going up stairs towards my room and afterwards by an ostler named Cornelius Kirby and by Robert Hason of Russelstown House in the County of Tipperary and Enrique Marriott now stationed in Tipperary but temporarily absent and Dr. Nadin of the Town of Tipperary walking out on the roof of a wing of said Hotel which is about 21 feet high from the ground and Communicates with a landing on the stair case of said hotel by a window and then fall from said roof to the ground and by reason of the shock I sustained I have

I have no recollection of what subsequently occurred until next morning

(4) That after said fall I have been informed and believe I was brought into the sitting room in said hotel insensible by the said Robert Hason, Ensign ~~[illegible]~~ Marryatt Dr. Nadin and Cornelius Kirby, and there were also then present in said room besides the persons aforesaid Frederick Sayers Esquire of Fethard within 4 miles of Clonmel in the County of Tipperary and the plaintiff Hugh Bradshaw. and thereupon I became violent and was held down by the persons aforesaid and somebody then said "let him loose he will be quiet" and there were then present in said room besides the persons aforesaid Frederick Sayers of Fethard within four miles of Clonmel in the County of Tipperary and the plaintiff Hugh Bradshaw who was standing near me. and thereupon being let loose I rose & struck the plaintiff mistaking him for one of the persons who held me down and then became insensible again.

(5) That I have been informed and believe that William Thomas Sloyd of Cross Collage in the

who is absent from his Regiment in England ~~on leave~~
at present Dr Nadin Dr Morrissey Arthur Payne Sub Inspector
Ward S. Frederick Soyers who I have been credibly informed has been subpoenaed by the Pl. Comelius Kelly I have
the water and the boots and some person ~~&~~
to prove the issuing of the Summons hereinbefore
mentioned

I make this application verily believing that
the case will be fairly and impartially tried
in the County of Tipperary and to save expense
and not for the purpose of delay I have
no intention of having the County I believe
that this action has been brought on the
speculation of mulcting me in costs I am
ample ~~[illegible]~~ stake of for any damages and
costs that may be recovered in this action
and am ready to give solvent security
of recovery in that behalf.

County of Limerick within about 3 miles of the County
of Tipperary then came in and ~~took~~ carried me to my
room to bed and sent for Tobias Morrissey Esq.
M.D. who is in charge of the workhouse and Infirmary
in the Town of Tipperary to see me and who came
and saw me that night and Jones also visited
that night by said Dr Nadin who is in large
private practice in the Town of Tipperary
both of whom have stated to my said cousin within
the last week that it would be most inconvenient
for them to attend a trial in Dublin

That on the next day I have been informed and
believe that the plaintiff issued a Summons
against me for an assault which he did not
proceed with in consequence of his having been
induced by his cousin the attorney on the
record to bring an action in the Superior
Courts.

That on the morning of the 11th of September without in any manner
knowing that said Summons had been issued
or being informed by my said cousin that I had
struck the plaintiff on the previous night I at
once expressed my regret and wanted to go

myself and apologize to the Plt but was prevented by my said Cousin who told me that I was too unwell to go and as I believe the fact was that he had on the previous night sent an apology to the Plt by Henry Woods of Dundrum in the County of Tipperary a Sub Inspector of the Royal Irish Constabulary who I believe communicated same to Plt on said night.

That on the 12th of September having recovered and not knowing Plts address I wrote and sent an open letter of apology for the Plt to said Henry Woods on a copy of which I have endorsed my name before swearing this affidavit who I have been informed and believe you same to Arthur Payne Esquire of Ballywalter within 15 miles from Clonmel in the County of Tipperary which letter of apology was I am informed and believe forwarded and tendered to Plt on the following monday when Plt refused to accept the same or even read it.

That on 11th of September I have been informed & believe the Plt went to Cappadoche 8 miles or upwards from Tipperary to vote for Dr Webb at a meeting of Poor Law Guardians and that said Dr Webb then saw the Plt professionally and has been subpoenaed by him for this trial.

That said waiter John and the Cook in said hotel both now residing in the town of Tipperary saw the plaintiff immediately after he was struck on the night of the 10th of September and said waiter stated to my said Cousin on last Monday that he would be an important witness for the defendant as he would prove that Plt was more frightened than hurt on said occasion.

That I have been advised and believe that it will be advisable and necessary for me to examine and instead for my defence to examine Wm Thos Lloyd the Sr Robert Hanson Ensign Marryatt

Common Pleas

Beadshow | Dr. Pt.
v. | Hyfidont.
Lloyd

Arthur Cleary

See fold

O'Donnell
6 Gardiner Place

N.B. Please have copies of the Pleadings in Court of these on in your office.

Arthur Cleary

Nov 18th 1867.

P07/83(5)

P67/83(4)

Bradshaw v. Lloyd.

Mr. Sergeant Armstrong, with whom was Mr. Cle[illegible] moved, on the part of the defendant, to have the vent[illegible] changed from Dublin to the South Riding of Tipperary. The action was brought to recover damages for assault and battery. Counsel stated that the facts were that the defendant, who is a young man, took too much wine at an agricultural dinner in the town of Tipperary, and whilst under the excitement of drink he went upon the roof the house, from which he fell into a yard, and was taken up insensible. When he recovered consciousness he commenced laying about him indiscriminately, and amongst others he struck the plaintiff. Though the defendant had written a most ample apology the action was brought. The defendant required to prove the condition in which he was when the assault was committed, and all the witnesses save one resided in the town of Tipperary.

Mr. Sergeant Barry and Mr. Murphy Q.C., opposed the motion, contending that this was such a case as should not be tried in the place in which the transaction occurred. No doubt the defendant did get drunk, but if he seriously injured the plaintiff's eye there should be substantial damages.

Mr. Justice Keogh—They were both at the agricultural dinner, I presume?

Sergeant Barry—Yes, my lord; but there is no suggestion that my client got on the roof of the house. The defendant's plea raises the rather curious question wh[illegible] because he got drunk, and fell off the roof of a house, he [illegible] entitled to break my client's nose.

Judge Keogh considered that a jury of agricultural gentlemen would, under the circumstances, be a proper [illegible] to try the case, and his lordship changed the venue [illegible] county of Limerick.

Common Pleas

[illegible]shaw
[illegible]ff
[illegible]ants

Defendants Costs of appearance and defence and trial — Michaelmas term 1867.

[illegible]ing taking instructions to defend action for assault		6	8
Search for Summons and Plaint		3	4
Copy to lay before Counsel		1	0
Letter of apology to Mr. Bradshaw Plaintiffs attorney		3	6
Copy letter of apology of Defendant to enclose therein		1	0
attending defendant with letter in reply from Mr. Bradshaw declining to accept any terms		6	8
Instructions to Counsel to settle appearance and defence		5	0
appearance and defence		12	6
Fee to Counsel	1	1	0
attending him		6	8
stamp		2	0
Parchment			6
Signing		2	6
Copy appearance and defence to serve		2	0
Notice thereof and Copy		5	0
Paid service		1	0
Term fee		6	8
attending taking instructions to apply to change venue		6	8
Forward £	4	13	8

			£	s	d
		Brought Forward £	4	13	8
1867	Nov.	Draft affidavit of defendant 7 folios @ 6d.		3	6
		Engrossing		1	9
		Stamp		2	0
		Attendance		6	8
		Copy for Service		1	0
		Drawing notice of motion Copy and Service		6	0
		Copy for the Court		1	0
		Received Copies affidavit of Plaintiff and his attorney			
	19	Attending taking instructions for affidavit in reply		6	8
		Draft affidavit 16 folios @ 5d.		8	0
		Engrossing @ 3d.		4	0
		Stamp		2	0
		Signing by attorney		2	6
		Copy for Service		2	8
		Notice of filing Copy and Service		6	0
		2 Briefs for Mr. Dellett and Mr. Cleary 4 Sheets each in all 14 Sheets @ 2d	1	8	0
		2 Copies notice of motion to annex		2	0
		Fee to Mr. Dellett	2	2	0
		Like to Mr. Cleary	2	2	0
		attending Term		6	8
		attending Court motion granted Venue changed to County Limerick		13	4
		Lawfund thereon		2	0
		attending officer with order Venue changed		6	8
		Brought Forward £	14	10	1

			£	s	d
		Brought Forward £	14	10	1
		Term fee		6	8
		Hilary Term 1868			
		Term fee		6	8
1868	Jany	Plaintiffs attorney having served draft issues with notice of trial			
		Signing abstract		2	6
		Notice therewith Copy and Service		6	0
		Copy Statement to advise proofs		10	0
		Fee to Counsel	2	2	0
		Attending him Counsel having advised		6	8
		Attested Copies of affidavits used in motion to change Venue			
		Attending to bespeak and for Attested Copies		6	8
		Paid therefor		8	3
		Notice to produce letters & apology Copy and Service		6	0
		Letter to Captain Lloyd for names of Witnesses		3	6
		Subpona ad test 4 Witnesses		4	0
		4 Extra		2	0
		Stamp and Parchment		2	4
		Paid Service on Captain Lloyd at Parks town House Shirley			
		~~Viaticum~~		1	0
		Service on ~~Robert Hewston~~ Cooper Chadwicke & Co			
		Tipperary		10	-
		Viaticum		1	0
		Brought Forward £	22	13	4

	£	s	d
Brought Forward £	22	13	4
Service on Sub Inspector Woods Dundrum		10	-
Viaticum	1	0	0
Service on Doctor Nadin Tipperary		10	-
Viaticum	1	0	0
Service on Doctor Morrissy		10	-
Viaticum	1	0	0
Service on Robert Kirby		10	0
Viaticum		10	-
Service on Blackburne Esqre		15	-
Viaticum	1	-	-
Subponea duces tecum to Mr. Andrews Petty sessions Clerk		4	0
Stamp and Parchment		2	4
Copy		1	0
Service		10	0
Viaticum		10	-
Letter to Mrs Sayers to know if she could prove former tenderness of Plaintiffs eye		3	6
Letter to defendant to come to Limerick		3	6
Attending examining witnesses previous to trial	2	0	0
Draft Brief for trial 6 sheets @ 3/4	1	0	0
3 Copies case pleadings &c 12 sheets each in all 36 sheets	3	12	0
3 Copies notice of trial to annex		3	0
Fee to Mr. Clarke 2 C	4	4	0
Like to Mr. Jellett 2 C	4	4	0
Like to Mr. Cleary	3	3	0
Attending them		6	8
Brought Forward £	50	4	10

(4)

	£	s	d
Brought Forward £	50	4	10
Attending Doctor Ryan when I learned that he could give valuable evidence and paid him viaticum which he afterwards returned		6	8
Like attendance on Mr. Sayers one of Plaintiff witnesses		6	8
Assizes fee	5	5	0
Paid Kirby his expenses	1	2	6
Like to Mr. Andrews Petty sessions Clerk	3	0	0
Paid Doctor Nadin	10	7	1
£	70	12	9

Paid Jno O'Donnell
11th March 1868.

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Common Pleas

£70. 12. 9

Hugh Wm Bradshaw
Plt
Richard Lloyd
Deft

} Costs of appearance and defence,

John O'Donnell
Defts att Et