

The Case of Francis Hynes and the Outrageous Behavior of Certain
Members of the Jury.

to be charged on the 6th of August.

CORK, JULY 9.

A desperate attempt at murder occurred to-day near Ennis, county Clare. As a man named Doloughy was returning home from mass at Ennis, about 2 p.m., he was fired at. His injuries are very serious. He has lost the sight of both eyes. A party of police proceeded at once from Ennis and found the unfortunate man lying on the road in a pool of blood. In consequence of a statement he made, the police arrested Francis Hynes, the previous occupant of a farm the injured man has been some time in possession of.

July 10, 1882

IRELAND.

DUBLIN, JULY 11.

The inquest on the body of Doloughy, the herd, who was shot on Sunday, and died last evening, was opened this afternoon. A constable who arrested a man named Hynes deposed that he had in his possession a small quantity of powder, about half a charge, and some shot, which corresponded in size with that which killed Doloughy. The inquest was adjourned until to-morrow.

July 12, 1882

to be charged on peacefully.

The inquest on the body of the unfortunate man Doloughy, the caretaker, who was murdered on Sunday evening, within three miles of Ennis, was held this afternoon. Dr. William Cullinan, who made a *post mortem* examination of the body, stated that he found a number of shotmarks in the face, principally about the eyes. Some of the shots which were extracted, corresponded with shot found in the possession of the prisoner Francis Hynes, on the evening he was arrested. The jury found that the deceased was murdered by some person unknown.

July 13, 1882

Mr. Hamilton, R.M., opened to-day at Ennis a private investigation respecting the recent murder of John Doloughy near that town. The wife of the deceased was examined, but the principal feature of the inquiry was the examination of Captain M'Tiernan, R.M., who deposed to Doloughy having stated in reply to his question that it was Frank Hynes who shot him. The deceased before his death wrote on a paper the following:—"I, John Doloughy, believe I am dying. I declare that Francis Hynes killed me by firing a shot at me." The inquiry has not yet closed.

July 15, 1882

DUBLIN, AUG. 11.

The second trial under the Prevention of Crimes Act took place to-day, in the Commission-court, Green-street, before Mr. Justice Lawson and a special jury. It was upon a charge of murder, which, irrespective of the gravity of the crime, had peculiar features, which enhanced its interest. The Attorney-General, Mr. Patrick O'Brien, Q.C., and Mr. Edward Sullivan appeared as counsel for the Crown; and Mr. T. Macdermott, Q.C., and Mr. J. Roche for the defence. The prisoner, a respectable-looking, well-dressed young man, about 23 years of age, named Francis Hynes, son of Mr. James Hynes, solicitor, Ennis, was indicted for having wilfully murdered John Dolougherty at Knockanane, about three miles from Ennis, county Clare, on Sunday, the 19th of July last. Hynes had a farm, the grass of which he let in 1878 and 1879 to a person named Lynch. The deceased at that time was herdsman to Hynes, and in 1879 transferred his services to Lynch. In 1880 Hynes was evicted, and Lynch took the farm. Dolougherty was a man about 60 years of age, and had one son, and the relations between him and the Hynes family up to the time of his murder were very unfriendly, and the prisoner took a very active part in the quarrels. Lynch's hay was cut and carried off the farm on one night, and on another occasion his men were stopped from working on the farm by Hynes. On the 4th of February, 1881, the deceased was so apprehensive of violence from the prisoner that he had him bound over to keep the peace for 12 months, and some time after Lynch gave him a revolver to protect himself. The deceased had never injured any man, and his sole offence was that he was loyal to his master. The Hynes seeing that they could not frighten Dolougherty into leaving his employment, sought to bribe him to do so, and entered into negotiations with him with that object, but he refused to leave Mr. Lynch's employment. On the 9th of July the deceased attended Mass in company with his wife, and was returning home alone when he was fired at by some person and mortally wounded. To his wife, his son, and the resident magistrate he said the person who shot him was Francis Hynes. The police at once went to find the prisoner, and arrested him about a mile from the scene of the occurrence.

Between the place where he was found and the spot of the murder there was a stream which a person would have to wade, and the trousers and boots of the prisoner were wet when he was arrested. In his pocket were found two packets of shot of the same sort as that taken from the body of the murdered man. The Attorney-General pointed out the great importance of having such a case tried by a jury who would not be subject to local prejudices and inspirations. A map of the locality was given in evidence and witnesses were examined for the prosecution. Mr. Hugh M'Ternan, resident magistrate, stated that he knew both the deceased and the prisoner. The accused was arrested on the 4th of February, 1881, for threatening the deceased, and was released on bail. Subsequently both came before witness and the deceased swore information to the effect that on the night of the Parnell meeting at Ennis a party of men came to his house and warned him not to herd for any except former tenants. On the following day Mr. Lynch brought 26 head of cattle to the farm from which Hynes had been evicted, and after he had left three sons of James Hynes and a fourth man, also named Hynes, drove the cattle off the farm on to the road, and said they would not allow any cattle to be there until a settlement was arrived at. They asked the deceased whether he was going to continue in Mr. Lynch's employment, and then added that he had lingered long enough. On the 9th of July, in consequence of information he received, he proceeded to a place called Knockanane, in company with a sub-inspector, a head constable, and a policeman. He found John Dolougherty lying on the side of the road, his wife supporting his head, and some other women standing about. There were two men also there as well as the Rev. Father Loughlin. Witness went down on his knees beside him, and said in a loud voice, "Dolougherty, do you know you are dying?" Dolougherty replied, "Oh, yes." He was then asked, "Who shot you?" Dolougherty replied "Francis Hynes." Witness said "You say Francis Hynes shot you," and he said "Yes." Witness then got a pen, ink, and paper from a National schoolhouse which was near. He got in by ordering the police who were along with him to break in the door. He then wrote something, and having read it over to deceased he asked him was it true, and he replied "Yes." Witness read the contents of the paper, which ran thus:—"I, John Dolougherty, believing that I am dying, declare that Francis Hynes killed me by firing shots at me." The witness asked him was that true, and he said "Yes." The head constable was near him at the time, and so was the Sub-Inspector. In consequence of what the deceased said witness searched his trousers pocket, and found in it a revolver which was unloaded. The deceased lingered until the following night, when he died. On cross-examination, witness stated that Dolougherty's eyeballs had been perforated with shot, and witness afterwards learnt that one grain had been taken out of the brain by the doctors. The Rev. Mr. Loughlin was eight yards

from the dying man when witness knelt down by his side. Doloughy spoke perfectly distinct, and his faculties were not at all impaired. He did not know whether he lost consciousness while witness was at the spot, but he was groaning, and evidently in great pain. His wife said she carried the revolver in his trousers pocket and he said "Yes." Mr. William Cloughan, Sub-Inspector Royal Irish Constabulary, gave corroborative evidence. Eliza Doloughy widow of the murdered man, was next examined, and said she had seven children, some of whom were very young, one only two years old. Her husband had formerly been a herd of James Hynes, and knew his sons well. On the 9th ult. she went to mass with her husband, and afterwards stayed behind at the Convent at Ennis. She left at about half-past 2 o'clock to go home, and when on the road she met a boy running for water, and he told her her husband had been shot. She went up to him and bathed his face, which was covered with blood. She asked him who it was killed him, and he said "Francy." Witness then fainted. Last autumn a number of men with their faces blackened visited her house. Her husband was sitting at the table eating his supper when they burst in. They told him to stand up as he was going to meet his Lord. He asked them what they meant, and they said that he was going to die. They then placed him on his knees, and made him swear that he would leave off herding for Mr. Lynch on that day week. On cross-examination, she stated the prisoner, as far as she knew, never threatened her husband, and she never heard there was any quarrel between them. Francy Hynes gave her husband an ass's cart, a creel, and a stable, all within the last two years. On re-examination she stated that they were not great friends recently. Since last spring she never saw the accused speaking to her husband. Michael Doloughy, a lad about 15 years of age, said he was the son of the deceased. On the afternoon of the day mentioned he found his father lying on the road. Witness twice asked him what happened him and he made no answer, but put his hand on his thigh each time. The third time he said "Francy, Francy." Constable Richard Doyle deposed that having heard of the murder he proceeded to Bearavad, and went into Hassett's publichouse. On coming out he saw Hynes a little distance up the road eating a piece of bread and butter. His trousers were up to the knees and his boots were gray, the blacking having been taken off them evidently by the action of water. Witness asked him what brought him over there, and the prisoner said "I came over here for a ramble." Witness asked him how long was he there and he said "About two hours." Witness having searched him and found two packets of shot in his pocket, arrested him, and the prisoner got very excited, and said he would not go. Witness then handed his rifle to a policeman who was along with him, and said to the accused that his conduct would tell against him hereafter, and some persons who were about gave him the same advice. After being told the

about gave him the same advice. After being told the charge that was against him and receiving the usual caution the prisoner consented to go to the barracks. On the way to Ennis the prisoner said, "God help me, however it goes." The prisoner, when arrested, was slightly under the influence of drink. Dr. Cullinan, who attended the deceased, deposed that he found his face covered with shot wounds and he was bleeding very much. He was insensible and lying down on the side of the road. In his opinion, the shot was fired from almost the direct front, a little to the left. From examination, he thought the faculties of the deceased must have been very much impaired by the effects of the injuries which he had received. He did not think he could have spoken distinctly, but he might have done so. This closed the case for the Crown, and Mr. Macdermott, Q.C., then addressed the jury for the prisoner. He contended that the deceased had been labouring under a morbid apprehension of the Hynes and that this accounted for his naming the prisoner as the person who shot him, but that he could not have seen the man who fired at him. Three men of the labouring class who had been drinking in the publichouse at Bearavad swore that the prisoner had been with them from 1 o'clock that day up to the time of the arrest and could not have committed the murder, which was stated by the Crown to have been committed about 2 o'clock. On cross-examination, they admitted that they had been drinking a good deal and did not keep an accurate note of the time. The evidence for the defence concluded, and the further hearing of the case was adjourned until to-morrow morning.

August 12, 1882

IRELAND,

DUBLIN, Aug. 13.

The trial of Francis Hynes for the murder of Doloughy, the hard, terminated yesterday evening in a verdict of guilty, and the last dread sentence of the law was passed upon the prisoner. In the present circumstances of the country the vindication of justice in this case must be regarded as an event of the utmost importance, and if there was no other result of the Prevention of Crimes Act, which has created a special tribunal for the trial of such cases, the expediency and value of the measure would be justified by this trial. The murder was one of cold-blooded cruelty, the victim being an old man over 60 years of age, having a wife and seven children, of whom the youngest is only two years old, depending upon his earnings, in the humble capacity of a herd, while his only offence was that he was true to his employer and resisted all the influence which was used, whether of persuasion or intimidation, to induce him to give up his situation. The position and life of the accused, and the demoralized state of society, of which his crime was the typical result, gave a keener interest to the prosecution. It may be observed that Hynes's father, who is a solicitor, has left the country, bills of indictment having been found against him for forgery; and the prisoner resided with a sister, for whom much sympathy is felt, and two or three brothers, leading a wild and aimless life. It was a noticeable fact that during the trial a brother who was in court held no communication with him, and never approached the dock until the jury had returned, and his fate trembled in the balance, while immediately after the verdict and sentence had been pronounced he drove hurriedly away.

On Friday evening, when the court rose, the evidence for the defence had concluded. The witnesses were four companions and Mrs. Hassett, the keeper of a publichouse at a village about a mile distant from the scene of the murder. They deposed that he was drinking with three or four men from one o'clock until the time of his arrest, and could not have been at the place where Doloughy was shot at 2 o'clock. They were cross-examined as to the improbability of their sitting for hours in the back parlour of the publichouse. To account for the prisoner's clothes being wet it was suggested that he had been fishing. Mrs. Hassett, who was a respectable looking witness, and seemed the type of a good-natured country innkeeper, belied the presumption of simplicity and frankness which her appearance created by the prevaricating manner in which she gave her evidence, contradicting in several points the information which she swore soon after the murder. Her evidence rather damaged than served the prisoner's case. It was a natural subject of remark that the priest who attended the deceased in his last moments and saw him while he lay on the road was not examined, but neither the Crown nor the prisoner's counsel would run the risk of calling the rev. gentleman as their witness, as they did not know the nature of the evidence he could give. The jury, however, were unembarrassed, and seeing the importance of his evidence requested the court to have him examined. Before he was examined, however, they had two other witnesses recalled, and they put questions which showed their intelligence. Constable Doyle, who arrested the prisoner, was asked whether the stockings which he found in the prisoner's pocket were the only pair he had. The constable replied that he had also a pair on his feet, the pair he had in his pocket were dry and those on his feet partially dry. The Hynes's had no licence to carry arms. They had a licence previously,

no licence to carry arms. They had a licence previously, but it was revoked about two years ago. In reply to the Court the witness stated that the prisoner's boots were partially dry and partially wet. The stockings he had on his feet were not of the same kind as those in his pocket. Those on his feet were black woollen ones, and those in his pocket of a lighter colour and a finer sort. Mr. Murphy, Q.C., drew the attention of the Court to the remarkable answer given by the prisoner to the constable when asked where he got the shot which was found in his pocket. He said his brother Charley gave it to him two years ago. Mr. Justice Lawson said he had already taken a note of the answer. Captain M'Ternan, the resident magistrate, was recalled, and stated that on the day of the murder he took down in writing this statement made by Mrs. Hassett:—"I saw Mr. Hynes in my house to-day. I saw him in the back room at the time. My son also saw him. It was between half an hour and an hour before the police came that I saw him in the room." It was last autumn that the licence to carry arms which one of the prisoner's brothers had had been revoked. The prisoner never had a licence. It was remarked that several shots had been fired at Mr. Lynche's men when they were working on the farm from which the prisoner's father had been evicted. The Rev. Jno. M'Laughlin, P.P., was then called at the request of the jury. In reply to the foreman, he deposed that when he first came up the deceased was quite unconscious and unable to speak. About half an hour afterwards he showed some signs of consciousness, but the witness did not think he was quite conscious. He was with the deceased for an hour before the resident magistrate came up. Counsel asked witness to recollect himself, and to say whether he did not tell Captain M'Ternan that Doloughy had made an act of contrition to him. The prisoner's counsel objected to the question, but the Court overruled the objection. The question was then repeated, and the witness, after some hesitation, said, "I told him something to the effect, I think." Mr. Murphy.—Now, did you or did you not? Witness.—I did. Did he not repeat the act of contrition after you?—Yes. He did not repeat all of it, but only a portion. He repeated it, however, in such a manner that I understood he was following me. Did you administer the last rites to him?—Yes. And did not you feel yourself warranted in administering the last rites to him?—Yes. He was able to take some whisky and water, and I gave some to him before Captain M'Ternan arrived. I saw Captain M'Ternan kneeling over the man, and heard him saying, "Doloughy, do you know that you are dying." Captain M'Ternan was quite close to the man at the time, and I was some distance away—about eight or nine yards. I did not hear the deceased make any reply to that question. Captain M'Ternan then asked him who shot him, but I did not hear the reply to this question either. Some time afterwards I returned to get a bed ready for the man. Examined by The Macdermott.—Doloughy followed me, repeating the prayer, and was only able to repeat part of it. I only gave him a portion of the last rites. From his physical condition, I could not administer the viaticum. He was unable to swallow it. I understood Captain M'Ternan to say, "Is it Franoy." But I did not hear any reply.

Mr. ROCHE then addressed the jury for the defence. He complained that the Crown had not brought forward any evidence in support of the statements made by the Attorney-General in his opening as to disputes between Hynes and Lynch. He asked, why had not Lynch been called to give evidence. It was a well-known fact that gangs were going about the country issuing their mandates in regard to property. They were in the habit of enforcing their decrees in blood and might it not be some of these who committed this foul deed. The Crown relied for a conviction on the fact that this poor Doloughy, with a grain of shot in his brain at that time said it was the prisoner who shot him, and the only circumstances brought forward to corroborate this was that, some powder and shot were found in the prisoner's pocket (very natural things for a country boy to have in his possession) and that the ends of his trousers were wet, which might have been caused by his walking through grass or in a hundred other ways. Dying declarations were not to be at all relied on. The priest of O'Loughlin gave a different account of the matter from that of Captain M'Ternan, for he said the latter asked, "Is it Francy?" His Lordship said—He gives also a different account of it from that given by the sub-inspector and the head-constable. He interfered because he thought it not fair to impute that Captain M'Ternan suggested any person to the dying man. Mr. Roche disclaimed any intention of casting an imputation on dying declarations, when Mr. Justice Lawson said he would explain fully to the jury in his charge the nature of the dying declarations.

Mr. JAMES MURPHY, Q.C., then replied with great ability on the part of the Crown. He commented strongly upon the character of the crime. In the broad noonday, returning from his place of worship, on the public road, a poor unoffending labouring man was shot down by the hand of some assassin. His wife, still young, was left a widow, and had seven children made orphans. That happened on the Sabbath day in the County Clare, and he was certain that if it happened in any other country in Europe the population would be up with all their energy, intelligence, and vigour to hunt down the perpetrator of that inhuman crime. But in this case they found that, unless the officers of justice, who fortunately existed in this country for the protection of life and property, took steps, no one else would move to try and discover the perpetrator of the foul deed. The assassin, whoever he was, left his victim, as he supposed, a lifeless corpse on the road, but the Deity, who had been pleased to allow such a number of foul and desperate deeds lately to go unpunished, gave poor Doloughy strength enough after he was found to say who shot him. They were fortunate to possess in Ireland still—in country and city—a force unsurpassed in any part of Europe by whose fidelity, courage, and intelligence the inhabitants of this country were afforded protection. The deceased was a poor inoffensive harmless man, who never did injury to any person, and what individual would have any object in even wasting a charge of powder on him except a person immediately concerned in getting him away from the farm he was herding. The jury had heard it stated in evidence that a number of persons visited Doloughy's house in the previous autumn, threatened and warned him to leave off herding for Mr. Lynch. But who set these persons in motion? If, as was suggested, they were a band of amateur assassins roaming about the country, how did they know that the deceased was herding on a farm from which Hynes had been evicted? The man was murdered in a manner in which no one he believed had ever been murdered in Ireland before, by a charge of snipe shot delivered full in the face. Snipe shot would not kill a man if discharged from any distance, so that the person who fired must have stepped out on the road in front of the deceased and fired right in his face. Therefore, the deceased had a full opportunity of identifying the person who shot him. The learned counsel reviewed the evidence at great length and said there was no doubt that if the inhabitants only helped the officers of justice there was no country in the world where crime could be more easily detected than in Ireland. Commenting on the conduct of several witnesses, who had been called for the prosecution and who had denied portions of their informations, he said these poor witnesses were afraid to give evidence now owing to the deplorable state of the country, as they saw justice was likely to overtake the assassin. Was it not a wonderful coincidence that the man pointed out by the deceased as his assassin

was found within half an hour's walk of the scene with powder and shot in his pockets.

Mr. JUSTICE LAWSON, in charging the jury, said it was a case of paramount importance both to the prisoner and the public at large, and he was, therefore, glad to observe the attention the jury had given to it. The case for the prosecution rested both on direct and circumstantial evidence. The first was the dying declaration of Doloughy himself accusing the prisoner of his murder. Now, in regard to dying declarations the law was thus, that no statement made about a transaction in the absence of the person accused could be taken in evidence except that it was taken on oath. To that general principle the law made a remarkable exception, and for reasons of the highest importance that exception was that in cases where it was proved to the satisfaction of the presiding justice that the person who made the statement was about to die, and believed himself to be in a dying state, and that he could not possibly recover, the declaration could be admitted in evidence, and ought to have the same weight and force as if the man who made it swore the same thing in the witness box. Therefore, in this case there could be no doubt of the admissibility of this declaration. In considering the declaration the jury had two points to decide. First, did the man state the truth; and, secondly, had he an opportunity of identifying his assailant. In regard to the first point, they had the fact sworn in evidence that the man's faculties were perfectly unimpaired, although, of course, his nerves were much injured. The jury should also bear in mind that no reason had been alleged in the course of the case why the deceased would have sought to have revenge on the Hyneses, or should single the prisoner out from his brothers as the man who committed the deed. Now, as to the question of identification, the person who shot the deceased must have been, according to the doctor's evidence, right in front of him, and the weapon must have been discharged at close quarters. Therefore Doloughy had ample opportunity of seeing the man who shot him. Since the deceased took the decided step of binding the accused over to keep the peace there seemed to have been no communication between them, although a house was built for Doloughy, and the prisoner took an active part in the work. Doloughy seemed, however, to have refused to go and live in that place. Commenting upon the evidence his Lordship said it was an extraordinary fact that the prisoner's trousers were wet on a dry day, and also that a story was got up saying the prisoner was fishing, and so got his feet wet. It was not alleged he had a fishing rod, but that he brought out a little rod and a piece of string on it. Was it likely that the prisoner, an able-bodied young man, would fish in such a manner, with, he supposed, a bent pin attached to the string? Counsel for the defence had asked was it likely that the traverser would, if he was the murderer, keep powder and shot on his person, but his Lordship had always observed that prisoners in these cases always made some mistake of this kind. The faculties of guilty persons were generally confused, so that they did not adopt the precautions which a cool and prudent person could take.

The jury, after about an hour's absence, returned into Court with a verdict of *Gilty*.

Mr. JUSTICE LAWSON then sentenced the prisoner to be executed on the 11th of September. He expressed his full concurrence in the verdict, and commented upon the atrocious character of the crime.

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The prisoner did not betray any emotion on hearing the sentence, which created a thrill of excitement in the crowded court.

There is reason to believe that the conviction and the penalty, which will be carried out in Limerick, near the scene of the murder, will have a great moral effect.

It is but simple justice to Captain M'Ternan to state that but for his promptitude and intelligence in taking the dying declaration of the murdered man, the most important evidence, upon which the verdict was mainly founded, would not have been forthcoming, and the prosecution would probably have broken down like many others. It is hard that, having for many years ably and faithfully discharged his duties in the district as a resident magistrate, the gallant Captain, who might have expected some better recognition of his services, is now to be subjected to the inconvenience and cost of removing with his family to Enniskillen, on account, it is said, of some difference with the special resident magistrate.

Within a short time after the Judge pronounced the terrible penalty which the law imposes for the crime, another murder was perpetrated in an adjoining county. Constable Edward Brown, who was stationed in Parsonstown, was out on patrol duty last evening, and at 8 o'clock left the publichouse of Kieran Egan, Townshend-street, when a man standing in the doorway fired four shots at him, one of which took effect, the bullet entering his back and passing through his right lung. Another constable who was with him stooped to pick him up, and the assassin ran back into the publichouse, which was then rather crowded, and thence into the yard, which opens into a side street, and all traces of him were then lost. The street was crowded, it being market day. Egan's son admits having seen the murderer in the yard, but no attempt was made to seize him. Brown was assisted into a neighbour's house, and Drs. Wood and Hayes and Mr. Drew, surgeon, were in immediate attendance. Mr. M'Sheehy, R.M., and Sub-Inspector Fulton also arrived with a party of police. Brown lingered in great agony until midnight. Two arrests have been made on suspicion. A revolver was found in Egan's yard. Brown, who is a native of Donegal, has been only two months stationed in Parsonstown.

Mr. Trevelyan, the Chief Secretary, returned to Dublin yesterday morning, and was engaged during the day transacting official business.

August 14 1882

The popular excitement in Dublin has been diverted from the memory of O'CONNELL and the hopes of the National Exhibition by a stern and energetic vindication of public justice. MR. JUSTICE LAWSON, presiding in the Commission Court, has passed a severe sentence for contempt, couched in strong and impressive language, upon MR. EDMUND DWYER GRAY, the proprietor of the *Freeman's Journal*. MR. GRAY is one of the members for the County Carlow ; he has been Lord Mayor, and is at present High Sheriff of Dublin. His father, SIR JOHN GRAY, was a notable man in his time, and the *Freeman's Journal* is a newspaper of considerable local influence among the Roman Catholics of Ireland. It is almost incredible that a person occupying the position of MR. GRAY should have placed himself within reach of the rebuke and the penalties with which MR. JUSTICE LAWSON, for the protection of jurymen and the maintenance of the authority of the QUEEN'S tribunals, has been compelled to visit him. Three months' imprisonment and a fine of £500.

to be followed by security, under heavy bail-bonds, to keep the peace for six months, will bring home to the minds of those who are responsible for public criticism in Ireland the fact that even the power of the press must not be abused. We have no sympathy with judicial touchiness; we know how harsh and unfair it would be in many instances to make the proprietors conductors of newspapers penally liable for any intemperate writing that may creep into print; we have some doubts whether in certain cases the power to commit for contempt of Court has not been strained, contrary to public expediency, if not to legal right, by more than one eminent Judge. But in the case of MR. GRAY there cannot be the slightest room for doubt. The proprietor of the *Freeman's Journal* assumed complete, and even personal, responsibility for the offensive publications attacking the composition and the conduct of the jury empanelled last week for the trial of HYNES. Grossly calumnious charges upon the jurors, the Law Officers and Crown Counsel, and, by implication, upon the Judge, remained without apology or withdrawal after attention had been directed to them in Court. If those imputations had been left unnoticed, it would have been difficult to expect ordinary citizens to do their duty as jurymen, and the Executive would have been defeated in an honest effort to continue to work with the jury system by the misrepresentations of those who most loudly denounced the transfer of criminal cases to Special Commissions of Judges trying issues both of law and of fact. MR. JUSTICE LAWSON has shown that, in spite of the clamour of mobs and the terrorism which translates odium into outrage, attempts to pervert the course of public justice by denouncing and slandering jurors, judges, and prosecuting counsel will not be tolerated in Ireland. MR. GRAY'S punishment, inflicted with signal promptitude and courage, will stand out as a warning to less conspicuous personages. If the offence be repeated, whoever may be the offender, the Court will know how to protect itself and to vindicate the law.

Mr. GRAY'S newspaper, for which, as we have said, he does not disclaim any responsibility whatever, has not offended in a moment of carelessness or haste. The system of criticism which Mr. JUSTICE LAWSON so severely censured extended over some days, but the culminating offence against the authority of the Court was perpetrated on Monday, when a letter was published in the *Freeman's Journal* making a scandalous charge against the jury which on the preceding Saturday had found HYNES guilty of the murder near Ennis. The writer, Mr. WILLIAM O'BRIEN, alleged that on Friday night the jury, then "locked up" in the Imperial Hotel, had disgraced themselves by scenes of drunken riot and disorder. The *Freeman's Journal* drew attention to this charge in its editorial columns, holding up to execration "the conduct of the jury the night before they found a verdict which was to bring HYNES to a dishonoured grave." This "fearful tale" was accepted without question. The article concluded, "We have heard of men hanging that jurymen may dine, but what of a man hanging because jurymen have dined not wisely, but too well?" Mr. O'BRIEN'S veracity was declared to be unimpeachable. He is, indeed, in his way a notable person; an "ex-suspect," now one of the titles of popularity affected in Ireland by Mr. PARNELL'S party, a prominent figure in company with Mr. DAVITT in the procession to the Rotunda, formerly editor of the seditious journal *United Ireland*, and at present Land League candidate for the seat at Mallow expected to be vacated on the ATTORNEY-GENERAL'S early promotion to the Bench. Mr. O'BRIEN'S allegations were emphatically denied in Court by the foreman of the jury, who offered to support his denial by affidavit, but they harmonized too well with the previous attacks upon the conduct of the trials in the Commission Court to be neglected. It had been broadly hinted that the Government were determined to get convictions by packing juries, and that Roman Catholic jurors had been systematically "boycotted" by the representatives of the Crown. It was contended that the Executive could not carry out the capital sentence in the face of the charges against the jurymen on the one hand and against the Law officers on the other.

These were, in substance, the publications which constituted, in Mr. JUSTICE LAWSON'S opinion, a scandalous contempt of Court. The Judge, when the foreman of the jury made his complaint on Monday, expressed a strong opinion that the CROWN ought to move in the matter, and the SOLICITOR-GENERAL, observing that the course suggested had been already resolved upon, fixed for yesterday the motion to commit the proprietor of the offending journal for contempt. Few will be found, in this country at any rate, to dissent from Mr. JUSTICE LAWSON'S indignant condemnation of what is a blow to the best interests and hopes of Ireland not less than an outrage upon public justice and decency. It must be remembered that the business of the Commission Court was not over, and statements tending to discredit the juries empanelled and to hold them up to odium could not be disregarded in a country where, as Mr. JUSTICE LAWSON said, jurors have been murdered for doing their duty according to their consciences. Mr. GRAY'S personal misconduct cannot be denied or extenuated. As the High Sheriff of Dublin, he was individually responsible for the custody of the jurors whom Mr. O'BRIEN accused of riotous and disgraceful drunkenness on the eve of a decision in a capital case. Dismissing this responsibility from his mind, he not only gave publicity to Mr. O'BRIEN'S charges—to which, it should be said, the Judge declined to give any credence—but actually wrote himself, as he admitted in Court, the comments on them. Mr. GRAY, from his public position, had ample opportunities of bringing the truth to light, if he really believed that a wrong had been done. He could have proceeded before the Court itself, as Mr. JUSTICE LAWSON observed, and as High Sheriff, he was bound to bring to punishment the alleged irregularities. He could, in his place in Parliament, have criticized the conduct of the Law officers and of the Judge himself. But he chose, without inquiry and without opportunity of refutation, to hold up the jury, the Judge, and the Crown Counsel to popular execration. This is the kind of criticism and this the temper of mind which make it impossible to maintain in Ireland the system of trial by jury. Jurors are not proof against calumny and menace. To offend against the unwritten law is to become "a marked man," and even in Dublin itself a marked man's life is not safe against the ferocious vengeance of the "people's friends." We have no doubt that the imputations to which Mr. GRAY gave currency in his newspaper were baseless, though he may have honestly imagined them to be true. We do not for a moment believe that the Judge excluded evidence which he ought to have received on the trial of HYNES, that the law officers of a Liberal Government revived the old art of jury-packing or that the jury, to whose intelligence and attention Mr. JUSTICE LAWSON paid a high tribute, degraded themselves in the manner described by Mr. GRAY'S informant, the "Ex-Suspect." But even were there any ground for those charges, it would be intolerable to smelt them down, without investigation or discrimination, in rhetorical appeals addressed to the masses. At this moment more

than at any former time it is necessary to uphold the authority of the courts of law in Ireland, and especially to do so when the Government are endeavouring to avoid or mitigate the suspension of trial by jury and to bring to justice the most dangerous enemies of law and order with the aid and co-operation of ordinary citizens in the jury-box.

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severe. KINSELLA, BRYAN, and DUGGAN have been sent to penal servitude for twenty, fifteen, and ten years respectively. Similar sentences have been awarded to the "moonlighters" who were convicted a few days ago; and LAURENCE KENNY, convicted of firing at a sergeant in the army, has been condemned to penal servitude for life. To these sentences we have to add the sentence of death on FRANCIS HYNES, convicted on Saturday of the brutal murder of the old man DOLOUGHTY. This verdict yesterday gave rise to an unusual scene in Court, of which the sequel is promised tomorrow. The jury had been charged, in a letter to a Dublin paper, with scandalous conduct in their hotel during Friday night, while the fate of the criminal was in their hands. The letter so charging them was signed "WILLIAM O'BRIEN," who is said to be the Editor of *United Ireland*; and from this the accuracy and the motive of the charge may be sufficiently gauged. Every rational man will echo the Judge's condemnation of the action of that section of the Press which tries to "prejudice and defeat the administration of justice in the Court," and will hope that the ATTORNEY-GENERAL will do his duty in the matter. It is, indeed, a singularly short-sighted policy to try to discredit the Dublin juries and the system of changing the venue of trials; for this system is the milder procedure allowed by the Crimes Act, and if it is discredited its place will infallibly be taken by the Commission of Judges acting without a jury. It is to be hoped that that will not be necessary; but the Irish people have it in their own hands. If juries can be found to find according to the evidence, jury-trial may still go on; if they are successfully intimidated, other measures must be tried. Meantime, it is somewhat alarming that, after a lull, outrages should seem to have recommenced. Yesterday we recorded the murder of a policeman; to-day we hear that a workman's train has been fired at, and an unpopular foreman wounded.

August 15, 1882

MR. CALLAN moved the adjournment of the House for the purpose of entering a protest against the conduct of the ATTORNEY-GENERAL for IRELAND in excluding Roman Catholics from the juries at the criminal trials now proceeding in Dublin. The ATTORNEY-GENERAL for IRELAND declined to defend himself further than to say that he had no knowledge whatever of the religion of a single person on the juries, and that the question of religion had not been raised in any way except by the newspaper from which MR. CALLAN had quoted. On a division the motion was negatived by 88 to 2.

In answer to a question from MR. O'DONNELL, the ATTORNEY-GENERAL for IRELAND said his attention had been called to the statements of the *Freeman's Journal* respecting the jury who tried the case of HYNES, and very effective steps were in contemplation.

The Married Women's Deposits Bill

August 16, 1882

LONDON.

IMPRISONMENT OF MR. GRAY, M.P.

DUBLIN, AUG. 16.

The proceedings in the Commission Court to-day in reference to Mr. Gray, M.P., High Sheriff of the City, and proprietor of the *Freeman's Journal*, have created a profound impression upon all classes of citizens and some popular excitement. At the sitting of the Court the Solicitor-General, M.P., addressing Mr. Justice Lawson, said a matter had been mentioned on Monday which would prepare his lordship for the application that an attachment be issued against Mr. Edmund Dwyer Gray, proprietor of the *Freeman's Journal* newspaper, in consequence of the publication of certain articles reflecting on the administration of justice in that Court, and calculated, in the opinion of those representing the Crown, to interfere with the free exercise of the duties of the jurors. Notice of the application was yesterday served on Mr. Gray at the office of the *Freeman's Journal*, Princes street. The notice was as follows:—"Take notice, that at the sitting of the Commission, at Green-street, in the City of Dublin, Counsel on the part of the Attorney-General will apply to the Right Hon. Mr. Justice Lawson that an attachment do issue against Mr. Edmund Dwyer Gray, and that he be forthwith committed to prison for contempt of Court, or be punished by such other orders as his lordship may think fit to make." The application was granted on the affidavit of Mr. Alexander Morphy, Crown Solicitor, a copy of which was, for the convenience of Mr. Gray, furnished to his solicitor yesterday. Mr. Morphy's affidavit stated that he was Crown Solicitor for the counties of Clare and Kerry, and that he was engaged officially in a number of cases tried at the Commission, including "The Queen against John Connor and others" and "The Queen against Hynes." Some of these trials had taken place, and others were now pending before Mr. Justice Lawson and special jurors summoned under the Prevention of Crimes Act. He was present at the sittings of the Commission, at which other cases were remaining for trial under the statute mentioned. He had read in the *Freeman's Journal* of the 11th and 12th of August an article which was set forth. He had also read on the 14th of August a letter purporting to be written by William O'Brien, and also an article in reference to the trial of Francis Hynes, and on the 15th of August (yesterday), a letter under the heading "The Conviction of Francis Hynes."

The Solicitor-General read extracts from the publications referred to. An article of the 11th of August stated:—

"Yesterday, at the Commission Court, the first jury trial under the recent Crimes Act took place. John Connor and three others, all natives of Kerry, were placed in the dock charged with, on the 17th of March last, at Fahy, in the county of Kerry, having attacked the house of Mrs. Maybury, the widow of an officer in the Army. Under the ordinary law the man would have been tried in Kerry, where the alleged offence took place; but, availing himself of the provision in the Crimes Act, the Attorney-General moved the case to Dublin, and under the same measure a special jury was empanelled from a joint county and city panel. The Crown exercised their right to challenge on a wholesale scale, and no less than 19 persons, some of them among our most respectable citizens, were ordered to 'stand aside.' The facts of the case will be found reported elsewhere. All the prisoners were convicted, but the jury accompanied the finding with a strong recommendation to mercy, and sentence was deferred."

This article was a most improper interference by a public newspaper with the administration of justice and with the proceedings of that Court. It was absolutely intolerable that such comments should be made by any individual, be he a journalist or belong to any other profession or class. The exercise of the right of supervision over the proceedings of that Court was left by law with the Judge, and with the Judge alone. Every person who had the most elementary acquaintance with the rules of law was perfectly well aware that the exercise of the right of telling a juror to "stand by" was vested in the Attorney-General, and was a right that was absolutely unquestionable. He had himself been present when that right was largely exercised, and was not even commented on by counsel for the prisoner. That right was exercised for obvious reasons, and there was no imputation cast on a juror when the Attorney-General told him to "stand aside." In this matter the Crown had uncontrolled discretion, and the object of that article, it was obvious, was to throw discredit on the administration of justice and to interfere with the fair, calm, and impartial proceedings of that Court. Such comments could only lead to prejudice, so that the law could not be put into force. According to the *Freeman's Journal*, they ought not to be there at all, and if one paper was permitted to act in this way so should other papers; and where would it end? Such a thing was intolerable, and the article referred to, if it stood alone, would warrant the censure of the Court. But there was another one that appeared in the *Freeman's Journal* of the 12th :-

"We are unwilling to credit the rumour that the Court have resolved that juries, exclusively or almost exclusively Protestants, shall determine, in some cases, the liberty, in others, the lives of the prisoners on trial at Green-street. Yet colour is lent to the report by the fact that yesterday, in the capital case, just as on the previous day in the Whiteboy case, Catholic gentlemen of admitted respectability and position were ordered to 'stand aside' when they took the book to be sworn. To the gentlemen in question no stereotyped 'trade' objection can be alleged, and the inference, therefore, is that they were shoved aside from their duties as jurors simply because they are Catholics. If this is true an odious and, it was hoped, obsolete practice has been revived, and the course taken, as unnecessary as it is injudicious, must naturally cause indignation and resentment in Catholic circles. The notion that such men as Edward Lenehan, of Castle-street; William Dennehy, of John-street, and others, whom we could mention, could not be trusted to find a true verdict according to evidence in country cases brought to Dublin for trial, which is the simple and only inference, is offensive in the extreme. The representatives of the Crown would not venture to publicly make such a declaration. Yet the names of the gentlemen specified appear in the published list of the rejected. The matter is one that calls for inquiry and explanation. For the present we will only express our regret that the representatives of the Crown should deem it necessary and expedient to boycott Catholic special jurors of the city and county of Dublin. That this has been done we fear there is no doubt, and we apprehend that no other interpretation of the action of the Crown can be given than that Catholic gentlemen are subjected to the shocking imputation that they are not unprepared to violate the solemn obligation of their oath in cases which are supposed to arise out of political agitation in the country. Would the managers of the Crown prosecutions in Green-street dare openly to make such an accusation?"

On the part of the Crown he had to disclaim that, for a single moment, the religion of the juror ever entered into their minds or was contemplated by them in directing him to stand by. He admitted the respectability of the jurors told to stand by, and it was not meant as the slightest reproach to a juror any more than if he was challenged by the prisoner. He held, and he did it advisedly, that the article transcended in audacity, and it was obvious that the consequences of such writing, if permitted to go unchecked, would be to prevent a calm and unbiased consideration of the cases tried, and would create among the jurors such a feeling as to render the due administration of justice an impossibility. An article of the kind, published on such an occasion, could only tend to destroy justice; and it was simply an endeavour to influence one class of jurors, holding them up to odium, so that they could not be looked on with faith or confidence. The statements in that article were without foundation, and it seemed that a publication of this kind circulating among the classes it did must be attended with the worst results. The articles alluded to were bad enough, but they had further matters to complain of. A letter was printed in the *Freeman's Journal* of Monday, headed "The Jury in the Ennis Murder Case," signed by "William O'Brien." He had no knowledge of the writer of the letter, nor was he officially informed as to who he was. The letter purported to be a comment on the conduct of the jurors in the Ennis murder case, in which a verdict of guilty had been brought in. The trial had been concluded at the time at which the publication took place. Whoever was the writer the person officially responsible for its publication is the one whom the court had to deal with. He must be held as responsible as if he wrote the letter himself. The letter dated from the Imperial Hotel was as follows:—

"Dear Sir,—I think the public ought to be made aware of the following facts. The jury in the murder case of the 'Queen v. Hynes' were last night 'locked up,' as it is termed, for the night at the Imperial Hotel, where I also was staying. I was awakened from sleep shortly after midnight by the sounds of a drunken chorus, succeeded, after a time, by scuffling, rushing, coarse laughter, and horse-play. Along the corridor on which my bed room opens a number of men, it seemed to me, were falling about the passage in a maudlin state of drunkenness, playing ribald jokes. I listened with patience for a considerable time, when the door of my bed room was burst open, and a man, whom I can identify (for he carried a candle unsteadily in his hand), staggered in plainly under the influence of drink, hiccupping 'Halloa, old fellow, all alone?' My answer was of a character that induced him to bolt out of the room in as disordered a manner as he had entered. Having rung the bell, I ascertained that these disorderly persons were jurors in the case of 'The Queen v. Hynes,' and that the servants of the hotel had been endeavouring in vain to bring them to a sense of their misconduct. I thought it right to convey to them a warning that the public would hear of their proceedings. The disturbance then ceased. It is fair to add that no more than three or four men appeared to be engaged in the roaring and in the tipsy horse-play that followed. I leave the public to judge the loathsomeness of such a scene upon the night when these men held the issues of life and death for a young man in the flower of youth, when they had already

am ready to support upon oath.—WILLIAM O'BRIEN." Presuming that Mr. Gray knew the letter to be genuine, that he received it in his office as a genuine, ordinary communication, what was his duty as a public journalist? He ought not to have published such a communication at all. Comment in newspapers on the conduct of jurors was a matter which could not for a moment be permitted. This was for the Court alone, and if the jurors misconducted themselves it was for the Court to reprove them. Bringing the conduct of the jurors in this instance before the public was only for the purpose of having discredit thrown on the verdict, so as to tamper with justice and defeat it if possible. The writer of the letter must have known, and the publisher must have known, what the effect of such a publication would be. When a case had concluded there might be some ground of explanation, but when several other cases remained to be tried, there was nothing short of scandalous audacity in such a letter, and the person who published it should be held responsible. Mr. Gray was not merely the proprietor of the *Freeman's Journal*, but was High Sheriff of the city of Dublin. This was sworn to in the affidavit of Mr. Morphy, and if there was any misconduct on the part of the jurors, Mr. Gray was the person who was responsible for it. It was his duty as High Sheriff to have, if in his power, prevented the publication of such a letter. He should at least have consulted his lordship or some counsel. He (the Solicitor-General) did not admit that there was a word of truth in that letter, but it was a matter that could not be inquired into.

Mr. GRAY, M.P., said that through the courtesy and consideration of Mr. Morphy, the Crown solicitor, he was handed the document conveying notice to him of these proceedings at rather a late hour last evening, and he had no time to instruct counsel or solicitor in his behalf. He would, therefore, ask his lordship to hear him in his own vindication. He thought the usual procedure in these cases was that a day should first be fixed to hear the application for an attachment.

The Judge interposed, and said it was Mr. Gray's duty as High Sheriff to be always in attendance in the court.

Mr. Gray said that, in accordance with the Solicitor-General's motion, he was first to be sentenced, and tried afterwards. He wished to say that in the articles and letters which appeared no personal disrespect was intended to his lordship or lordship's court.

JUDGE LAWSON.—I would not entertain any application founded on personal disrespect to myself, as I would not think myself worthy of it.

Mr. Gray emphatically disclaimed any imputation whatever on his Lordship or the Court. It was, however, a question whether the articles were contempt of court. The Solicitor-General thought it was his (Mr. Gray's) duty as High Sheriff of the City of Dublin to suppress articles in the *Freeman's Journal*. But if that was so, he would see whether there was any way of relieving himself of the first office, as he considered his duty as a journalist far higher. Now, the duty of a journalist was to comment without fear or favour on cases of public interest. The Solicitor-General said that the *Freeman's Journal* charged the representatives of the Crown with unduly exercising their right of challenge, and any one from his statement would be under the impression that jury-packing was quite unknown in Ireland; but he wished to say that such was not the general impression prevailing outside, and he wished to point out that it was quite as possible to pack a jury by exclusion as inclusion, and by excluding jurors of particular classes to secure the jury which would convict in accordance with its views. It was a matter of fact that a jury could be packed by exclusion as well as by inclusion. The question, it appeared to him, was whether an undue amount of selection had been exercised by the Crown in setting aside Roman Catholics and Liberals because simply they were Liberals or Catholics. He asked an adjournment of the case, in order that this question might be investigated, and if it were shown that these charges were unfounded, he was ready to apologize, and if they could be proved, to offer evidence of the fact to his Lordship. In reference to the insertion of Mr. William O'Brien's letter, he was not responsible for that as the owner of the *Freeman's Journal*, but he himself wrote the article upon the letter. He knew besides that it was a *bona fide* letter, and that Mr. O'Brien was not capable of saying anything but the truth.

The letter, I believe, was written on the authority of the writer, and it was your duty to see that these jurors conducted themselves in a proper manner.

Mr. Gray.—It is well known that the sub-sheriff and his subordinates take charge of the jurors.

JUDGE LAWSON.—That does not relieve you of the responsibility. I hold you responsible for everything which occurred.

Mr. Gray.—A number of persons were sworn in by the Court to take charge of the jury.

His LORDSHIP said that did not alter the matter.

Mr. Gray.—Therefore, the Solicitor-General may have something to say if I prove that these jurors were misconducting themselves. Was it not my duty as a public journalist, being informed that they had been drinking in the public billiard-room, and—

JUDGE LAWSON (interrupting).—I think you had better not make any statement of this kind, for it will not at all assist your case.

Mr. Gray.—I will not follow up these statements further.

JUDGE LAWSON.—I believe them to be totally devoid of truth. It was a most respectable jury, and the foreman said all were perfectly sober, and I firmly believe him.

Mr. Gray.—My Lord,—

The JUDGE.—Mr. Gray, you had better not repeat these statements at all. If an action for libel were brought against the man who wrote these articles, then you might be justified in trying to justify your action; but in the present instance you are not. The charge is that you committed a contempt of Court by writing these statements.

Mr. Barrett, of Kingstown (the foreman of the jury).—The jury courts the fullest inquiry into their conduct.

Mr. William O'Brien.—As writer of the letter I wish—

His LORDSHIP.—Sit down, Sir.

Mr. Gray disclaimed that he intended to defeat the administration of justice or bring the Court into contempt. He contended, on the contrary, that those articles assisted in the administration of justice; and besides, it should be recollected that a public journalist had also a duty to discharge, perhaps as important as that of the Solicitor-General himself. The writer of the letter was ready to justify himself by proving on oath the conduct of the jury. He concluded by asking his Lordship to adjourn the case to give him an opportunity of consulting some professional gentleman who might present some features which would, perhaps, induce the Solicitor-General to take a more lenient view of the matter.

Mr. William O'Brien, who was sitting at the solicitors' table, rose at this point and said,—Do justice to Mr. Gray.

His LORDSHIP.—Remove that man; he has no right to be there at all.

Mr. O'Brien.—My Lord—

His LORDSHIP.—Remove him at once from the court.

A police constable then touched Mr. O'Brien on the shoulder, and he rose and left the court.

The SOLICITOR-GENERAL said if Mr. Gray had made his application for an adjournment in the first instance he would have been inclined not to oppose it, but now the Crown could not consent to it. Mr. Gray had made a very full statement.

MR. JUSTICE LAWSON said,—In my opinion there is no ground for an adjournment in this case. There were only two matters about which there could be any controversy according to law. The first is whether Mr. Gray is responsible for the publication of those articles; and, secondly, if it is a matter for me to decide upon, reading the articles and regarding all the circumstances of the case, and the language of the articles, to say whether or not they constitute a contempt of Court—in other words, do they tend to interfere with the administration of justice, and are they calculated to interfere, or were they intended so to interfere. Now, I have had considerable experience in applications of this kind. I remember in one case in Belfast where I presided at a very important Commission, and there on the second day on which the Commission sat a journalist thought it proper to write an article of this kind reflecting upon the trial of a case just over, and reflecting upon the mode in which the juries were summoned. The editor of the paper was brought up before me by the proper authorities, those representing the Crown at the time. He was represented by a very able gentleman—Mr. Butt—and the matter having been put before me, I then thought it my duty to sentence the editor to fine and imprisonment, and the result was that those comments ceased. I was perfectly satisfied that unless I interfered in that way those comments would have been continued, and would have rendered it quite impossible that the administration of justice could be carried on with that freedom and absence of apprehension which is so necessary. Now, in my opinion, each and every one of the articles before me constitutes a grave contempt of Court. I think those earlier ones containing atrocious allegations about excluding Roman Catholics from juries are an especial contempt of Court, and are written for one purpose and for one purpose only—namely, to excite in the minds of gentlemen of that persuasion, and who are on this jury, that they are ostracised, or not fairly dealt with, and the intention is that when they were called on a subsequent jury that impression should be left upon their minds, and would interfere with the due and proper administration of justice. Now, in my opinion, jurors of all persuasions in the community require to be protected in the discharge of their duty. As to Judges, it does not so much matter, for they are probably able to protect themselves; but jurors come here without fee or reward, and undertake, not voluntarily, but compulsorily, the most arduous duties. They have been on the present occasion summoned by the very writer and publisher of these articles, and in obedience to that summons they came here. And when they come and act in the discharge of that duty, are they to be subjected to intimidation of this kind, and to calumny, for I can call it nothing else? I must say, as the Judge who presided at the trial, that I never saw a jury who exhibited more intelligence and devoted so much care and attention to make themselves acquainted with all the facts of the case. I think one of the strongest proofs of this was that I myself, on the evening that the case was tried, in considering carefully and painfully the case, was struck by one point which had not been fully developed or alluded to by any individual, and I had a great wish to have that point elucidated. The very first thing in court the next morning, when the jury entered the box, one of them desired to be satisfied on this very point, observing that they had gone through the same mental process as I had; and this point had struck them as well as myself, and they had seen the importance of it. Therefore I reject the idea that the gentlemen comprising that jury were capable of

the atrocious conduct attributed to them in this article. I believe it to be thorough invention, and I treat it as such. Now, what is the position of a juror discharging his duty in this court? What is the position of those 12 men denounced and held up to public execration in the *Freeman's Journal*? We know that jurors have lost their lives in this country, and there is that memorable case of Mr. Herbert, in the county Kerry, who lost his life because he did his duty as a juror. Am I to sit here and tolerate that public jurors are to be held up to execration for simply doing their duty? If so, I should be unworthy of the position I hold. I should be unworthy of holding Her Majesty's commission if I did not mark this proceeding in the strongest manner by a sense of disapproval, and as far as I am concerned I shall endeavour to protect jurors in discharging the duty imposed upon them. I see perfectly well the design of these articles. It is to endeavour to destroy in the public mind the moral effect of these convictions, and to interfere with the trial of prisoners yet to be tried, and to prevent jurors from bringing to the discharge of their duties that free and unfettered judgment, that judgment free from alarm and trepidation, which every man ought to have when he comes to discharge his duty. Mr. Gray's position as High Sheriff for the city of Dublin has greatly aggravated his offence in reference to this case. I think he owed a duty to the city which he most seriously neglected. If there was any imputation against these gentlemen of the jury, there was a mode of putting it into a proper train for inquiry. If there was an imputation of the Crown trying to pack the jury, it could also have been inquired into at the close of the Commission; but this charge of packing the jury without further inquiry during the pendency of the Commission, without proper or with insufficient evidence, and attacking the Judge, as is done in this case, for rejecting evidence which he ought to have taken, is a state of things which cannot be tolerated. I therefore feel bound, in the exercise of the undoubted discretion which is vested in me, to sentence Mr. Edmund Dwyer Gray both to imprisonment and fine. Accordingly, the sentence of the Court is that (it appearing that these articles constituted a contempt of court) you Edmund Dwyer Gray be imprisoned for the term of three calendar months, and to pay a fine to Her Majesty the Queen of £500, and after the termination of that period of three months to give securities (yourself in £5,000 and two securities in £2,500 each) to be of good behaviour and to keep the peace towards Her Majesty's subjects for the term of six months, or in default to be imprisoned for a further term of three months. I now wish it to be understood that if any other newspaper writes articles of a similar character as long as this commission is sitting, and the proprietors are brought before me in the same way, I shall deal with them with quite as much severity as I have dealt with the present case. Let Mr. Gray be now taken into custody.

Mr. Gray.—I do not know whether your lordship could give me a little time to arrange my business affairs before going to prison.

His LORDSHIP.—In prison you will have every opportunity of dealing with your private affairs.

Dr. Whyte (the City Coroner).—My lord, I have no precedent for taking a high-sheriff into custody, and am not prepared to do so without legal advice.

His LORDSHIP.—You will do so on my order, or take the consequences. After a pause, his lordship again said, —Mr. Coroner, do you mean to discharge this duty?

Coroner.—Oh, yes, my lord.

His LORDSHIP.—Well, do so at once, or I will call on the Sheriff of the County of Dublin to do it.

Coroner.—Your lordship has not said whether I am to convey him to a prison or not.

His LORDSHIP (to the Clerk of the Crown).—What is the legal prison.

Mr. Geale.—“The Cease to do Evil”—the Richmond Prison.

Coroner.—Then I am personally to convey him there.

His LORDSHIP.—Yes, with the assistance of the proper authorities.

Mr. Gray then, in company with Mrs. Gray, left the court in custody of Dr. Whyte, and remained in one of the rooms of the building until 3 o'clock, when a strong force of Hussars arrived.

Mr. Gray got into his private carriage in custody, and was loudly cheered by a very large crowd which had collected. The carriage was surrounded by the Hussars with their sabres drawn, and driven off to Richmond Prison.

LATER.

The following particulars of the removal of Mr. Gray to prison are published :—“ As the carriage was about to start, there issued from the courtyard two companies of the Hussars, the 21st, commanded by two officers. Several persons collected round the carriage and loudly cheered the High Sheriff. The cavalcade proceeded at a most rapid pace down North King-street into Church-street, along Barrack-street, past the Royal Barracks, across King's-bridge, up Steevens-lane, by James-street Harbour into Love-lane, and then on to the North Circular-road to Richmond Prison, where it arrived at 10 minutes past 3 o'clock. During the career of the cavalcade through Church-street Superintendent Kirwan's horse fell and the rider was thrown, his sword falling into the carriage and on to Mrs. Gray's lap. The Superintendent having remounted was handed his sword by the coroner, and the party proceeded. As Mr. Gray passed through the city, the utmost astonishment prevailed. No one for a moment thought that the hon. gentleman was in custody, and it was generally believed that the cavalcade was a guard of honour. In the prison Superintendent Byrne, of the A Division, with 40 men, was on duty. Mr. Gray's apartments at present consist of a sitting room and a bed room ; the latter looks out into the governor's garden. Both apartments are at present wretchedly furnished, but Mr. Gray will be permitted to have his own furniture. Mrs. Gray and the coroner accompanied him to his rooms, where they took leave of him. Mrs. Gray was escorted to Pembroke-house by the coroner. It should be stated that the coroner, who was deeply affected by the painful position in which his duties placed him, was specially summoned by the Crown to attend the Court this morning.”

The following proclamation has been issued :—“ Citizens of Dublin, -Without offering any comment upon the sentence that has been passed upon Mr. E. D. Gray, High Sheriff of this city, and proprietor of the *Freeman's Journal*, we deem it our duty to call upon the people of Dublin to maintain that calmness and dignified demeanour which has lately characterized our people. We know we are but voicing the wishes of the High Sheriff when we counsel his fellow citizens to abstain from any gatherings in the streets that might directly or indirectly lead to a breach of the peace. Calmness and temper upon your part is all that is required in face of the present emergency. Let the citizens of Dublin act now with the prudence and self-restraint that have always characterized their actions when asked by their best friends to control their feelings and indignation. As the people of Ireland, represented in hundreds of thousands of visitors, yesterday kept the peace of Dublin, let you its citizens show yourselves equally capable of prudence and self-control on the present occasion.”

“ CHARLES DAWSON, LORD MAYOR.

“ CHARLES STEWART PARNELL.

“ JOHN DILLON.

“ MICHAEL DAVITT.”

August 17, 1882

The popular excitement in Dublin has been diverted from the memory of O'CONNELL and the hopes of the National Exhibition by a stern and energetic vindication of public justice. MR. JUSTICE LAWSON, presiding in the Commission Court, has passed a severe sentence for contempt, couched in strong and impressive language, upon MR. EDMUND DWYER GRAY, the proprietor of the *Freeman's Journal*. MR. GRAY is one of the members for the County Carlow ; he has been Lord Mayor, and is at present High Sheriff of Dublin. His father, SIR JOHN GRAY, was a notable man in his time, and the *Freeman's Journal* is a newspaper of considerable local influence among the Roman Catholics of Ireland. It is almost incredible that a person occupying the position of MR. GRAY should have placed himself within reach of the rebuke and the penalties with which MR. JUSTICE LAWSON, for the protection of jurymen and the maintenance of the authority of the QUEEN'S tribunals, has been compelled to visit him. Three months' imprisonment and a fine of £500.

to be followed by security, under heavy bail-bonds, to keep the peace for six months, will bring home to the minds of those who are responsible for public criticism in Ireland the fact that even the power of the press must not be abused. We have no sympathy with judicial touchiness; we know how harsh and unfair it would be in many instances to make the proprietors conductors of newspapers penally liable for any intemperate writing that may creep into print; we have some doubts whether in certain cases the power to commit for contempt of Court has not been strained, contrary to public expediency, if not to legal right, by more than one eminent Judge. But in the case of MR. GRAY there cannot be the slightest room for doubt. The proprietor of the *Freeman's Journal* assumed complete, and even personal, responsibility for the offensive publications attacking the composition and the conduct of the jury empanelled last week for the trial of HYNES. Grossly calumnious charges upon the jurors, the Law Officers and Crown Counsel, and, by implication, upon the Judge, remained without apology or withdrawal after attention had been directed to them in Court. If those imputations had been left unnoticed, it would have been difficult to expect ordinary citizens to do their duty as jurymen, and the Executive would have been defeated in an honest effort to continue to work with the jury system by the misrepresentations of those who most loudly denounced the transfer of criminal cases to Special Commissions of Judges trying issues both of law and of fact. MR. JUSTICE LAWSON has shown that, in spite of the clamour of mobs and the terrorism which translates odium into outrage, attempts to pervert the course of public justice by denouncing and slandering jurors, judges, and prosecuting counsel will not be tolerated in Ireland. MR. GRAY'S punishment, inflicted with signal promptitude and courage, will stand out as a warning to less conspicuous personages. If the offence be repeated, whoever may be the offender, the Court will know how to protect itself and to vindicate the law.

Mr. GRAY's newspaper, for which, as we have said, he does not disclaim any responsibility whatever, has not offended in a moment of carelessness or haste. The system of criticism which Mr. JUSTICE LAWSON so severely censured extended over some days, but the culminating offence against the authority of the Court was perpetrated on Monday, when a letter was published in the *Freeman's Journal* making a scandalous charge against the jury which on the preceding Saturday had found HYNES guilty of the murder near Ennis. The writer, Mr. WILLIAM O'BRIEN, alleged that on Friday night the jury, then "locked up" in the Imperial Hotel, had disgraced themselves by scenes of drunken riot and disorder. The *Freeman's Journal* drew attention to this charge in its editorial columns, holding up to execration "the conduct of the jury the night before they found a verdict which was to bring HYNES to a dishonoured grave." This "fearful tale" was accepted without question. The article concluded, "We have heard of men hanging that jurymen may dine, but what of a man hanging because jurymen have dined not wisely, but too well?" Mr. O'BRIEN's veracity was declared to be unimpeachable. He is, indeed, in his way a notable person; an "ex-suspect," now one of the titles of popularity affected in Ireland by Mr. PARNELL's party, a prominent figure in company with Mr. DAVITT in the procession to the Rotunda, formerly editor of the seditious journal *United Ireland*, and at present LandLeague candidate for the seat at Mallow expected to be vacated on the ATTORNEY-GENERAL's early promotion to the Bench. Mr. O'BRIEN's allegations were emphatically denied in Court by the foreman of the jury, who offered to support his denial by affidavit, but they harmonized too well with the previous attacks upon the conduct of the trials in the Commission Court to be neglected. It had been broadly hinted that the Government were determined to get convictions by packing juries, and that Roman Catholic jurors had been systematically "boycotted" by the representatives of the Crown. It was contended that the Executive could not carry out the capital sentence in the face of the charges against the jurymen on the one hand and against the Law officers on the other.

These were, in substance, the publications which constituted, in Mr. JUSTICE LAWSON'S opinion, a scandalous contempt of Court. The Judge, when the foreman of the jury made his complaint on Monday, expressed a strong opinion that the CROWN ought to move in the matter, and the SOLICITOR-GENERAL, observing that the course suggested had been already resolved upon, fixed for yesterday the motion to commit the proprietor of the offending journal for contempt. Few will be found, in this country at any rate, to dissent from Mr. JUSTICE LAWSON'S indignant condemnation of what is a blow to the best interests and hopes of Ireland not less than an outrage upon public justice and decency. It must be remembered that the business of the Commission Court was not over, and statements tending to discredit the juries empanelled and to hold them up to odium could not be disregarded in a country where, as Mr. JUSTICE LAWSON said, jurors have been murdered for doing their duty according to their consciences. Mr. GRAY'S personal misconduct cannot be denied or extenuated. As the High Sheriff of Dublin, he was individually responsible for the custody of the jurors whom Mr. O'BRIEN accused of riotous and disgraceful drunkenness on the eve of a decision in a capital case. Dismissing this responsibility from his mind, he not only gave publicity to Mr. O'BRIEN'S charges—to which, it should be said, the Judge declined to give any credence—but actually wrote himself, as he admitted in Court, the comments on them. Mr. GRAY, from his public position, had ample opportunities of bringing the truth to light, if he really believed that a wrong had been done. He could have proceeded before the Court itself, as Mr. JUSTICE LAWSON observed, and as High Sheriff, he was bound to bring to punishment the alleged irregularities. He could, in his place in Parliament, have criticized the conduct of the Law officers and of the Judge himself. But he chose, without inquiry and without opportunity of refutation, to hold up the jury, the Judge, and the Crown Counsel to popular execration. This is the kind of criticism and this the temper of mind which make it impossible to maintain in Ireland the system of trial by jury. Jurors are not proof against calumny and menace. To offend against the unwritten law is to become "a marked man," and even in Dublin itself a marked man's life is not safe against the ferocious vengeance of the "people's friends." We have no doubt that the imputations to which Mr. GRAY gave currency in his newspaper were baseless, though he may have honestly imagined them to be true. We do not for a moment believe that the Judge excluded evidence which he ought to have received on the trial of HYNES, that the law officers of a Liberal Government revived the old art of jury-packing or that the jury, to whose intelligence and attention Mr. JUSTICE LAWSON paid a high tribute, degraded themselves in the manner described by Mr. GRAY'S informant, the "Ex-Suspect." But even were there any ground for those charges, it would be intolerable to smelt them down, without investigation or discrimination, in rhetorical appeals addressed to the masses. At this moment more

than at any former time it is necessary to uphold the authority of the courts of law in Ireland, and especially to do so when the Government are endeavouring to avoid or mitigate the suspension of trial by jury and to bring to justice the most dangerous enemies of law and order with the aid and co-operation of ordinary citizens in the jury-box.

August 17 1882

MR. GRAY'S IMPRISONMENT.

The motion that Mr. Justice Lawson's letter to the Speaker do lie on the table was agreed to.

Mr. SEXTON said he would not attempt to follow the Prime Minister into the constitutional question, but the speech which they had just heard convinced him that, in the interest of the hon. member for Carlow and of the dignity of the House, he should try to set before it a brief sketch of the facts of the case. The member for the County of Carlow was at that moment suffering imprisonment, and the proposal of the right hon. gentleman came to this, that inquiry should be suspended until the term of imprisonment had been almost endured. (Hear.) Apart from that, and as a more practical aspect of the question, he must point out that the course taken by the learned Judge imposed upon the friends of the hon. member for Carlow in that House the duty of laying before

the public such information on the part of Mr. Gray as it was in their power to do. Mr. Justice Lawson refused to hear Mr. Gray; he embarrassed, interrupted, and compelled him to stop, and he refused to consider favourably Mr. Gray's application for an adjournment of the case. Mr. Gray represented that the summons had not been served on him until the night before, and that it would be possible for him if a postponement were granted to lay such a view of the facts before the Court as might induce the Crown to take a more lenient view of the case. The Solicitor-General, however, refused, and, therefore, Mr. Gray was now suffering imprisonment on the grave charge of contempt of the High Court of Justice, the Court having refused to hear from Mr. Gray's own tongue the facts of the case in full, or to adjourn the hearing until the case could be put before it in proper form. That being so, the House would see it was only natural that the political friends and associates of Mr. Gray should seize this the first and the last opportunity they might have of laying before it some brief vindication of his conduct. He need say nothing of the position of Mr. Gray, who had filled the high office of Lord Mayor of Dublin, and was now holding the high constitutional office of High Sheriff, at once the elected of the people and the representative of the Crown. Mr. Gray in that House represented the County of Carlow, and hon. members would freely admit, whatever their political opinions, that the part Mr. Gray had taken in their debates entitled him to the character of a man of conspicuous reasonableness of mind (hear, hear), and lately they had a speech from him marked by high practical ability. It was from Mr. Justice Lawson that the suggestion came which moved the law officers of the Crown. The learned Judge was not content to wait until the law officers thought the interests of justice imperilled, but on Monday last he suggested that they should proceed in this highly penal and arbitrary manner. His second allegation was that the learned Judge refused to hear Mr. Gray in his own behalf; and his third allegation was that the learned Judge peremptorily refused to adjourn the case. Now, out of what circumstances had the imprisonment of Mr. Gray arisen? Under the Crime

adjourn the case. Now, out of what circumstances had the imprisonment of Mr. Gray arisen? Under the Crime Prevention Act, the Attorney-General for Ireland possessed the power of changing the venue of trial for certain offences, and the power had been exercised in several cases. In one of these—a case of Whiteboyism tried before Mr. Justice Lawson a few days ago—it became apparent that the practice of packing juries was to be renewed, although the Government might, if it should be thought that a jury would not return a just verdict, send any case for trial before three Judges. In the case to which he referred 19 Roman Catholics, professing Liberal opinions, were ordered to stand aside and a jury consisting almost exclusively of Protestants tried the prisoner.

Mr. BULWER rose to order. He wished to know whether the hon. member's remarks were permissible. (Cries of "Order" and "Sit down" from the Irish members.)

The SPEAKER.—So far as the hon. member has proceeded I have not felt it my duty to interfere. (Hear, hear.)

Mr. SEXTON argued that to exclude from the panel persons obnoxious to the Crown was as effective a mode of packing as that of directing assorted jurors to enter the box. (Hear, hear.) With regard to the case to which he was alluding, the following appeared in the *Freeman's Journal* :—

"Yesterday, at the Commission Court, the first jury trial under the recent Crimes Act took place. John Connor and three others, all natives of Kerry, were placed in the dock, charged with, on the 17th of March last, at Fahey, in the county of Kerry, having attacked the house of Mrs. Maybury, the widow of an officer in the Army. Under the ordinary law the men would have been tried in Kerry, where the alleged offence took place; but, availing himself of the provision in the Crimes Act, the Attorney-General moved the case to Dublin, and, under the same measure, a special jury was empanelled from a joint county and city panel. The Crown exercised their right to challenge on a wholesale scale, and no less than 19 persons, some of them among our most respectable citizens, were ordered to 'stand aside.' The facts of the case will be found reported elsewhere. All the prisoners were convicted, but the jury accompanied the finding with a strong recommendation to mercy, and sentence was deferred."

He maintained that this extract was a bare, bald record of the facts of the case, and that it did not contain one word in the nature of comment. (Hear, hear.) The Solicitor-General for Ireland, however, applied the following words to this harmless piece of writing :—

"That article was a most improper interference by a public newspaper with the administration of justice and with the proceedings of that Court. It was absolutely intolerable that such comments should be made by any individual, be he a journalist or belong to any other profession or class. The exercise of the right of supervision over the proceedings of that Court was left by law with the Judge and with the Judge alone. Every person who had the most elementary acquaintance with the rules of law was perfectly well aware that the exercise of the right of telling a juror to 'stand by' was vested in the Attorney-General and was a right that was absolutely unquestionable. He had himself been present when that right was largely exercised and was not even commented on by counsel for the prisoner. That right was exercised for obvious reasons and there was no imputation cast on a juror when the Attorney-General told him to 'stand aside.' In this matter the Crown had uncontrolled discretion, and the object of that article, it was obvious, was to throw discredit on the administration of justice and to interfere with the fair, calm, and impartial proceedings of that Court. Such comments could only lead to prejudice so that the law could not be put into force. According to the *Freeman's Journal*, they ought not to be there at all, and if one paper was permitted to act in this way so should other papers; and where would it end? Such a thing was intolerable, and the article referred to, if it stood alone, would warrant the censure of the Court."

Now, that statement of the hon. and learned gentleman bristled with extraordinary and grotesque assertions. What, he asked, would become of the boasted liberty of the Press if the views of the hon. and learned gentleman were to be accepted, and was it not an extraordinary thing that the law officer of a Liberal Government should say that it was intolerable that a public newspaper should comment on public affairs? The Solicitor-General for Ireland said that the right of challenging jurors was vested in the Attorney-General; but surely that did not shelter that official from criticism in the Press and in Parliament? The House of Commons claimed the right to criticize the action of the Crown itself, and neither the Viceroy of Ireland nor the right hon. gentleman at the head of the Government could shelter themselves from criticism behind any constitutional prerogative. There was no man in the realm, however high his position, who could claim to be above public criticism in a country where public opinion was the creator of political power. Then, the Solicitor-General for Ireland said that there was no imputation upon a juror whom the Attorney-General ordered to stand aside; but could any one believe that assertion? He was himself strongly of opinion that many a juror thus treated considered himself insulted. The *Freeman's Journal* suggested that the reason why so many gentlemen were ordered to stand aside was that the Crown did not believe that these Catholic and Liberal jurors could be trusted on their oath to return verdicts according to the evidence. If that was not the reason, perhaps they were ordered to stand aside because the Crown believed that they would not return a verdict of guilty? Surely, however, the Crown was not entitled to tell men to stand by on such a ground as that? Before leaving the Whiteboy case he would give the House some idea of the gentleman upon whose affidavit the Crown had moved in this matter. The gentleman in question was Mr. Alexander Morphy, Crown Solicitor for the counties of Kerry and Clare, who had made himself conspicuous at the last Winter Assizes in the city of Cork by a system of wholesale jury packing and who had caused witnesses and traversers summoned from Kerry and Clare to those Assizes to suffer grievous hardships by refusing to pay their travelling expenses. He now came to the case of Francis Hynes, in which case the representatives of the Crown went even still further in the direction of jury packing than in the proceedings which he had already described. Forty-nine jurors were summoned; the prisoner challenged 11, leaving 38, and then the Crown challenged 26. He called upon the right hon. and learned gentleman opposite to show that these 26 gentlemen were not ordered to stand aside because they were Catholics in creed, or Liberals in politics. (Hear hear.) The *Freeman's Journal* made the following comments on the case:—

" We are unwilling to credit the rumour that the Court have resolved that juries, exclusively or almost exclusively Protestants, shall determine, in some cases, the liberty, in others, the lives of the prisoners on trial at Green-street. Yet colour is lent to the report by the fact that yesterday in the capital case, just as on the previous day in the Whiteboy case, Catholic gentlemen of admitted respectability and position were ordered to 'stand aside' when they took the Book to be sworn. To the gentlemen in question no stereotyped 'trade' objection can be alleged, and the inference, therefore, is that they were shoved aside from their duties as jurors simply because they are Catholics. If this is true an odious and as it was hoped, obsolete practice has been revived, and the course taken, as unnecessary as it is injudicious, must naturally cause indignation and resentment in Catholic circles. The notion that such men as Edward Lenehan, of Castle-street; William Dennehy, of John-street, and others, whom we could mention, could not be trusted to find a true verdict according to evidence in country cases brought to Dublin for trial, which is the simple and only inference, is offensive in the extreme. The representatives of the Crown would not venture to publicly make such a declaration. Yet the names of the gentlemen specified appear in the published list of the rejected. The matter is one that calls for inquiry and explanation. For the present we will only express our regret that the representatives of the Crown should deem it necessary and expedient to 'Boycott' Catholic special jurors of the city and county of Dublin. That this has been done we fear there is no doubt, and we apprehend that no other interpretation of the action of the Crown can be given than that Catholic gentlemen are subjected to the shocking imputation that they are not unprepared to violate the solemn obligation of their oath in cases which are supposed to arise out of political agitation in the country. Would the managers of the Crown prosecutions in Green-street dare openly to make such an accusation?"

The whole gist of that article was a demand for inquiry and explanation. What comment did the Solicitor-General make on that article? He said on the part of the Crown that the religion of a juror did not for a single moment enter into his mind (a laugh), and that no reproach was cast upon jurors in directing them to stand by. What did the order to stand by mean? The oath of a juror was that as between our Sovereign Lady the Queen and the prisoner he would give a true verdict according to the evidence; therefore, the Crown, in ordering a juror to stand by, must regard him as a person who would not do his duty (hear); for if he was a person who would give a true verdict according to the evidence, the Crown had not a shadow of right to prevent him from entering the jury-

box. Was the position of the Crown this—that Catholics were not entitled to enter the box, and that Liberal gentlemen who were not Catholics, but were adherents of the right hon. gentleman, in the case of an agrarian movement with which they had a sympathy, however remote, ought to be suspected? The next part of the case was the letter of Mr. O'Brien which related to the conduct of the jury in the interval between the charge of the Judge and the verdict. The Solicitor-General in court said he had no knowledge of Mr. O'Brien. (A laugh.) He was known to the right hon. and learned gentleman opposite (the Attorney-General for Ireland), for he was a candidate for the representation of Mallow. Mr. O'Brien said:—

"I think the public ought to be made aware of the following facts. The jury in the murder case of 'The Queen v. Hynes' were last night 'locked up,' as it is termed, for the night at the Imperial Hotel, where I also was staying. I was awakened from sleep shortly after midnight by the sound of a drunken chorus, succeeded after a time by scuffling, rushing, coarse laughter, and horse-play. Along the corridor on which my bed room opens, a number of men, it seemed to me, were falling about the passage in a maudlin state of drunkenness, playing ribald jokes. I listened with patience for a considerable time, when the door of my bedroom was burst open, and a man, whom I can identify (for he carried a candle unsteadily in his hand), staggered in, plainly under the influence of drink, lurching 'Halloa, old fellow, all alone?' My answer was of a character that induced him to bolt out of the room in as disordered a manner as he had entered. Having rung the bell, I ascertained that these disorderly persons were jurors in the case of 'The Queen v. Hynes,' and that the servants of the hotel had been endeavouring in vain to bring them to a sense of their misconduct. I thought it right to convey to them a warning that the public would hear of their proceedings. The disturbance then ceased. It is fair to add that no more than three or four men appeared to be engaged in the roaring and in the tipsy horse-play that followed. I leave the public to judge the loathsomeness of such a scene upon the night when these men held the issues of life and death for a young man in the flower of youth, when they had already heard evidence which if un rebutted they must have known would send him to a felon's grave. These facts I am ready to support upon oath."

The trial was not affected in the least by the publication of this letter of Mr. William O'Brien, because the publication did not take place till after the trial. And yet the publication of this letter constituted the chief gravamen of the charge for which Mr. Gray was now lying in prison. The *Freeman's Journal* suggested in respectful language that there should be an appeal of the case. With regard to the injuries sustained by Doloughy, he was shot in the face and eyes, and a portion of the shot entered his brain. This must have had an effect upon his faculties. According to the evidence of the priest who saw him a short time afterwards, he was then unable to follow more than a few words of the Act of Contrition. The priest stated that, finding the man was in such a state, he would not administer to him the last Sacrament of the Catholic Church. Yet a short time after that the resident magistrate came to the injured man, and it was upon the answers to his questions that the case against Hynes rested. It was further in evidence that a bad feeling existed between Hynes and the deceased, Hynes having been bound over to keep the peace against him. It was, therefore, a fair question for the *Freeman's Journal* to raise, whether, considering the state of animosity between these men, and the fact that Doloughy was not in possession of his faculties when the answers were obtained from him, it was right upon such evidence to take away the life of a possibly innocent man. Respecting the letter of Mr. O'Brien, the

disbelieving the letter of Mr. O'Brien, the *Freeman's Journal* simply commented upon the horrible and revolting nature of the accusations, if true. He would have imagined that the Solicitor-General and the learned Judge would have been anxious to seize the earliest opportunity of inviting and compelling evidence with regard to the accuracy of Mr. O'Brien's statement of the shameful and shocking scene in the hotel. But the Crown entirely shirked this evidence, and stood upon the evidence of the jury. The Solicitor-General contented himself with saying that he would not admit that there was a word of truth in the letter, and that it was not a matter which could be inquired into. Yet the charge made by Mr. Gray was that such conduct on the part of jurors vitiated the verdict; that men who overnight conducted themselves so riotously and indecently could not be trusted the next morning to give a verdict of life or death against a fellow creature. Mr. Justice Lawson complimented the jury, and entirely rejected the idea that the gentlemen composing the jury could be capable of the atrocious conduct attributed to them. (Hear, hear.) Therefore, the learned Judge admitted that the conduct, if it took place, was atrocious. But although he could readily have inquired into its truth, he merely said that he believed the statement to be entirely untrue. What would the right hon. gentleman the Home Secretary have said if in England in any case of this kind the conduct of the jury was impugned, and the Judge refused to hear evidence? He had received some affidavits which had recently been sworn, which would throw considerable light on the conduct of the jury, and with the permission of the House he would read them. The first was that of Alfred Martin, billiard-marker at the Imperial Hotel, Dublin; he made oath and said that on Friday night he saw six men whom he knew to be members of the jury in the Queen v. Hynes' in the public billiard room of the hotel. He did not know where the rest were. There were also four persons in the room who were not members of the jury. The House would remember that the jury had been locked up, and ought to have been kept separate. The witness went on to say that Major Wing and Mr. Bush were among the strangers in the billiard room. He saw Mr. Reece, a jurymen, mixing with the men who were not jurymen, and playing billiards with them. He came to the conclusion that Mr. Reece was intoxicated from his conduct in ringing the bell continually, and when the waiter came saying he did not want him. Mr. Reece also jumped about and made a noise. He saw the jurors call for several drinks. The next affidavit was that of Josephine Carbery, a lady staying at the Imperial Hotel. She stated that her room was in the same corridor as that of Mr. O'Brien. She had read his letter in the *Freeman* concerning the occurrences in the corridor, and considered that he gave a very moderate account of the noise and misconduct that took place. Several persons were taking part in the disturbance; they came up to her door, and turned the handle several times. They also kicked at the door again and again, and she thought that they would have smashed the fanlight over the door by knocking at it with their knuckles. Only that her door was locked she believed that they would have forced it in. From the voices and conduct of the men outside her door she believed that they must have been under the influence of drink. Robert Ennis, the night porter at the Imperial Hotel, deposed in his affidavit that about half-past 1 on the night in question he was engaged on duty in the lower part of the hotel when Mr. O'Brien rang his bell. He went up to the principal corridor and found two gentlemen there; one was a black-looking gentleman with spectacles, and the other a small grey

man. They were to his knowledge members of the jury in "the Queen v. Hynes." They were playing tricks with each other, and were trying to steal each other's boots. When he answered Mr. O'Brien's bell that gentleman complained of the intolerable row that had been going on, asked who had burst into his room, and requested that the proprietor of the hotel should be informed of the conduct of the men. On leaving the room the gentlemen in the corridor asked him for a pack of cards. He told them he could only give them an old pack he had himself, and went down to get them. On bringing them they said it was too late then, as the others had all gone to bed. William O'Brien, the writer of the letter in the *Freeman's Journal*, had also made an affidavit, in which he deposed that on the night in question the jury were staying at the Imperial Hotel. He was informed by the proprietor that the upper corridor had been cleared for their accommodation, only Miss Carbery and himself, who were permanent lodgers at the hotel, remaining on the same corridor. His letter contained a perfectly true account of what occurred; the disturbances had lasted a considerable time before his door was burst open. The man who entered was a small-sized, dark-complexioned man. Shortly after this he looked at his watch and found that it was 25 minutes to 1. He had no opportunity of seeing any one but the man who burst into his room, but he could identify him. At least three persons must have been engaged in the disturbances. O'Connor, the assistant-porter at the hotel, swore that shortly before 12 he saw some of the jurors go up stairs. In passing one of them struck him in joke. Some of the jurors were under the influence of drink. He heard some of them, on going to the bed rooms ask where the women slept. He (Mr. Sexton) would ask the Government now whether they agreed with the Solicitor-General and Mr. Justice Lawson that this was not a matter to be inquired into. Would they accept the *dictum* of Mr. Justice Lawson that the statement of misconduct on the part of the jurors must have been a pure invention? Here they had the solemn statement on oath of the servants in the hotel, who observed the conduct of the jury, as well as of Mr. O'Brien and the lady in the same corridor. He would ask whether, under those circumstances, Mr. Gray was not discharging a public duty in taking the earliest opportunity that lay in his power to bring before public opinion, which was the real ruler of judges and of Governments, the evidence which he had of the misconduct of these jurymen. Under those circumstances, he called upon the Government speedily to direct such an inquiry as the law and the Constitution permitted into the sworn allegations against this jury. If such a case had occurred in England, the Home Secretary would not hesitate to order the most drastic and the most searching inquiry that he had in his power to be made into the conduct of these gentlemen, and the same course ought to be pursued in the present case. The Government now possessed such extreme and drastic powers in Ireland and such powers of life and death that they should take care to see that the law was not carried out in a harsh and oppressive manner. Mr. Gray had done nothing which it was not his duty to do, for the facts of the case had now been proved on oath. (Hear, hear.) It was a matter of exceeding gravity that a member of this House and the representative of the Queen herself in Dublin should be imprisoned because he had endeavoured to save the life of a fellow being by publishing to the world the disgraceful conduct of the tribunal by which he had been convicted. (Hear, hear.) The short and the long of the story was this—that the Crown went into Court to convict (cheers)—to convict by any means and every means (renewed cheers), and they thought that the Catholics would exhibit too much sympathy with the prisoner, while the Protestants would sympathize with the landlords. The law officers of the Crown had been guilty of a most disgraceful interference with the course of justice when they excluded jurymen from the jury-box on account of their religion and thus showed that they expected a verdict for the Crown. (Hear, hear.) If the matter was not met by speedy action on the part of the Government the remedial legislation of the Land Act would prove ineffectual to allay public feeling in Ireland. So long as the administration of the law in Ireland by the law officers of the Crown was influenced by personal feeling and party chicanery it would only have the effect of producing popular discontent. He appealed to the right hon. gentleman to postpone the execution of the prisoner until the facts he had stated had been fully investigated, and not to permit this scandalous injustice to work its effect upon the people of Ireland. (Cheers.)

The ATTORNEY-GENERAL for IRELAND (who was

very indistinctly heard) was understood to say the hon. member had thought fit to charge him with acting with personal feeling and legal chicanery ("Hear, hear" from Mr. Biggar); but he could assure the hon. member that such a charge would not in the least divert him from the short statement he intended to make with reference to the grounds which the hon. member had brought forward as a reason for interference with the sentence of the Court. The circumstances which the hon. member had stated would be more properly considered by the Executive when the Lord Lieutenant came to decide whether the sentence should be carried out. With regard to the declarations which had been read to the House as to the conduct of the jury, he would observe that all these matters were now stated in the House for the first time, the declarations having been sworn only yesterday. He would next ask the House to observe that Mr. Gray was High Sheriff of Dublin, the city in which his trial took place; that he was the person in whose custody this jury was, whose duty it was not to intrust to any subordinate the care of these jurymen, who ought to have taken care that these jurymen communicated with no one. (Hear, hear.) It was Mr. Gray's duty to conduct them from the Court where the trial was being held to the hotel which it was his duty to select, and to that portion of the hotel which it was his duty to provide for them, and to take care that they held no communication whatever with the outer world. (Hear, hear.) How had Mr. Gray discharged those duties? Mr. Gray complained that all was not done which might have been done; but surely it was not for him to make such a complaint. He would assure hon. members opposite that he did not seek to prevent any investigation. If these facts were true nothing could be more terrible. (Irish cheers.) As to the charges made by the hon. member against the Crown with reference to the challenging of the jury, the hon. member was not in the House when, the day before yesterday, the hon. member for Louth made similar charges. He gave them then, as he gave them now, the most complete and absolute denial. (Hear, hear.) There was not a particle of foundation in them. He himself had carefully abstained from inquiring into the religion or politics of any single member of the jury panel. The instructions he gave to the Crown Solicitor (who was himself a Catholic) before the first trial—and, of course, those instructions also held good for the second—were to take care that an impartial jury was selected to try the case. When the hon. member stated in this House that all the jurors were Catholics, or, as he now stated, some of them were Catholics (Mr. Callan.—"All"), he was not speaking with a knowledge of the facts.

stated, some of them were Catholics (Mr. Callan.—“All”), he was not speaking with a knowledge of the facts. He did not believe there was any other hon. member who would so interrupt him. He did not at the time of the trials know anything about the politics of the jurors, nor did he inquire, nor did he think the Crown Solicitor knew. He interfered in the case of one Catholic gentleman, whom he knew and whom he therefore knew to be a Catholic, but he did so because that gentleman asked to be excused on the ground of conscientious scruples from sitting on a case which might be followed by capital punishment. Then, there were some gentlemen who had instructed counsel to appear in order to take technical objections, and he said that, rather than waste public time by arguing the point, he would dispose of the matter by asking them to stand aside when their names were called. In the cases of four or five others, there were exclamations from persons in court which induced him to dispense with their services. In the Whiteboy cases there could scarcely be any doubt of the guilt of the prisoners. In the case of the four men, he moved the change of venue from Kerry to Dublin on his own responsibility. It was proved in court that the four men had visited one house, from which they had taken two swords and a gun, which were given up to them on their saying that they only wanted arms; that they had visited another farmer's house and obtained his gun; and that they then, on a mountain road, without knowing it, passed between the members of a police patrol, who followed them to a third house, in which they were caught, with the swords and guns in their possession, one having in his pocket papers which showed that he belonged to a Fenian brotherhood. One was a summons to a meeting which had been held that afternoon, and to which he was not to be admitted without the production of the summons, and another gave directions as to the manner in which arms were to be obtained. In that case an impartial jury could not have done otherwise than convict. In the case of murder, the victim, Doloughy, had not an enemy in the world outside the family of the Hynes. He had been herd on a farm which had passed from them to one named Lynch, in whose service Doloughy had engaged in the same capacity. By bribes and threats the Hynesses had vainly attempted to seduce him from his new employer. On leaving mass on Sunday morning he walked on in advance of his wife, who found him on the road shot in the face. He mentioned the name of Hynes in such a way as to suggest that he was denouncing his murderer. Before he died he received the consolations of his religion from a priest, who, by inadvertence, was not called. Reflecting on the case overnight, he felt that this was an omission; and in the morning the jury, who were alleged to have been guilty during the night of what could not be described by the word misconduct, spontaneously expressed a desire to hear what the priest could tell them. The priest described the making of the “act of contrition,” which, as stated in court, appeared to be a long one. (An hon. member.—Five lines. Another hon. member.—Five lines repeated.) The poor man's articulation was imperfect; he had received a charge of snipe shot delivered so closely that the spread of the whole charge had only covered the face, and one grain had entered the brain. The question was whether the man's faculties were affected so as to invalidate his dying words, and the medical man said that it was difficult to make a confident affirmation either way. The doctor having gone to Ennis to give the alarm, the clergyman was followed by the dying man, as long as articulation lasted, in his act of contrition; and the priest, having performed his act of administration, stood aside till the police came, but gave Doloughy from time to time whisky and water from his own house. Not to go through the whole of the evidence what

whisky and water from his own nouse. Not to go through the whole of the evidence, what was proved was this—the resident magistrate on his arrival knelt down by the dying man, and heard him charge the man subsequently arrested as the murderer, a man whom he had known all his life, whom he could not mistake, and whom he must have seen, considering that the shot was fired in his face and from a very short distance. The fact that the man thus named his murderer was corroborated by the sub-inspector who accompanied the magistrate, by the head-constable, and by the wife and son of the dying man, both of whom heard him make the same statement. Besides the prisoner when arrested had in his pocket shot, such as that with which the injuries were inflicted, and a supply of powder; and the explanation he gave of his possession of these articles was that they had been put into his pocket two years before by his brother. The prisoner set up the usual defence, an *alibi*, which was believed neither by the jury nor by any one who heard it. On the other hand, it was proved that the prisoner, if he committed the murder at the time and place in question, would have been found after an adequate interval at the spot where he was arrested. Again, the line of country from the scene of the murder to the place of arrest was wet and marshy, and the prisoner's clothes, especially his shoes and stockings, indicated that he had traversed ground of that character. Such was in outline the case in which the jury convicted the prisoner. Undeniable facts were before them, and they formed their opinion on the evidence. He had prosecuted in the case on behalf of the Crown, and he might mention that the request of the jury on the last day of the trial that the clergyman to whom he had referred might be sent for, as they thought his evidence material, showed that they must have been overnight considering the grave issues of the case, and the importance of a charge on which life, however guilty, depended. (Hear, hear.) He had only to assure hon. members, and the House would believe him, that he did not know the religion or the politics of a single person on the panel (hear, hear), and would not have tolerated the exclusion of any one on the score of his politics or religion. In this case the jury was taken from a list of 200 names. Those who did not answer to their names were fined £20 each, and that reduced the number to 150 or 160. The names were then put upon cards, and the cards into the ballot box, each card corresponding in number with the number of the juror's name on the panel. The next step was to take as many jurors as would be a sufficient number, out of whom the jury to try the case would be chosen.

Mr. CALLAN.—No.

The SPEAKER.—The hon. member has frequently interrupted the proceedings of the House, and I shall be obliged to take notice of his conduct. (Hear, hear.)

Mr. CALLAN wished to say that when the names of the jurors were called they were put down, and no objection was made till the whole panel answered.

The ATTORNEY-GENERAL for IRELAND said he had not interfered to say when the number of names was sufficient. He had allowed the Clerk of the Crown to go on taking the names, and had expressed himself satisfied when the prisoner's counsel said the number was sufficient. The names thus taken were then thrown into the ballot-box, in order that from them a jury might be obtained to try the case, and as each name was called out the number of the list was given also, that the counsel on either side might consider who the juror was. The prisoner's counsel had the right to challenge 20 names without showing any cause whatever, and did not on the occasion in question exhaust his right. And, besides being able to challenge 20 jurors peremptorily, he had a right to challenge as many others as he could show cause against, and even then, on appealing to the counsel for the Crown to order a juror to stand by, his request would be at once acceded to. The rights of the Crown were different. The Crown might order any number of jurors to stand by without assigning a reason; but if the jury could not be completed without some of the persons told to stand by, the Crown had not only to show cause against the person objected to, but to prove the validity of the objection. Of course, this generally meant for practical purposes the exclusion of the juror ordered to stand by, all that was necessary being that 12 jurors should be agreed to; but in the case in question the prisoner's counsel did not push the Crown to an extremity, and did not by any means exhaust his rights, as he availed himself of only 11 peremptory challenges out of a possible 20, to say nothing of his unlimited right of challenge on cause being shown against any particular juror. He had only to add that he did not know whether the jurors challenged were Protestants or not. He assumed that they were challenged for good cause—the Crown was bound to assign no reason, and, therefore, he would make no inquiry on the subject. He would simply say the instructions he gave he presumed were obeyed. The gentleman who gave these challenges was a competent, high-minded, and perfectly impartial official (hear, hear), and, relying upon those qualities, he intrusted to him the

carrying out of his instructions, which were simply to act impartially. (Hear, hear.)

Mr. PLUNKET said he did not intend at this period of the Session to enter at any great length into this discussion, but he would not be doing justice to himself if he did not say that he could give no countenance to the attacks which had been made upon the Judge, jury, Crown solicitor, and the other law officers in the dangerous and difficult circumstances in which they were placed with regard to the administration of justice in Ireland. (Hear.)

The motion of the right hon. gentleman that the communication of Mr. Justice Lawson to the Speaker do lie on the table had not, so far as he knew, been challenged. The hon. member for Sligo did not conclude his speech with any motion, and, therefore, they had no other issue before them. He did not intend to follow the Attorney-General in his defence of his own conduct or that of the Crown solicitor of Kerry and Clare. He entirely agreed with what the right hon. and learned gentleman had said of himself and his colleague. He could bear his own testimony to the high character and ability of Mr. Morphy. (Hear.) With regard to the attack made upon the Judge, no doubt it was a very strong step to take and a very important circumstance when a Judge presiding in one of Her Majesty's Courts thought it necessary to impose a serious penalty on an individual holding the position of the hon. member for Carlow. But the very importance of the position which the hon. gentleman held made it the more necessary that a Judge should be fearless in dealing with him if he were an offender, and that the punishment, if there were any, should be of a character adequate to the gravity of the offence. (Hear, hear.) There was no objection made by the hon. member for Sligo to the kind of sentence, his contention being that there should have been no sentence at all. The hon. member divided his arguments into three heads—first, that the Judge set the law officers in motion; secondly, that he prevented Mr. Gray from stating his case; and, thirdly, that he would not allow Mr. Gray time to prepare for his defence. As to the first point, the attention of the Judge was called to the matter in open court by the foreman of the jury (hear, hear)—a man of the highest respectability, who denied the truth of any of the statements in the scandalous letter of Mr. O'Brien. (Hear, hear.) Thereupon, in the ordinary course, the Judge referred the matter to the attention of the Solicitor-General. The Solicitor-General said "that, as the matter had been mentioned, he would do what he had otherwise intended to do later in the day—viz., state to his lordship that it was the intention of the representatives of the Crown to call attention in a more formal manner to some articles and publications in the *Freeman's Journal*. It was hoped it might not be inconvenient to his lordship to entertain the matter at the sitting of the Court on Wednesday next. They believed that the wh.

court on Wednesday next. They believed that the publication of such documents was calculated to interfere in the most serious degree with the administration of justice." (Hear, hear.) Therefore, there was nothing to defend and nothing to apologize for in the conduct of Judge Lawson, and, when an attempt was made to separate the action of the Judge from that of the others, he must say there was nothing to justify it. (Hear, hear.) It was the part of the law officers of the Crown to discharge a plain duty, and theirs it was to take the initiative. As to the other charges, he would read only a single passage from the report of the proceedings. It was said that the Judge interrupted Mr. Gray, gave him no fair hearing, and refused him time to have his case prepared. But so far back as last Monday, two days before the matter was brought forward, Mr. Gray was fully informed in Court of what was intended, and he had it published in his paper. (Hear, hear.) Notice of the motion made by the Solicitor-General on Wednesday was served on Mr. Gray the evening before. Mr. Gray stated his case, and, instead of apologizing for what he had done and retracting, stuck to the charge. What did the Solicitor-General say? He said "If Mr. Gray had made his application for an adjournment in the first instance he would have been inclined not to oppose it, but now the Crown could not consent to it." (Hear, hear.) That was after Mr. Gray had made a very full statement. (Hear, hear.) He was not going to say anything about the trial of Hynes. The Attorney-General for Ireland had given reasons which ought to satisfy any reasonable mind that the verdict was supported by the strength of evidence. He would content himself for the present with saying, notwithstanding the curious documents read by the hon. member for Sligo, that the whole story was emphatically denied by the foreman, that the Solicitor-General said that he and those acting with him did not believe it for a moment, and the Judge himself said that the charges were utterly unworthy of belief and that he had the best reasons for knowing that throughout the case the jury conducted themselves with the greatest propriety and attention. (Hear, hear.) As for Judge Lawson, he deemed it an honour to say that he was an old and dear friend of his, and that he was one of the most upright and ablest Judges on the Bench. It had been that learned Judge's lot again and again to confront lawlessness, and he had dealt with it in a manner which made his name honoured by every fair man in Ireland. (Cheers.) It was no wonder in the course he had deemed it his duty to pursue that Judge Lawson had incurred the ill-will of others, to which, however, he was perfectly indifferent. (Hear, hear.) The hon. member for Sligo concluded his speech by an eloquent appeal to the Prime Minister not to allow these things to happen in order that his policy should have fair play. It had been his misfortune again and again to condemn that policy, and as time went on he saw no reason to retract, but rather more deeply to condemn much of the vacillation and weakness which characterized it, and on the proper occasion he would be ready to express his opinion upon it again. But, be it good or be it bad, it was impossible that it should succeed if powerful organs in the Press were allowed to attack Judge and jury (cheers), and to denounce them when they were endeavouring, in the face of great dangers and difficulties, to do that which was necessary for the welfare of the country. (Cheers.) The issue before them was a very small one. It was thus described by Judge Lawson himself:—

described by Judge Lawson himself :—

" I see perfectly well the design of these articles. It is to endeavour to destroy in the public mind the moral effect of these convictions, and to interfere with the trial of prisoners yet to be tried, and to prevent jurors from bringing to the discharge of their duties that free and unfettered judgment, that judgment free from alarm and trepidation, which every man ought to have when he comes to discharge his duty."

(Hear, hear.) The simple issue then to be decided was whether the action of juries in the future was or was not to be free and serviceable to their country. (Hear, hear.) However much he differed from the Government with regard to their policy in the past, he could not hesitate to support them on the present occasion. (Hear, hear.)

Mr. MACFARLANE was of opinion that the hon. member for the county of Carlow had acted like a public spirited man. Referring to Mr. Justice Lawson, he alleged that the learned Judge owed his success in life to a course of wholesale corruption.

The SPEAKER interrupted the hon. member to point out that if he intended to propose to censure the learned Judge his remarks would be in order. If, however, the hon. member did not intend to take that course he must speak of the learned Judge in temperate language. (Hear, hear.)

Mr. MACFARLANE passing to another matter, appealed to the Prime Minister to release the hon. member for the county of Carlow through the interposition of the Lord Lieutenant. The hon. member might well be released pending the appointment of a Committee to investigate the case and the presentation of its report. If, however, it was the case that by the irresponsible action of a Judge any citizen could be imprisoned for any length of time without hope of redress, the sooner an alteration were made in the law the better.

SIR P. O'BRIEN asserted that the statements of the hon. member for Sligo about Mr. Alexander Morphy were as unfounded as many other charges which he had heard the hon. member make in high faluting and fanciful language. Mr. Gray had, like his father, Sir J. Gray, long been an intimate friend of his in political movements. He thought Mr. Gray had not received fair treatment. He had known Judge Lawson for many years. He knew him at the Bar; he was a distinguished member of the circuit which for some years he, Sir P. O'Brien, went in his early life. He never knew an abler or fairer man than this learned Judge was during a long period of his acquaintance. (Hear.) But he cared not what might have been his previous character; he had to deal with the circumstances which appeared in the columns of the Press this morning, and especially in the paper which he had read himself—*The Times*. He thought his hon. friend the member for Carlow had a right to have had an opportunity on a grave charge like this—considering his position as a representative of the people, and as a journalist in Ireland—of making a full statement of his case to the Judge. As regarded the unfortunate man Hynes, who was connected with an ancient and respectable family in the county of Clare, he regretted that the hon. member for Carlow had perhaps in some degree weakened the efforts which, he trusted, would be made to remove the stigma of a public execution from that family. It would have been better if, instead of attacking the Judge who tried Hynes, the hon. member for Carlow had joined in efforts with others to make an appeal on his behalf.

Mr. T. O'CONNOR assumed that the Attorney-General for Ireland had thrown over the Judge because he admitted that the statement with regard to the conduct of the jurors, which the Judge characterised as calumnious, ought to be investigated. It had been stated that by the action of the Crown the jury consisted of Protestants exclusively. In answer to that, the right hon. and learned gentleman said he did not challenge anybody because he was a Catholic. The right hon. and learned gentleman did not do so, but that was done by the Crown Solicitor. It could not be said that continually recurring exclusions of Catholics from juries were accidental. They were the carrying out of a partisan principle. If the Speaker constantly selected members from one side of the House the fair and inevitable inference would be that his selections were influenced by a partisan spirit. With regard to Mr. O'Brien's letter, he had received another sheet of affidavits from Dublin relating to the matter. He would only read one to the House, in order to show the condition of these gentlemen the night before they passed this verdict. Martha Welsh, a-sistant-barmaid at the Imperial Hotel, swore in her deposition that on Friday night last the bar closed at 20 minutes past 12, the usual hour of closing being 12. After finishing her work she went upstairs, and on the upper corridor she met Mr. Keefe and one other juror. She was entering one end of the corridor when she perceived three or four men jumping about at the other end. One of the men said "Look at that young female going to bed at this hour." She immediately put out her candle, so as not to be seen, as she was afraid of them. They were running towards the end of the corridor where she was, and she was afraid they would assault her. She went to her room and heard them go upstairs. A slight attempt was made to get her

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IRELAND.

DUBLIN, AUG. 17.

The sentence passed upon Mr. Gray is the subject of paramount interest at present, little else being talked of or thought of. Whatever other effect it may have—and there can be little doubt that it will put a check upon indiscreet and mischievous journalism—it will crown Mr. Gray's popularity, and give him a claim to the confidence and favour of the masses which he never before possessed. As he did not go the full length of the extreme Parliamentary party and the agitators at home who gave effect to their policy, he was regarded with some mistrust, and his intrepid and energetic action upon distinct, though parallel lines, failed to win for him their full trust and approval. But he has now given the highest proof of sincere devotion by becoming a martyr in the cause, and accordingly he is now the idol of the people. There is, however, no such manifestation of excitement or indignant feeling on their part, as his imprisonment might be supposed to have excited. The strenuous efforts of the Lord Mayor, and the issue of the joint proclamation by his Lordship and Messrs. Parnell, Dillon, and Davitt, were calculated rather to suggest and stimulate popular passion than to appease it. This was clearly the tendency of the speeches made last night at the Mansion-house by orators like Mr. A. M. Sullivan and Mr. Healy, who took care to get clear of the jurisdiction of the Court as soon as possible after they had made significant allusion to Jeffreys as an "ermind ruffian," and had spoken, with Mr. Healy's picturesque ferocity, of "throwing down the veil of the British Constitution," and of having torn off the bandage from the eyes of Justice as represented by Mr. Justice Lawson, and revealed the burning eyeballs of the profligate. With the exception, however, of an occasional band playing through the streets there is no external sign of any strong feeling among the masses, and the good temper and joyous humour which characterised the scene on Tuesday, and seemed like a revival of the old spirit of the country in happier days, have not yet given way to vindictive passion. The fact is commented upon very generally in the Press.

The *Freeman's Journal* observes:—"There is no exact parallel for the event of yesterday. Considerations which will present themselves to the mind of the humblest, as well as the highest in the land, prohibit us from expatiating upon the unexampled character of Mr. Justice Lawson's judgment and the high sheriff's imprisonment. We will simply refer the people to Mr. Gray's own statement to the Court yesterday. It was in the beginning a full and frank acknowledgment of his responsibility for the publications for which he was charged with contempt. And then it was a claim for that which is granted to every man accused of an offence—viz., time to consult counsel and prepare a defence and answer to the Crown. The High Sheriff of the city of Dublin received no notice of the Crown's application till a late hour the evening before the sentence. Nothing could be fairer, one would think, than that which Mr. Gray would claim, and it is shortly this—that the truth or falsity of the statements made in the *Freeman's Journal* be investigated. If they are false, Mr. Gray was prepared, as he said, to make such reparation as the court should deem proper. If they are true, the case was ended, and the complaints made should be attended to and the evils pointed out rectified. Take the case of *Hynes*, the condemned man—"I do not pretend to understand," said Mr. Gray, "the law, but I have always been of opinion that it was the right, and, in certain cases, the duty of a public journalist to comment on trials of this kind after they have been concluded, and, if it were shown that anything of an irregular or an improper character had taken place, that it was one of the functions of the public press to bring it before the public. The Solicitor-General says that so long as the Commission lasts we are not justified in making comments of this kind. Now, I will put a hypothetical case. This man, Francis Hynes, is to be hanged in three weeks. Suppose the Commission lasts for four weeks, would it be, according to the Solicitor-General, our duty to refrain from bringing this matter before the public till a week after the man was hanged? That may be law, but it does not appear to me to be common sense." We will not trust ourselves to add a word to this. We simply put it before the public and let them decide. Judge Lawson declined to hear anything from anybody yesterday on the verity of the statements made in the *Freeman*, although we may point out with all respect to the Court that a declaration had been already heard on behalf of the jury in the *Hynes* case."

The *Daily Express* says it was a painful but an imperative duty for the Court to mark its condemnation of the publications which were brought under its notice, and expresses regret that Mr. Gray adopted the indiscreet course of reiterating the statements in Court, and that he did not seek and yield to better advice. The punishment, it adds, was proportionate to the importance of the office of High Sheriff, and a tribute of the influence of his journal, an influence which, if exercised in the cause of peace and order in this crisis, might do incalculable good, but which, unhappily, has been misapplied and made the instrument of incalculable mischief.

The *Northern Whig* says:—"The sentence yesterday was just. Mr. Parnell stated in the City Hall that it was a blow struck at liberty in its last refuge, the Press. But what kind of liberty was it sought to exercise? To reflect on judicial proceedings while they were in progress, to asperse jurors, and to intimidate them in the performance of their duties. A more cowardly and shocking crime than the Emis murder has seldom been committed. No impartial person can question the justice of the verdict. Had any other been returned, the jurors would have been false to their oaths. Yet they were held up to public contempt, as drunk, as unable to perform their solemn duties with propriety. As for the challenging of jurors, precautions have undoubtedly been rendered necessary. The writing in the *Freeman's Journal* shows them to have been necessary."

The *Belfast News-Letter* observes:—"We have no wish to aggravate Mr. Gray's position by any observations supporting the application of the Solicitor-General, or endorsing the sentence of the learned Judge, but we may say that all lovers of law and order in Ireland are heartily sick and tired of rowdyism in the Press and on the platform, and if people do not choose to keep within the lines of the Constitution, both in writing and speaking, they must expect to be punished by the laws of the Constitution. Mr. Gray's case declares the majesty of the law, even when members of Parliament are the offenders, and we hope the lesson will not be lost on the community at large."

The movement for the payment of the Irish representatives in Parliament was publicly inaugurated to-day by a meeting in the Antient Concert Rooms, or, more correctly, intended to be held, because a clash with another meeting rendered a postponement necessary. At the hour appointed about 200 persons were present. On the motion of Mr. Sexton, Mr. Mayne took the chair. He explained that owing to the amount of public business crowded into this week, it was necessary to fix this meeting and one at the Mansion-house for the relief of evicted tenants for the same day, and it was intended that the Lord Mayor and Mr. Parnell should, after opening the proceedings in the Mansion-house, come to the Antient Concert Rooms, set the meeting there going, and then return to the Mansion-house. Unfortunately, some one blundered, and the two meetings were fixed for the same hour, which rendered it impossible for Messrs. Dawson and Parnell to carry out their intention. He then read a letter from Mr. Parnell, suggesting that the proceedings should be merely opened, that the meeting should then adjourn, and that the Antient Concert's Assembly should proceed *en masse* to the Mansion-house, and swell the ranks of the poor tenant's friends. A formal resolution to this effect was moved by Mr. Ferguson, of Glasgow, who said the object of the meeting was of the highest importance, for unless the members were paid, Ireland could not have independent representatives. He believed the national cause would be well served by men of cool heads and sound judgments, with incomes of £150 to £250 a year. The time had come when wealth and social position should be no longer passports to Parliament, and when class influence should be overthrown, and the legislation of the future should be for the mass and against the class. The motion being seconded by Mr. Walsh, proprietor of a Wexford paper, was carried, and the meeting dispersed, some going as requested to the Mansion-house. When the adjourned meeting will be held is doubtful, and also whether the clashing of times was altogether a mistake, for there are signs that the promoters of the movement have discovered that the popular sympathy is by no means as warm as they expected.

A meeting convened by the Lord Mayor in compliance with a request numerously signed was held this afternoon in the Round Room of the Mansion-house, for the purpose of forming an association and creating a fund for the relief of evicted tenants. The movement is intended to be a counter one to that of the Land Corporation organized by Mr. Arthur Kavanagh. There was a large attendance, including Mr. Parnell, M.P., the Mayor of Cork, Mr. J. Dillon, M.P., the O'Gorman Mahon, M.P., Mr. T. D. Sullivan, M.P., Mr. W. H. O'Sullivan, M.P., Mr. Leamy, M.P., Mr. Lalor, M.P., Mr. E. J. Synan, M.P., Mr. Redmond, M.P., Mr. Gill, M.P., Mr. M'Coan, M.P., Mr. W. O'Brien, editor of *United Ireland*, and some members of the Dublin and provincial Corporations. A number of ladies occupied the gallery. The Lord Mayor, who presided, briefly expressed his sense of the honour conferred upon him in asking him to take the chair, and his satisfaction that the Round Room of the Mansion-house, which was usually devoted to festivities, would also be used for meetings to provide for the necessities of the people. A letter was read from Mr. E. Dwyer Gray, M.P., stating that, although he could not attend, his spirit was with them.

Mr. J. Dillon, who was received with cheers, moved the first resolution:—"That a committee be formed to be called 'the Mansion-house Committee' for the relief of evicted tenants in Ireland." While deeply regretting the necessity for the meeting, they should congratulate themselves on the great numbers and representative character of the assemblage. (Hear.) In the whole history of English misgovernment there was no more scandalous or disgraceful page than that containing the action of the Executive Government of England towards those tenants whom they were assembled to try and save from starvation. (Cheers.) It was just two years since the Prime Minister of England (hisses) said that at that moment there were being carried out in Ireland an immense number of unjust evictions, and unless the hands of the Government were strengthened to interfere with the action of Irish landlords 10,000 would be evicted. He was doubtful whether the Arrears Act would do much to check it, and there were many thousand families entirely outside the operation of the Arrears Act. Again, they were face to face with the fact that at present not a week passed without 200 or 300 families being cast upon the roadside. They might consider the fund from two different points of view. First, they might consider it purely as a charity, and that was the strongest point to but before the meeting, which was somewhat of a mixed

character. Nobody could say that a greater work of charity could be undertaken, and even a work more suited to be undertaken in the Mansion-house of the capital of Ireland, which was always identified with every true work of charity in the country, than the work of relieving those most unfortunate and miserable people of Ireland, who were driven out of their homes and placed in a position without resource but the workhouse. He attached a great deal of importance to the political effect of the movement, and an immense deal of importance to the immediate success of the fund. It would be of enormous importance to assist tenants unjustly evicted. Nothing would tend so much to check evictions, and nothing would tend so much to encourage the people to adopt an attitude of moderate firmness in making fair settlements with their landlords. Nobody could fail to observe the extraordinary effect on the temper of the worst landlords in Ireland on the passing of the Crimes Act. There existed previously a disposition to concession, but there was now a change, and cases of the most malignant persecution had been brought under notice. First there was the publication of the prospectus of the Eviction Company of Ireland. With regard to his namesake, Lord Dillon, who, however, did not quite agree with him in politics, all he could say was that if he persevered in injustice to his tenants he would expose him until he was disgraced. (Cheers.) These were the people they wished now to assist. They should not look in the future for aid to America—a country that had done its duty nobly in the past. But the tenant-farmers of Ireland who were now in a position to do it should come forward and help their fellow-countrymen. (Cheers.) Mr. Mayne, a member of the Dublin Corporation, seconded the resolution, which was unanimously adopted. Mr. T. D. Sullivan, M.P., who supported the resolution, said they were confronted by an organization which, however their enemies attempted to disguise the fact, was intended to depopulate large districts of the country, to give them up to the beasts of the field, or import foreigners to till them. But they would defeat that vile conspiracy against the lives of the Irish people. (Cheers.) They had seen a large subscription list of the landlords to carry out this scheme, invented by Mr. Arthur Kavanagh (groans), the man who repeated in Ireland to-day the treason of his ancestor, Dermot M'Murrough (groans) of evil memory, against the fortunes of the Irish race. If the landlords were able to subscribe so many hundreds of thousands out of their incomes for this purpose, why had they been begging through England, Ireland, and Scotland? (Cheers.) They had been sending round the hat for their poor relations in the Mansion-house in London and elsewhere, and in order to excite compassion many of their followers had been going about London with tattered trousers. (Cheers and laughter.)

The Rev. Mr. Cantwell, of Thurles, moved the next resolution—"That the signatories of the requisition to call this meeting be requested to proceed with the formation of local committees throughout Ireland for the purpose of collecting subscriptions towards the objects of the Committee." Kavanagh, he said, had come with all the venom of Cromwell, but without the power, and he would not be able to carry out his nefarious object of exterminating the people or removing from their humble and happy homes any of the peasantry of their native land. (Cheers.) Mr. Justin McCarthy, M.P., seconded the resolution. He said the result of the meeting would be that the Kavanagh company would immediately go down. Mr. Gray for his public service now occupied a penal cell. (Cheers.) The Judge might imprison him (groans), but he could not degrade him. (Loud cheers.) Mr. Gray's father was in the same Richmond Prison and his statue now stood in the principal thoroughfare of this metropolis. (Cheers.) The resolution was adopted.

On the motion of Mr. PARNELL, the second chair was taken by Mr. Justin M'Carthy, and Mr. Parnell then moved a vote of thanks to the Lord Mayor. He said it was of the utmost importance that the Irish municipalities and local farming bodies should identify themselves with the cause of the people, and the Lord Mayor had distinguished himself among all others who had worthily filled the office of Chief Magistrate. Mr. Parnell confidentially invited the tenant-farmers of Ireland to show themselves worthy of the exertions which had been made for them during the last two years, and to prove by their answer to the appeal which would be made to them by the local committees throughout the country that they were worthy of all that had been and could be done for them. (Cheers.) Let them remember that there were many tenants in any part of Ireland who could gain no benefit from the Land Act, and it was their duty to assist those who were not so fortunate as themselves to share in equal advantages and benefits. Let them remember that many of the evicted tenants had been evicted in order that they might gain that position which they occupied that day. He would also appeal to their motives of self interest, for they might depend upon it that their response to the appeal which was now being made to them would be narrowly watched by the enemies of Ireland and the eviction company, and in proportion as the fund for evicted tenants swelled, so the fund in aid of exterminated landlords diminish, and their prospects of aid would diminish also. The Arrears Act would benefit many of the evicted tenants; but, owing to the period of redemption having expired in many cases, and the interest in their farms having been sold, many could not take any benefit under the Act, and it was important, if the farmers wished to obtain fair settlement with their landlords, that they should be mindful of those who had been wounded in the struggle. (Cheers.) The prisoners had been provided for; they had been generously fed while in captivity by the contributions of their countrymen; and one of them had lived for six months solely on their contributions. He must say that while he was in prison no bread that he had ever eaten tasted sweeter to him than the bread supplied to him by the generous and spontaneous gift of his countrymen. (Cheers.) The people of Ireland should come forward with equal generosity to protect the wounded, the evicted tenant farmer. (Cheers.) The O'Gorman Mahon, M.P., briefly seconded the motion, and the Lord Mayor acknowledged the vote of thanks.

The *Nation*, commenting upon the sentence passed upon Mr. Gray, says:—"Everyone can see the plain meaning and intent of this high-handed action on the part of Mr. Justice Lawson. His desire is to deter the Irish Press from offering any sort of comment or criticism on the manner in which Crown lawyers shall please to constitute the special jury, by whom the large number of prisoners are to be tried on grave charges under the new Coercion Act."

The practice of "Boycotting" is still continued in the neighbourhood of Parsonstown. Some meadowing of the Earl of Huntingdon's was advertised for sale. People were warned not to buy, and attempts to sell proved abortive. A Land Leaguer named Foley is subjected to a similar ban for some offence against the law of the agitators.

CORK, AUG. 17.

August 18, 1882

be removed from Richmond Bridewell to Kilmainham.

With respect to the charge brought against the jury in Hynes's case, great embarrassment is felt by the jurors on account of the statement that an inquiry would be held by the Government, as the ordinary course of trying the question of fact by action taken against the writer of the letter was suggested and under consideration, and it is apprehended that an inquiry would interfere with the proceedings. It is expected, however, that an inquiry will be held immediately, because it would involve great delay to await the result of proceedings by civil action. It is a matter of surprise and censure that the jury were sent at all to the hotel in which the alleged misconduct occurred, it being the one patronized by the Land Leaguers.

August 19, 1882

THE JURY IN THE "QUEEN V. HYNES."

TO THE EDITOR OF THE TIMES.

Sir,—Being one of the jurors in the case of the "Crown versus Hynes," I think it right to lay before you what actually did occur at the Imperial Hotel, Dublin, on Friday evening, the 11th inst.

On the Court rising, at half-past 5, the presiding Judge directed the Sub-Sheriff to take charge of us for the night, and suggested that we should be taken to the Gresham Hotel. We were all much surprised when the Sub-Sheriff told us we must choose between the European and Imperial Hotels. Knowing that these were chiefly patronised by the Land League and Nationalist party, we all remonstrated, requesting to be taken to the Gresham or Shelbourne Hotels, some jurors stating they would prefer to pass the night at the room at the Court-house. The Sub-Sheriff, however, ended the matter by informing us we had no choice, and that as we refused to go to the European he would have us at once removed to the Imperial. On arriving at the hotel we were taken up to a passage at the top of the house, which we were informed had been reserved entirely for our use. We were then immediately taken down to a room where dinner had been prepared for us. After dinner some of the jurors asked permission to smoke. I and some others asked if it was allowable that smokers might go together to a separate room, as the evening was very close. No objection was raised to this, and the smokers were taken, under charge of Sub-Sheriff, bailiffs, and police, to the billiard room of the hotel. There they remained with the Sub-Sheriff or his son till they went to bed, shortly before 12 o'clock. This, I have since been informed, was irregular, but at the time none of us were aware that it was so. I can only say that as the Sub-Sheriff took us to the hotel against our will, he could as easily, with the strong guard of bailiffs and police he had at his disposal, have prevented us from separating as we did. On inquiry from the proprietor of the hotel, I am informed that the whole charge now made against the jury is that one of their number, a Mr. Reis, appeared to be under the influence of liquor when he went to bed. This the foreman of the jury, Mr. Barrett, of Kingstown, and the other gentlemen of the jury who were with him, distinctly and most positively assert to be untrue. Major Wynne, one of the gentlemen who was admitted into the billiard room with them, also informs me that none of the gentlemen there were under the influence of liquor when he was there. The Sub-Sheriff and his son were there; if strangers were admitted to the billiard room, it was their business to have had the jurors removed who were under their charge, or to have arranged with the proprietor of the hotel that they should have had the room to themselves.

Now, as to Mr. W. O'Brien's story. I was awake in room No. 27, nearly opposite his, when the party from the billiard room came upstairs. I heard Mr. Reis speaking and calling out loudly, as is his custom. I heard some one (Mr. Reis) knock over a bath and put it up again noisily. I heard some one for a few minutes go from room to room knocking at the doors. But I heard no singing, nor did I hear anything to lead me to imagine that drunken people were stumbling about in the passage. The Sub-Sheriff had informed us that the passage was reserved entirely to ourselves. We had not all selected our rooms before dinner, and I was not astonished that those last upstairs had some difficulty in finding a spare bed, particularly as it appears one of the rooms had been reserved for the use of the editor or ex-editor of the *United Ireland*, while some of us were doubled up two in a room.

The Attorney-General has promised that a full inquiry is to be made into all the circumstances of the case. This the jurors one and all are anxious should be made at once. I am certain that whatever may appear to be against them in the affidavits of the billiard marker, night porter, and waiter of the Imperial Hotel, not to mention Mr. W. O'Brien, will assume a very different light when these gentlemen are themselves subject to cross-examination.

Yours faithfully,
EDWARD C. HAMILTON, Half-pay. Benzal

August 22 1882

Mr. Sexton, M.P., has sent the following reply to the letter of the Under-Secretary in reference to the jury in the case of Hynes :—

“ Dublin, Aug. 21.

“ Sir,—I beg to acknowledge the receipt of your letter of the 19th inst., conveying the desire of his Excellency the Lord Lieutenant that the affidavits respecting the conduct of certain jurors in the case of the ‘Queen v. Hynes,’ which were referred to in the debate in the

House of Commons on the 17th inst., should be submitted to his Excellency for his consideration. I now enclose herewith for submission to his Excellency the affidavits of Miss Elizabeth Josephine Carbery, Mr. W. O'Brien, Miss Margaret Walsh, assistant at the bar of the Imperial Hotel, Alfred Martin, billiard marker, and Richard O'Connor, assistant porter, all of which were read in the House of Commons on the 17th inst. ; and I likewise enclose, for the further information of the Lord Lieutenant, six other affidavits on the same subject, also made by *employés* in the same hotel—namely, Mrs. Elizabeth Ennis, house-keeper, Robert Boylan and Patrick Toblin, coffee room waiters, William Kennedy, waiter, Francis Brady, ball porter, and Robert Ennis, night porter, all of which latter affidavits have been placed in my hands since the date of the debate in the House of Commons. In view of the extraordinary importance of the interests, both public and personal, involved in the present case, and bearing in mind that the material facts are the subject of a conflict of testimony, I deem it my duty to inform his Excellency of my conviction that public opinion demands the holding of an inquiry on oath and in open Court, in order that evidence may be given under complete responsibility, and that every material circumstance and allegation in the case may be brought to the most searching test. I hope you may be enabled to communicate to me upon an early day the decision at which his Excellency arrives.

“ I am, Sir, your obedient servant,

“ THOMAS SEXTON.

“ R. G. C. Hamilton, Esq., Under-Secretary to the Lord Lieutenant, Dublin Castle.”

The Chief Secretary for Ireland and Mr. Hamilton

August 22, 1882

The friends of Mr. Gray are untiring in their efforts to get up the steam for a great national demonstration of which he is to be the hero, but the public seem to be wonderfully cool and slow to catch the fervour and enthusiasm of the Lord Mayor. A committee has been formed at the Mansion-house, and a circular has been issued in the hope of kindling public feeling. It is signed by his Lordship and by Archbishop Croke, Mr. Parnell, M.P., Mr. Dillon, M.P., and Mr. Gill, M.P., Mr. A. M. Sullivan, and four other less notable persons. It states that Mr. Gray should not be permitted to suffer financially on account of the sentence of Judge Lawson, that his action was in the interests of the public and in vindication of the freedom of the Press. The result, it is predicted, is fraught with consequences of the most serious nature, involving an inquiry into the whole system of trial by jury in Crown cases in Ireland. It is remarked that already the Executive has granted an investigation into the charges contained in Mr. O'Brien's letter, although for publishing that letter and asking for an inquiry Mr. Gray has been cast into prison without being afforded time to obtain legal advice. The public are reminded of Mr. Gray's personal services and those of the *Freeman's Journal* as reasons why he should not be permitted to expend a penny of his own funds in this matter. It was not to be expected that Archbishop Croke would fail to speak out upon so tempting an opportunity, and accordingly his Grace has addressed the following letter to the editor of the *Freeman* :—

" Harrogate, Aug. 19.

" My dear Sir,—I am delighted to see by yesterday's *Freeman*, which has just reached me here, that, as I had anticipated, steps have been already taken towards the payment of the heavy fine which Mr. Justice Lawson thought fit to impose on the popular and patriotic High Sheriff of the City of Dublin. While this formidable commission continues its sittings in Green-street, I suppose all prudent persons had better be wholly silent as to the sayings and doings of its head and members, or refer to them, if they choose to do so at all, with the utmost care and caution. Perhaps, indeed, it would not suit or become me or all others to meddle with it in any way, nor do I mean to do so; but as regards Mr. Gray, I feel well assured that while the Irish people sincerely sympathize with him and Mrs. Gray, and deeply regret his incarceration, they will moreover see him fully indemnified in respect of the pecuniary portion of his penalty at least, thus proving to all whom it may concern that though British placemen may imprison Irish patriots, they cannot injuriously affect them either in their reputation or pocket. I enclose cheque for £10 towards indemnity fund, and am, my dear Sir, your faithful servant,

" C. W. CROKE, Archbishop of Cashel."

Sir Charles Gavan Duffy also writes as follows :—

“ London, Aug. 18.

“ My dear Mr. Gray,—I have read the proceedings against you at the Dublin Commission with nearly as much surprise as if they were a trial for witchcraft. There are still, it seems, though I should not have believed it, official persons in Ireland who suppose that Catholics may be systematically excluded from the juries in the Catholic capital of a Catholic nation, and that remonstrance against such a wrong can be stifled. I venture to think on the contrary that there is no power, official, judicial, or extra official, which can compel Catholics to endure the revival of jury packing in silence, or to endure it at all ; if there be, indeed, the Emancipation Act ought to be repealed, for we are not worthy of freedom. It was not as Catholics the jurors were set aside. The Attorney-General never thought of their religion. Protestants also were set aside, and so forth. I have been listening for 40 years and upwards to these placebos, but during all that time while Catholics have been constantly tried before exclusively Protestant juries, I have never heard of a case in which these learned gentlemen who never made inquiries into the religion of jurors stumbled into the mischance of sending a Protestant to be tried before a jury composed exclusively of Catholics. The accidents are all in the same direction, and the defence is so uniform that Mr. T. B. O. Smith's excuses would serve for Mr. W. M. Johnson. I should not have thought for my part that a complaint of the manner in which the Crown lawyers conducted their prosecution amounted to a contempt of court, any more than a similar complaint against the counsel for the defence. But, without venturing to pronounce an opinion on this technical question, I thank you for not suffering the best fruits of emancipation to be snatched away in silence, and I predict that your imprisonment will put in peril the last remnant of high prerogative authority which has survived the Stuarts. Did the jury in Hynes's case misconduct themselves? I do not in the least know, but if it were my duty to arrive at a conclusion on that question, I should not first refuse to hear the evidence and then pronounce a decisive and dogmatic opinion on facts which I had not investigated. You have a law in Ireland at present which dispenses with juries, but have you one also that dispenses with evidence? If not there are some recent phenomena very perplexing to plain people. Believe me, my dear Mr. Gray, very faithfully yours,

“ C. GAVAN DUFFY.

“ Edmund Dwyer Gray, Esq., M.P.”

The High Sheriff has written to the Lord Lieutenant claiming on the grounds of justice to be present at the inquiry into the conduct of the jury in the Hynes case, inasmuch as the responsibility for the care of the jury was sought to be fixed personally upon him by the Attorney-General, the Solicitor-General, and the Judge, and that, if he be proved guilty of neglect, he might be subject to heavy penalties. Mr. Gray offers to attend the inquiry in custody, or if that be not feasible he asks that it be held within the precincts of the gaol.

His Excellency the Lord Lieutenant has directed the following reply to be sent to Mr. Sexton's letter asking for a public inquiry into the facts connected with the Hynes jury case; a similar answer has been sent to Mr. Gray's application:—

“Dublin Castle, Aug. 21.

“Sir,—In reply to your letter of this day's date, I am directed by the Lord Lieutenant to inform you that his Excellency has no intention of holding any public inquiry into the matters therein referred to. His Excellency has not yet been able to peruse the affidavits forwarded by you with respect to the conduct of the jury in the case of the ‘Queen v. Hynes,’ but he will at once examine into the statements contained in them, with the view of satisfying himself whether there are any sufficient grounds for interfering with the due course of the law in that case.

“I am, Sir, your obedient servant,

“R. G. HAMILTON.

“Thomas Sexton, Esq., M.P., North
Frederick-street.”

This decision of his Excellency will be satisfactory to all who are concerned for the administration of justice. No course would be more unseemly and more likely to have a prejudicial effect upon the interests of justice than to allow the proceedings of the Court to be reviewed by an irresponsible tribunal subject to popular influences, and to subject the jurors who discharge their duty under the sanction of an oath to obloquy and annoyance, involving personal loss, if not personal risk. If such a dangerous precedent were made, and an opening given for the exhibition of class and party feeling, the freedom of the jurors would be seriously interfered with, and they could not fairly be expected to discharge their duty without the fear of injurious consequences.

August 23 1882

during the stay in the north.

DUBLIN, AUG. 24.

The Special Commission, which has now passed its first stage, is in its circumstances one of the most remarkable and in its results one of the most important ever engaged in the administration of the law in Ireland. Its constitution was entirely different from that of any previous commission even of a special character, the jury having been summoned under an exceptional Act of Parliament and from the special panel ; and even the fact that it was presided over by a single judge made a distinction between it and others, the practice having hitherto been to appoint two judges. Again, the fact that it was not merely local in its jurisdiction, but national, the whole country coming within its range, made it unlike any other. The novel and arbitrary power given to the Attorney-General to change the venue upon his own sole responsibility in any case in which he thought that a trial could not be had in the country owing to the disturbing influences now abroad, made a very marked difference, and the beneficial effect which it produced suggests the propriety of its continuance. The Executive may well be congratulated upon the results of their first judicial experiment under the Prevention of Crimes Act. The sitting lasted ten days, and the business was gone through with unusual rapidity and success. In all there were nine cases for trial, and in these 18 prisoners were concerned. In one case the jury disagreed, and Mr. Justice Lawson observed that he could not find fault with them ; another has been adjourned till the 27th prox. ; and 16 of the 18 accused were convicted. The following list of trials and results will show what has been done :—Francis Hynes, for murder of John Doloughy, near Ennis, on the 9th of July, 1882, sentenced to be executed at Limerick on the 11th of September ; Patrick Walsh, for the murder of Martin Lyden,

August 25 1882

DUBLIN, AUG. 25.

A deputation composed of the Lord Mayor and some members of the Corporation waited upon the Lord Lieutenant to-day, at Dublin Castle, to present a memorial in reference to the case of Mr. Gray and the conduct of the Crown in the recent prosecutions in Green-street. His Excellency received them in the Presence Chamber, and was attended by Captain Haamond, R.N., Mr. Hamilton, under-secretary, Dr. Kaye, Q.C., assistant under-secretary, and Mr. Courtenay Boyle, private secretary, Major Turner, R.A., aide-de-camp in waiting.

On arrival of the deputation the aide-de-camp informed the Lord Mayor that there must be no observations made preliminary to presenting the memorial.

The LORD MAYOR, on entering the Presence Chamber, called on the Town Clerk to read the memorial.

The TOWN CLERK read the memorial as follows :—

“ Respectfully sheweth that Edmund Dwyer Gray, member of Parliament for the county of Carlow, High Sheriff for the city of Dublin, a member of the Municipal Council, was on the 16th of August sentenced for alleged contempt of court to a fine of £500, imprisonment for a period of three months, and also to imprisonment for a further period of three months in default of providing bail, himself in £5,000 and two sureties for £2,500 each. That the said alleged contempt consisted in drawing public attention to the exclusion of citizens of position from juries apparently on the ground of religion and, after the termination of the trial, to irregularity in the case of a particular jury. That notice of application for an attachment was given to Councillor Gray only on the evening of Tuesday, the 15th day of August, and that the said sentence was imposed upon him next day, his application for an adjournment to enable him to consult counsel being refused. That the arbitrary treatment and excessive sentence under these circumstances of a citizen eminent for public services, and standing deservedly high in the estimation of the people, have drawn the attention of the Municipal Council to the existing state of the law in cases of contempt of court, or rather the absence of legislation to regulate the proceedings and limit the penalties in such cases. That in the opinion of your memorialists it is contrary to all principles of public liberty that the jurisdiction as at present exercised should continue to exist, and that without trial and in a summary manner heavy fines and long periods of imprisonment should be imposed, and excessive bail be required. That in regard to the juries recently empanelled in Dublin, and the exclusion from them of citizens of position apparently on the ground of religion, it is the opinion of the memorialists that a searching public inquiry on oath should be instituted. Your memorialists therefore pray that your Excellency will represent to the Government the necessity for legislation in the matter of contempt of court, so that the proceedings may be regulated by statute, and that oppressive fines and terms of imprisonment may no longer be imposed, or excessive bail be required; and that your Excellency will be pleased to institute a public inquiry on oath in regard to the empanelling of juries in the criminal cases recently held in Dublin, and that the said public inquiry on oath be extended to the alleged misconduct and irregularity of the jury empanelled in the case of the ‘Queen v. Hynes,’ and your memorialists will ever pray.”

Mayor, Aldermen, and Burgesses of Dublin.—By ancient privilege you have a right to bring to the representative of the Queen in Ireland any memorial which he is willing to receive. In recognition of this privilege I receive you here to-day. I am unable to discuss with you the course taken by Mr. Justice Lawson in the case of contempt of court recently brought under his notice. It would be improper for me to make any comment upon the steps taken in vindication of the authority and independence of the Court over which he presided. In reply to the points of the prayer of the memorial which touches on this question, I can only say that the power of dealing with contempt of court is part of the established law of the land in England as well as in Ireland. It rests with the Legislature in its wisdom to deal, if necessary, with the subject. I notice that you refer to the alleged exclusion from the recent juries of citizens of position, apparently on grounds of religion, and you state that a feeling of uneasiness and dissatisfaction exists. I have looked carefully into the matter, and I am satisfied that no juror was set aside on the ground of religion. You may rest assured that the sole desire of the law officers was to obtain a fair and impartial jury, and that any other object would be repugnant to the sense of justice which actuated them and every member of the Government. With regard to the alleged misconduct and irregularities of the jury engaged in the case of the "Queen v. Hynes," it is my duty to consider most carefully whether any circumstances exist which would make it necessary for me to intervene between the prisoner and the sentence of the Court. No inquiry with this object is or can be in the nature of a public inquiry on oath, but I have, in accordance with my duty, taken steps to satisfy myself whether there is anything in the statements made about the jurors which would lead me to interfere with the ordinary course of the law. In conclusion, I wish to say that in adopting the course which I have announced I have been influenced solely by a desire to maintain the due administration of justice in this country. The deputation then withdrew.

LATER.

LATER.

His Excellency's firm attitude towards the deputation is generally commended by the friends of law and order and of the Government. His prudent notice before receiving them, that he would not hear any personal statements, saved him the infliction of speeches from the Lord Mayor, and others, who were disappointed when they could not lecture the Lord Lieutenant and the Executive, as they intended to do.

A memorial to his Excellency is in course of signature praying for a remission of the capital sentence in the case of Patrick Hynes, convicted of the murder of Doloughy. It has been proposed by Hynes's solicitor, and is based upon the alleged irregularities which took place with regard to the jury. It calls his Excellency's attention to the fact that the jury were allowed to separate pending the proceedings, and that they were permitted to mingle with members of the public: and it discusses the legal bearings of the question, as illustrated by various discussions in this country and in England, commencing with the celebrated case of the "King v. Rev. J. Horne Tooke," who was indicted for libel in England, in the reign George III. This was the first time that a jury empanelled in a criminal trial were allowed to be sent to an inn, and the Chief Justice laid down the law as to the mode in which the jury should be treated, that they should be permitted to separate, and that no member of the public, should be allowed to have access to them. It is observed that the law thus expounded has been on every subsequent occasion on which the question arose concurred in by the judges, and it is submitted that the effect of the irregularity in the case of Hynes, is such as to call for the exercise of his Excellency's prerogative in, at all events, the remission of the capital sentence. It is stated that the memorial will be presented to-morrow. The question naturally arises, How did it happen that the law, which, it seems, was so well understood, was not observed by the Sheriff and his officers, but that irregularities were permitted which are now sought to be made a ground for commuting the capital sentence, although the justice of the verdict and the enormity of the crime are admitted?

August 26, 1882

His Excellency Lord Spencer has replied to the memorial addressed to him on behalf of the convict Francis Hynes, under sentence of death for the Clare murder, to the effect that he has inquired into the statements made with respect to the jury, and that he sees no reason for interfering with the course of justice.

CORK, SEPT. 1.

September 2, 1882

DUBLIN, SEPT. 7.

A meeting convened by the Lord Mayor in compliance with a requisition numerously signed by sympathizers was held this afternoon in the Round-room of the Mansion-house, for the purpose of adopting a memorial to the Lord-Lieutenant praying for a remission of the capital sentence in the case of Francis Hynes, now under sentence of death for the murder of Doloughy, the herd. With very few exceptions, including some gentlemen who are opposed to the infliction of capital punishment in every case, the requisitionists were confined to the class of shop assistants, clerks, and small traders. None of the influential citizens were represented in the requisition or the meeting. The Round-room is capable of holding from 3,000 to 4,000 persons, but not more than 500 at the utmost attended, and they looked a poor handful in the midst of a dreary wilderness of empty space. Among the principal persons present were The O'Gorman Mahon, M.P., Mr. Sexton, M.P., Mr. Biggar, M.P., Mr. Gill, M.P., Mr. A. O'Connor, M.P., and a number of Roman Catholic clergy and members of the Corporation. Although the meeting was called for 2 o'clock, it was a quarter to 3 when the Lord Mayor took the chair. The O'Gorman Mahon, M.P., moved that the Lord Mayor should take the chair. Their object, he said, was to implore the clemency of Her Majesty on behalf of one of his constituents, who, he believed, was innocent. Judge Little seconded the motion, which was passed, and the Lord Mayor, amid applause, having taken the chair, explained the object of the meeting, and said he was sure the Lord-Lieutenant would be with them in this matter. There were grave and serious doubts as to the guilt of the man Hynes, now lying under sentence of death. He had no sympathy with the crime with which Hynes was charged, and wished to God that the causes of these crimes might be removed from their land. (Hear, hear.)

The Very Rev. CANON POPE moved the first resolution, which ran as follows :—

"That in the opinion of this meeting the exercise of the prerogative of the Lord-Lieutenant by the commutation of the sentence of death passed upon Francis Hynes would be received with profound gratification and relief by the country, and that his Excellency be requested graciously to take into consideration the circumstances that have arisen in connexion with the trial and since, together with those submitted in the influentially signed memorial already presented from deputy-lieutenants, magistrates, clergy, and others residing in the country in which the crime was committed; and that we respectfully and earnestly urge upon his Excellency the great moral considerations of clemency and humanity which so frequently influence those in power to forego capital punishment even when no doubts as to the guilt of the condemned disturb the public mind. That the Right Hon. the Lord Mayor be requested to forward a copy of this resolution to his Excellency the Lord-Lieutenant and solicit therefore his most favourable consideration; and that a deputation wait on him with that object."

The very rev. gentleman, in moving the resolution, said,—A fellow-creature, a young man of respectable family, standing at the foot of the scaffold awaiting execution for the alleged crime of murder, of whose guilt we have reasonable doubt,—these are the appalling and imminent circumstances which stimulated this meeting to assemble at the Mansion-house to-day. Were I persuaded that he was guilty I should not have come forward to propose this resolution (hear, hear); I should not have associated myself with you; I should have dissociated myself from this meeting; and I should have made no attempt to stay the executioner's hand. But let me say again and again that we have a reasonable doubt of his guilt. (Cheers.) Upon this ground our petition is to be presented. I came here not to attempt to extenuate his guilt if he were guilty, nor to say anything to palliate in any way the fearful crime of murder. No wonder, if we should be afflicted with famine and with pestilence; no wonder that our countrymen should be emigrants. (Interruptions.) The country has been stained with blood, and it shall give forth no fruits. Your people shall be vagabonds upon the face of the earth. (A voice.—"They are not," and cries of "Order!" and "Put him out.")

The LORD MAYOR.—We have invited Canon Pope to speak here because he has used great influence in endeavouring to get the sentence commuted. I therefore ask your indulgence for him.

CANON POPE.—I ask no indulgence from this meeting to deprecate the crime of murder (noise and cries of "Enough"), and I will deprecate it always. The amelioration of the country would be dearly purchased by the evil of the crime of one murder. (Cheers.) I shall announce that again and again. Now I come to the circumstances of the law applied to this case and I ask whether sentence of death should be inflicted upon one regarding whose guilt we have a doubt. (Cheers.) I wish to point out what fearful danger there is that the exasperation which has been caused by the many murders which have been committed with perfect impunity may induce our legislators to stretch the law too far (hear, hear) in order to obtain convictions. (Hear, hear.) I fear that the law may be deprived of its garb of justice, and that it may be made to wear the garb of vindictiveness. (Hear, hear.) It would be calamitous if the exasperation which has been justly caused, not only in our own country but throughout the world, at the fearful crimes that have been committed, should induce the law to look for a victim, or, where there is even an appearance of guilt, that a life should be sacrificed as an atonement for the murders committed for which there has been no personal expiation. There is reasonable doubt of the guilt of Francis Hynes. (Hear, hear.) This is the ground of our petition, and no other. The chief evidence against him was that of the poor dying victim whose intellect was impaired. (Hear, hear.) If the prisoner suffers the extreme penalty of the law, the execution will leave a sore in the heart of the country. (Hear, hear.) The poor man will pass away—his temporal sufferings will be at an end—but the recollection of Francis Hynes, if he be executed on the meagre evidence adduced, will live for many a year to come. (Cheers.) We now come to solicit mercy from a benign Viceroy (hear, hear) to whom, I believe, no act of his vicerealty will afford more pleasure than the commutation of the sentence of this man, if he thinks the law justifies him in commuting it.

Mr. SEXTON, M.P., in coming forward to second the resolution, was received with loud cheers. He observed that nothing could exceed the solemnity of the occasion. Their object was to endeavour to call into operation in the case of a most ill-fated youth that prerogative which the Constitution had wisely vested in the Crown and its direct representative, in order that clemency might interpose between the condemned and the hand of the executioner. (Hear, hear.) The exercise of the royal prerogative was a fact familiar to them all, and they were all well aware that the exercise of that prerogative was not merely limited to cases in which a strict conception of public justice appeared to demand its exercise. He thought that every consideration of public justice, of public clemency, and of public interest not only suggested, but demanded the exercise of the prerogative in this case. Mr. Sexton then reviewed the circumstances of the case and of the trial, and relied upon a letter addressed to the Lord Lieutenant by Mr. Finucane, a respectable trader of Ennis, to show that there was no motive for the crime on the part of Hynes; that Mr. Lynch, the employer of Doloughy, had paid Hynes's family for the farm, and at his recommendation had added a further sum as they were in difficulties, and that the feeling which the Hynes family bore towards the deceased was one not of enmity but of reasonable gratitude. The deceased, however, had conceived a dread of Francis Hynes which amounted to a mania, and there was also on the part of the resident magistrate a predisposition to associate him with the idea of hostility towards the deceased. The fact that Francis Hynes had been prosecuted by the deceased and bound over to keep the peace seemed to be inconsistent with the supposition of friendship. But, on the other hand, was it likely that a man whose name had been brought before the magistrate in such a way would run the risk of being detected committing so grave a crime? He concluded that the dying man was not in a condition physically or mentally, to make his identification reliable. He had been unconscious before the resident magistrate took his deposition. Mr. Sexton having strongly denounced the selection and conduct of the jury, the resolution was adopted, and Archdeacon M'Mahon having been called to the second chair, a vote of thanks was passed to the Lord Mayor.

The letter of Mr. Finucane referred to at the meeting was addressed to Mr. Sexton, M.P., and forwarded by him to the Lord Lieutenant. It was to the effect that, had he been examined at the inquest, he could have proved that he was present at the payment of £80 for the first year's grazing of the farm let by Mr. William Hynes to Mr. James Lynch, who was Doloughy's employer, and of the payment of £70 for the next year's grazing; that Lynch who paid those sums became the actual tenant, with the consent of the Hynes family; that after he was in possession, the agitation against "land grabbing" commenced and the writer, knowing that the Hyneses were in straitened circumstances, advised Mr. Lynch to give them £40 more for the goodwill; that the Hynes family felt grateful to him, and that Doloughy went to him to get for Mr. Lynch the grazing of the farm in which the Hynes family lived; but he declined to be a party to another contract, and Doloughy then went six miles out to get Mr. Lynch to go over the farm, if not to take it himself, that he might induce another to give a higher price for it. Those facts, he thought, would show that Hynes had no motive for the murder. To this letter a reply was received from Dublin Castle, to the effect that His Excellency has considered Mr. Finucane's letter in connexion with the evidence given at the trial and saw no reason to change his decision on the case.

September 8 1882

HYNES'S VICTIMS.

TO THE EDITOR OF THE TIMES.

Sir,—The public have heard so much of the case of Francis Hynes, who was convicted at the recent Commission in Dublin, of the wilful murder of John Doloughy, at Knockanane, near Ennis, on the 9th of July last, that I hesitate to return to the subject. However, in the hope that I may succeed in eliciting some material sympathy for the unfortunate widow and orphans of Doloughy, who are in abject poverty, I appeal to you to insert these few lines. A subscription list has already been opened in Dublin and I feel sure that the case has only to be put before the over generous English people, to draw forth their sympathy for these penniless victims of agrarianism. Any funds intrusted to my care will be duly acknowledged.

I have the honor, to remain, Sir, your obedient servant,
JAMES POOLE MAUNSELL, M.A.
Dublin Evening Mail offices, Sept. 6.

September 8, 1882

IRELAND.

DUBLIN, SEPT. 8.

The firmness of the Lord Lieutenant has been put to a severe test in the case of the convict Francis Hynes, and a Viceroy of less assured convictions and less indomitable resolution to act upon them in the public interest would have yielded to the tremendous pressure which has been so persistently put upon him. It may well create surprise that so much concern has been shown about the fate of this young man, and that such extraordinary measures have been resorted to by his friends to obtain a remission of his sentence; but the explanation may be found, perhaps, in the fact that his family have filled a respectable position, and also that he is looked upon as a victim to the wild teachings of the Land League, of which he was a voluntary instrument. The extraordinary efforts made on his behalf to spare him the humiliation and the horror of the last dread penalty are the more remarkable when contrasted with the indifference shown towards another young man, Michael Walsh, who is under sentence of death for the murder of Martin Lyden, while his younger brother, a mere boy, is to be tried for the murder of the policeman Cavanagh, who was employed to track the murderer of Lyden. Not a word has been said for him, although his guilt was not more clearly proved than that of Hynes, in whose case the suggestion of a doubt after a most careful trial by an intelligent and respectable jury, whose finding met with the entire concurrence of a keen and experienced Judge, is an afterthought and an unwarrantable reflection upon the tribunal which convicted the condemned man. The observation made by one of the persons who attended the meeting yesterday when the murder was denounced, "that Hynes committed it for a cause," gives a clue to the secret springs of sympathy in the minds of the populace. Immediately after the meeting yesterday at the Mansion-house, which was a very poor exhibition of public feeling, wanting alike in numbers and moral influence, the Lord Mayor wrote to the Lord Lieutenant, enclosing a copy of the resolution passed at the meeting with reference to the commutation of the sentence, and also stating that a deputation, consisting of the O'Gorman, M.P., and others, had been appointed to wait on his Excellency on the subject. To-day his lordship received the following reply from the Lord Lieutenant's private secretary.

"Viceregal Lodge, Sept., 1882.

"My Dear Lord Mayor,—I am desired by the Lord Lieutenant to acknowledge the receipt of your lordship's letter asking his Excellency to receive a deputation to present a resolution in favour of the commutation of the sentence passed on the convict Hynes. I am to say that it is not the practice, either for the Home Secretary in England or the Lord Lieutenant in Ireland, to receive a deputation on the subject of the commutation of the death sentence. His Excellency is not prepared to deviate from this rule, and must, therefore, decline to receive the deputation referred to by your lordship. I am to add that the resolution itself shall be carefully considered by his Excellency.

"I am, my Lord Mayor,

"Your obedient servant,

"COURTENAY BOYLE."

The action of the Lord Mayor was not checked by this discouraging reply, but rather stimulated. His lordship proceeded to the Castle to-day to have a personal interview with the Lord Lieutenant and the Chief Secretary, but found that neither his Excellency nor Mr. Trevelyan had arrived there. He then had an interview with Mr. R. G. Hamilton, the Under Secretary, and cited the case of General Burke, in 1877, who was sentenced to death, as a precedent for the Lord Lieutenant receiving a deputation in favour of the commutation of the sentence. The then Lord Lieutenant was the Duke of Abercorn. The Under Secretary said he would communicate with the Lord Lieutenant, but he could himself do nothing in the matter.

September 9, 1882

The close attention bestowed by the public for some time past upon the Egyptian expedition forms an excellent preparation for a glance at Irish affairs. The mental eye, like the physical organ, may be so wearied with persistent gazing at one object as to lose the power of seeing it accurately. A change of focus gives it relief, and enables it to take a new and truer measurement. During the Session Ireland was too much with us. For months together the country was compelled to contemplate the Irish question and permitted to look at very little beside. Perhaps it is now in a better position to take a general view of the mass of painful details formerly pressed upon its attention, and to judge of the actual condition of Ireland as a whole. No one wishing to make or maintain a reputation for political insight will commit himself to an optimistic view of Irish affairs. Induction from the past unhappily tells too strongly in the opposite direction. We have no wish, however, to predict; we are content to hope. Although it is easy enough to point to deplorable incidents, we venture to think that there are some grounds for taking a more cheerful view of the condition of the country than seemed possible a little while ago. There is at least a lull in agitation, and the cause of order and good government has won a victory or two which in Ireland have a significance much greater than could be ascribed to them elsewhere. Whatever may be thought of the mistakes by which successive Administrations fostered discontent among the police, it must be admitted that a very dangerous agitation has been dealt with by LORD SPENCER with great ability and conspicuous success. A limited number of the ringleaders have been punished by exclusion from the force, but the great mass of the men have been brought back to their allegiance by a judicious combination of firmness and conciliation. No happier ending could have been desired; and it only remains to follow up the advantage that has been gained by showing the men that reasonable reforms may be effectually promoted by reasonable means, while any attempt at dictation will be resisted to all lengths and at all costs. The extent to which the orderly classes in Dublin responded to the call of the Lord-

LIEUTENANT, and the extremely small amount of inconvenience caused by a mutiny among the forces of order, constitute a serious discouragement to the agitators. The MAYOR of DUBLIN would not have shown his hand so distinctly as he did had he been able to foresee the rapid collapse of an apparently promising attack upon British rule. LORD SPENCER has again shown great firmness and sound judgment in refusing to interfere with the course of justice in the case of the murderer HYNES, notwithstanding the extraordinary efforts that have been put forth to secure the remission of his sentence. Some of the reasons urged in favour of clemency, as, for example, that he is of a good family and was misled by the Land League, really tell in the opposite direction. There is an end of all attempt to make the law respected, or even respectable, if we admit such excuses as these for an atrocious crime. This we take to be the real reason why such extraordinary efforts are put forth on behalf of the criminal. Their success would deal a severe blow to the recent legislation by virtue of which the conviction was secured.

Incidentally, however, the agitation on behalf of HYNES offers some ground for hope that a better day is dawning for Ireland. The extreme paucity of the attendance at a meeting which was evidently meant to be an imposing demonstration indicates that the movement is an artificial one. Had it sprung from a deep and widespread sentiment, no room in Dublin would have held the crowd seeking admission. The same lesson is deducible from the character of the clamour against MR. GRAY's imprisonment. A good deal of noise has been made, though even that is dying down, but the sympathy of the people as tested by that most trustworthy of all gauges, the relaxation of its purse-strings, is decidedly lukewarm. Taken in connexion with a general tranquillity which sporadic crimes do not really affect, these things seem to justify at any rate the hope that genuine improvement has begun. There must be in Ireland a very large number of persons who are tired of perpetual and, as far as they are concerned, barren agitation, and anxious to be allowed to go on quietly with their private business. Even in a country where large numbers can boast of a "revolutionary strain" human nature must recoil from the devotion of its whole energies to the nursing of sentiments of hatred to British rule. They may be very agreeable as the condiments of the daily fare, but they form at once a monotonous and an innutritious diet when taken alone. Any agitation which aims at taking possession of a whole people must rapidly wear itself out, unless it is founded upon very real and very pressing wants. The Arrears Act, together with the legislation it supplements, must lead many to feel that the game they are playing is not worth the candle. They have got something, and the prospect of getting more by the same method is for the present at least distant and doubtful. Mere fatigue and laziness may thus be counted upon to some extent to cause a lull in an agitation which only a few professional agitators regard as a good in itself. On the other hand, the Prevention of Crimes Act undoubtedly renders the way of the transgressor much harder than before. The machinery of terrorism cannot be so

before. The machinery of terrorism cannot be so effectually brought to bear upon those who wish to step out of the ranks and attend to their families and farms. The probability that crime will be punished is much greater than before, and probability in these matters counts for a great deal. These considerations, perhaps, leave us a long way short of the permanent cure of Irish discontent, but any amelioration of the symptoms is a thing to be thankfully recognized. A mere break in the current of disorderly habit is something to be welcomed, not only as a present good, however small, but as the necessary starting point of all permanent improvement. There seems to be room to hope that such an interruption of the mischievous work of agitation is now possible.

MR. PARNELL and his friends will, of course, do what in them lies to avert the loss of their occupation. The institution of the Labourers' League may be accepted as a sign that they feel it necessary to take precautions. The new organization, however, is hardly likely to prove so serviceable as the old. The theory, of course, is that as soon as one social stratum has been satisfied you can find another lower down whose struggles will again convulse society. In practice, however, it is found that when a certain depth has been reached the weight of the superincumbent mass defies the most ingenious mining. The relativity of forces is a branch of social dynamics which has not received the attention it deserves. There are many people besides MR. PARNELL who imagine that they can go on manufacturing effective partisans by simply sinking their shafts a little deeper. There are some who shudder at the prospect of adding the agricultural labourers in this country to the electorate. There are others who exult in the belief that the operation will extinguish Conservatism. Both might moderate their transports if

vatism. Both might moderate their transports if they would reflect that the agricultural labourers are only ten per cent. of the population, but if they were three times as numerous their enfranchisement would not produce the anticipated results. It would only shift the line of political cleavage. MR. PARNELL's farmers are revolutionary as against landlords, but they will be conservative enough as against labourers. Of course, they are told that they must pay higher wages and then demand lower rents; but they will decline to take the risks of that operation. They will argue that a bird in the hand is worth two in the bush, even if MR. PARNELL thinks he can net the pair. They will want the reduction of rent secured first, and if they get it they will develop a surprising acquaintance with the orthodox theory of demand and supply when the labourers claim their share. If they are wise they will be content with what they have got and decline to enter into any conspiracy to get more either for themselves or others. What Ireland chiefly needs is peace and freedom from harassing agitation. The fight about the soil and the rents may go on for ever without lifting the population out of its present squalor and misery. Capital is needed and needed in large quantity in order to start Ireland fairly on the road to prosperity, but capital will never go there while each concession brings new demands for plunder. Irishmen have been complaining in our columns that English tourists have ceased to visit the country and that the hotelkeepers are consequently ruined. It may be hard on the hotelkeepers, but what can they expect? Do Irishmen fancy that even if tourists are unmolested, Englishmen will spend their money among a people which daily loads them with abuse, and uses what capital it can get hold of to undermine law, destroy life, and ruin property? They may as well expect to grow potatoes on the melancholy ocean that washes their shores. Not a penny of capital will go to Ireland that can be kept out, until Irishmen convince the world that they have learned the fundamental laws of conduct.

September 9, 1882

DUBLIN, SEPT. 16.

The fact that the agitation about the convict Hynes, whose execution is fixed for to-morrow morning, is the only agitation which at present attracts any attention in the country should be added to the many signs of social improvement which are beginning to appear. If there were no other motive for the agitation than one of pure compassion for the wretched man on account of his youth and the surroundings of his life the movement would probably have been merely local in its range, and would have no semblance of a national character. It derives its chief strength and force, however, from the feeling excited by the sentence passed upon Mr. Gray, whose personal influence as a citizen or political guide and as the owner of a popular and powerful journal was strained to the utmost to arouse public opinion against the tribunal which had convicted him. Sympathy for Hynes was thus artificially interwoven with sympathy for the High Sheriff, and the whole country was as far as possible brought within its scope. Notwithstanding the great and incessant efforts which were made to organize an imposing demonstration of national feeling and to shake the confidence of the people in the character of the court, the agitation has been very feeble and hollow compared with others in which the heart of the country was really engaged. The appeal which was made to the clemency of the Crown on behalf of the condemned murderer was not supported by the loyal and respectable classes, but the persons who were most clamorous in their protestations of pity and most pressing in their demand for mercy were those whose political teaching has demoralized this country and steeped it in crime, and whose deep solicitude has always, by a suspicious coincidence, been enlisted on the side of the reputed murderers. There is not a single instance on record in which these tender-hearted sympathizers have ever shown the slightest concern for the victims of atrocious deeds. They have been ready enough in some cases to subscribe to defence funds to provide counsel, even with special fees, to get off the accused. They have been active in procuring evidence to support the prisoner's case, and in putting every possible impediment in the way of the prosecution by keeping witnesses away, discrediting the conduct of the Crown, and creating a prejudice in the minds of jurors; but they have never been known to give the slightest assistance to justice in her efforts to overtake the guilty, or a single sixpence to relieve the wants of the unfortunate people who have been made widows and orphans by the foul deeds of the assassins. Not a word has been said by them about poor Doloughdy's wife and seven children who are consigned to destitution and misery, and whose bitter sorrow is not alleviated by the slightest touch of sympathy, but rather aggravated by heartless repulsion on the part of their neighbours. It is not to be wondered at if representations on behalf of the prisoner by such persons would have little weight with the Executive. The movement in favour of Hynes wanted the moral elements which would be likely to make it effective, and it may be questioned whether the blending of the two appeals did not rather weaken than strengthen the claims of both to public support. It was felt that the case of Hynes did not rest entirely upon its own merits, but was connected with Mr. Gray's personal grievance, while the case of Mr. Gray was tainted by contact with that of a convicted murderer. This may account for the remarkable fact that the response to the appeal for an indemnity fund, though urged by extraordinary means, has been so slow that over three weeks have been spent in collecting a sum of £500, which, under other circumstances, would probably have been subscribed in half an hour.

In searching for precedents to support the appeal for clemency in the case of Hynes, the remission of the sentence of death pronounced on William Burke Kirwan, a medical artist, who was found guilty of the murder of his wife 30 years ago, and who is now at large, has been rather unhappily referred to. There is an analogy between the cases, but the remission of Kirwan's sentence was thought to be an act of weakness on the part of the Executive of the day. No one doubted the prisoner's guilt, but the evidence was entirely circumstantial, and an outcry was raised in the Press to get the capital penalty remitted. Kirwan murdered his wife by drowning her at Ireland's Eye, the little island lying out about two miles from Howth. He wanted to get rid of her, as he had a *liaison* with another woman, and, having induced her to go over in a boat to spend the day on the island, he returned without her, alleging that she went to bathe while he was sketching, and that he could not find her. Her dead body was afterwards discovered in a creek, where she had evidently gone in to bathe and was suffocated by Kirwan when she attempted to get out. There were marks of violence which left no moral doubt of murder. The late Mr. Butt conducted the defence, and the theory which he put before the jury was completely demolished by Mr. Hayes, who was afterwards one of the Judges of the Queen's Bench, and the jury had no hesitation in finding the prisoner guilty. He was respectable, however, and had influential friends, who interested themselves in his behalf, while Mr. Butt, who was still a journalist, put all the machinery of the press in motion, and the result was a commutation of the sentence. There was no question of identity in the case, and no evidence to connect the accused directly with the crime beyond the facts that he was unfaithful to his wife that he went over to the island with her and came back without her, and that cries were heard by some boatmen, who attached no significance to them at the time, though Mr. Hayes gave a thrilling explanation of them to the jury in the picture which he drew of the scene to explain away Mr. Butt's theory. It appeared on the trial that Kirwan had previously attempted to poison his wife. The evidence as to the actual commission of the crime in that case was, in the opinion of lawyers, so doubtful as to warrant a remission of the sentence; but the public never had a doubt of the guilt of the accused.

Several persons of influence have sought interviews with Lord Spencer with a view to induce him to alter his decision in the Hynes case, but his Excellency has steadily refused to receive them. Accounts received from Limerick to-night state that all is quiet, and every preparation has been made for the execution to-morrow morning. Representatives of the Press will not be admitted.

Hynes's friends are indefatigable. Mr. Finucane, who wrote to Mr. Sexton, has given a narrative that is quite consistent with the case of the Crown, but which he professes to believe inconsistent with it and calculated to prove that Hynes had no ill-will, but rather gratitude, to Doloughy and his employer. Hotelegraphed to Mr. Sexton to the effect that Mr. Lynche, the employer of Doloughy, was prepared to corroborate his statements. It was only yesterday evening, on the arrival of Marwood at Limerick, that all hope of saving the prisoner's life was abandoned. Marwood travelled down by train last night, accompanied by six English detectives and two Dublin policemen. Hynes's brother and sister, not hearing of the fact, travelled in the same train in the next compartment. At Limerick Junction Marwood was pointed out, and Hynes's sister shrieked and almost fainted.

The magistrates continue to carry out the Crimes Act with energy, and their action is producing a deterrent effect upon the disturbers of the peace. At Carrick-on-Shannon Petty Sessions on Friday, Thomas Paden, of Tirmacternian, near the town of Leitrim, aged 78, was convicted and sentenced to three weeks' imprisonment in Sligo Gaol for intimidating Mr. Walsh, an ex-constable of police, from buying hay on a boycotted farm, the property of Sir Gilbert King. The former tenant had been evicted from the farm for non-payment of rent, and an attempt was made to get him reinstated by boycotting everyone who had dealings with the land. If it had not been for the high character given of the prisoner by his parish priest and his great age he would have been committed for six months. At Kilmacthomas Petty Sessions yesterday a labourer named Thomas Dee was sent to gaol for a month for intimidation. The cases which are tried under the Act, however, are comparatively few, the people generally being careful to avoid coming within the power of the law.

CORK, SEPT. 10.

September 11, 1882

IRELAND.

DUBLIN, SEPT. 11.

Francis Hynes was executed this morning in Limerick Gaol for the murder of Doloughy, the herd. Up to almost the very hour when the dread penalty of the law was actually fulfilled a vain flickering hope of a reprieve was kept alive in the convict's mind by the effusive sympathy of many real friends, and of many others who seem to have had no other motive for their interference on his behalf than a desire to ingratiate themselves with the populace. The closing scene was marked by a quiet solemnity befitting the occurrence. It was apprehended that some disturbances might probably occur, and ample precautions were taken by the authorities to preserve the peace. Additional police were drafted into the city, and detachments of the 3d and 76th regiments were stationed in the prison in readiness for immediate action. At half-past 7 o'clock a crowd of people began to assemble in front of the gaol, and from 1,000 to 2,000 persons were present before 8 o'clock, the hour fixed for the execution. At a quarter before 8 o'clock the prison bell began to toll the knell of the unhappy man, and gave notice to the multitude outside that the officials and the convict had left the cell for the scaffold in the usual processional order. A few moments of breathless suspense were passed until the flag was hoisted, announcing that all was over. The strictest orders were given that the execution should be private, and care was taken that no representatives of the Press should be admitted. The condemned man passed a quiet night, and manifested more fortitude than circumstances had led his friends to expect. At half-past 6 this morning he was attended by the Rev. James M'Coy, Roman Catholic Chaplain to the prison, who celebrated mass and administered the sacrament to him. The rev. gentleman remained with the convict till the last, and at 10 minutes to 8 o'clock the officials sent word that the time for the execution had arrived. Marwood was in waiting, and just as the convict stepped from his cell he dexterously pinioned him. A procession was formed, consisting of the sub-sheriff of the county Clare, the visiting local officer to the gaol, the governor (Mr. Edgar), and a number of warders. The convict brought up the rear of the procession, and attended by Mr. M'Coy and the Rev. Mr. Macnamara, walked firmly to the scaffold. He answered the responses to the litany for the dead audibly and in a devotional tone. When he reached the scaffold he stepped on to the drop, and the cap was drawn over his face by Marwood, who seemed to be struck by his fortitude. Just as the clock struck 8 the fatal bolt was drawn, and the dread sentence of the law was fulfilled. The fall was seven feet and death was almost instantaneous, there being but one convulsive struggle before the doctor pronounced life to be extinct. There was no disturbance among the people outside, but when the black flag was hoisted, announcing that all was over, a cry of sympathy was raised for a moment, and then the people began slowly and silently to disperse. After the execution the military guard of 50 soldiers marched back to barracks. An equal number of police, who had been stationed in the gaol, also returned to their usual quarters. At 12 o'clock an inquest was held, and the fact of the execution was formally proved and recorded.

Hynes made no statement confessing his guilt, but it was not expected that he would. The crime which he has expiated by his death at the early age of 23 was committed on the 9th of July. He was the son of a solicitor, who for some time occupied a respectable position, and was in good practice, but who sank afterwards in the social and moral scale, and ultimately left the country, after bills of indictment for forgery had been found against him. He also became subject to fits of mental derangement. Five years ago, being in embarrassed circumstances, he had to give up possession of a farm at Toureen, over which the murdered man, John Doloughy, acted as herd. A man named Lynch went into possession and Doloughy continued to act as herd. This caused a feeling of bitter animosity, which ultimately led to the murder. Doloughy was frequently warned to give up the employment, but refused, although his life was threatened, and he was obliged to have the Hyneses bound over to keep the peace. On Sunday afternoon, the 9th of July, as he was returning from Mass at Ennis to his residence near Olare Castle, he was fired at from behind a ditch and wounded mortally in the face with a charge of duck-shot, fired at him by Francis Hynes. It is alleged that the convict did not intend that the injuries should prove fatal. Doloughy, who received the shot in the eyes, died shortly afterwards, but lived long enough to fully identify Francis Hynes as his murderer. It is a singular fact that while Hynes was in gaol awaiting his trial two warders were found at midnight by the governor without their keys. They were instantly dismissed, a military guard was stationed in the gaol, and the locks were all changed. The friends of Hynes and those who sympathize with him notwithstanding his crime—because, as was said at the meeting, he did it "for the cause,"—have no reason to reproach themselves for want of activity and perseverance in their efforts to save him. Not satisfied with appealing to the Lord Lieutenant, they solicited the influence of the Prime Minister on his behalf. Mr. Sexton, M.P., wrote to Mr. Gladstone, enclosing a copy of a letter from Mr. Finucane, a trader of Ennis, who has made extraordinary efforts to procure a remission of the sentence. He received the following reply, which is only now made public, though Mr. Sexton no doubt had it in his pocket when he spoke at the meeting on Thursday last:—

"10, Downing-street, Whitehall. Sept. 6.

"Dear Sir,—I have the honour to acknowledge your letter of the 4th., and I am glad to learn, on reference to Dublin, that your enclosure has already been brought before the Viceroy. It is, as far as I know, the uniform rule of administration both in England, or rather Great Britain, and in Ireland that any question of dealing with judicial sentences is kept exclusively in the hands of the Home Secretary for the one and of the Lord Lieutenant for the other, and I think you will perceive that this is a very salutary rule, as, were it not observed, there would be danger of introducing the operation of political motives into the consideration of matters in which they have no proper place. In the present instance I am certain, from communications with Lord Spencer, as well as otherwise, that full consideration will be given to every topic, and to all information which may bear on the decision he has to take.

"I remain dear Sir, your faithful and obedient servant.

"W. E. GLADSTONE.

"To Thomas Sexton Esq., M.P."

September 12, 1882

A suspicious circumstance was brought under the notice of Mr. Curran, police magistrate, to-day. A butcher's porter named Thomas Williams, of 23, North William-street, was charged with having been found concealed in the area of No. 5, Grafton-street, a house occupied by Mr. Charles Reis, one of the jurors who convicted Hynes, between 5 and 6 o'clock on the evening of the 11th inst, for the purpose, as alleged, of committing a felony, or for some other unlawful purpose. It is stated that Mr. Reis received a threatening letter on Monday. The accused was given into custody by James Watts, a shopman in Mr. Reis's establishment. Miss Lucy M'Kean was examined, and deposed that during Monday afternoon she saw the accused loitering about the hall of Mr. Reis's shop. On being asked his business, he produced a letter addressed to a Mr. Butler, and stated he was looking for him, although no person of that name lived in the place. He was subsequently found concealed in the area. The prisoner was remanded for a week.

September 13, 1882

REIS mention

The convict FRANCIS HYNES was yesterday executed in Limerick Gaol for the murder of JOHN DOLOUGHTY. The circumstances of the murder and the trial will be fresh in the memory of our readers. DOLOUGHTY was killed in broad daylight by a charge of small shot fired directly into his face. Before his death he named FRANCIS HYNES as his murderer in the presence of CAPTAIN M'TERNAN, the resident magistrate who took down his deposition in writing. The trial of the accused took place in Dublin under the provisions of the Prevention of Crimes Act. In addition to the deposition of the murdered man, circumstantial evidence tending to incriminate HYNES was produced by the prosecution. A verdict of guilty was returned, and HYNES was sentenced to death by MR. JUSTICE LAWSON. Since the trial was concluded strenuous efforts have been made on various grounds to induce the LORD LIEUTENANT to commute the capital sentence. A painful prejudice was created against the jury who tried the case by statements accusing them of misbehaviour during the trial which were published in the *Freeman's Journal*. The publication of these statements led to the imprisonment of MR. GRAY, M.P., the proprietor of the *Freeman's Journal*, for contempt of Court. On this and other grounds a strong appeal was made to the LORD LIEUTENANT, supported by many names of influence in Ireland, and some evidence was tendered to show, on the one hand, that HYNES had no sufficient motive for the murder, and, on the other, that DOLOUGHTY had contracted a fixed idea of HYNES'S implacable enmity to himself. After full consideration of the whole case, however, the LORD LIEUTENANT determined to allow the law to take its course.

was to be believed as it was by the jury and by the Judge, it plainly removed all possible doubt of HYNES's guilt; and, assuming the guilt to be proved, there was nothing in the collateral circumstances of the case to justify the commutation of the sentence. On the contrary, the condition of Ireland demands that the administration of the law, though it should be free from every shadow of vindictiveness, should be rigid, stern, and inflexible. Every one must wish, for the sake of Ireland itself, that when a murderer has been convicted after fair and patient trial, nothing should interfere with his punishment. There is nothing to be gained in Ireland by a half-hearted and timid administration of the law. We would speak with all proper respect of those who, in spite of the evidence tendered at the trial, sincerely believed HYNES to be innocent and did their best accordingly to obtain a commutation of his sentence. But it is quite impossible to ignore the fact that there were other and far less worthy motives at work on behalf of the convicted man. It is, as MR. GLADSTONE said in his letter to MR. SEXTON, a salutary maxim of administration throughout the United Kingdom not to admit the operation of political motives into the consideration of matters in which they have no proper place. But this is a maxim very imperfectly assimilated by public opinion in Ireland. Sympathy with murder is only too common, connivance at crime and a cowardly reluctance to give evidence are almost universal. It is imperatively necessary to show, therefore, that where evidence is forthcoming and where guilt has been established, there punishment will be inflicted. For a long time the Government has had to pursue the spectre of unseen and undetected crime. Agrarian offences of all kinds have been hideously rife, and the most appalling political murder of this generation was committed with an impunity which points unmistakably to a widespread sympathy with crime. It is not merely an Administration that has been baffled by this state of things; it is the whole fabric of society that has been dislocated and demoralized by terrorism. In such circumstances it is mere aggravation of a disease already nearly desperate to deal tenderly or hesitatingly with crime. The Prevention of Crimes Act represents the mood which the recent condition of Ireland has induced in the orderly classes throughout the United Kingdom. We would hope, indeed, that the disaffected classes in Ireland themselves have begun to take to heart the lessons of the last two years. We are not blind to the deplorable temper exhibited on recent occasions by the Corporation of Dublin and by some of the more extreme politicians who espoused HYNES's cause. But even the most ardent and reckless of Irish Nationalist politicians must see that the game is beginning to be played out. Their appeals to the democracy of England and Scotland have proved entirely unavailing. The people of this

country have willingly and patiently set themselves, at the sacrifice of many cherished ideas and principles, to the redress of genuine grievances in Ireland. They have allowed Parliament to devote two whole Sessions to Irish affairs, and they have consented to take a heavy burden on themselves in order to help Irish tenants to get rid of their debts and to start afresh in life under new and more hopeful conditions. But the natural sympathy of English and Scotch Liberals with some of the demands of the popular party in Ireland has been utterly alienated by agrarian outrage and political crime. The Irish people must by this time be convinced that they have nothing whatever to gain from their natural allies in the constituencies of Great Britain by persistence in violence and disaffection. The people of England have no particular love for what is called strong government; but there is at least one thing which they like less, and which they are ready to make any sacrifice to get rid of, and that is what they have lately witnessed in many parts of Ireland—namely, a state of anarchy and social disorganization which is worse than no government at all.

There are not wanting signs that Irishmen are beginning to see matters in this light themselves. The inventors of boycotting are finding to their cost that it is a process capable of indefinite application. Englishmen are beginning to avoid Ireland, not in a spirit of vindictiveness, but merely in that of self-defence. It is not merely tourists who stay away. The absence of tourists affects at most only a small class of the whole population, but it is typical of what will and must happen to Ireland so long as violence and outrage prevail. So long as life and property are insecure capital will be scared from the country, commerce will languish, and industry will be paralyzed. Nor can Ireland hope to

will be paralyzed. Nor can Ireland hope to recover the sympathy of honest men and good citizens so long as Irish crime remains unchecked and Irishmen are ready to ignore, conceal, and extenuate it. We have spoken already of the chilled and estranged sympathies of English Liberals; but it is not only in England that Irish disaffection and violence have produced the inevitable reaction. There never was a time when sympathy with Ireland was less keen in the United States than it is at this moment. The MAYOR of CHICAGO is, no doubt, a shrewd politician, and it may very well suit his purpose to conciliate the Irish vote at home by an effusive, not to say fulsome, acknowledgment of Irish hospitality in Dublin; but it is a far cry from Chicago to Connaught, and whatever may be the failings of American politicians at home, they have no sort of sympathy with a state of society which results in such a tragedy as that of Maamtrasna. It is well for Irishmen to be made to understand clearly what is the consequence, the necessary consequence, of agitation conducted after the fashion of the last two years. It alienates and utterly destroys the only political sympathy from which any practical results can be gained—that of the people of Great Britain. There was a time when “no Irish need apply” was common enough, and had a real significance. It has not been heard lately, and it rests with Irishmen themselves to determine whether it shall ever be heard in earnest again. Irishmen contend on equal terms with Englishmen and Scotchmen in all forms of civil employment; neither their faith nor their nationality is any bar, as both once were, to their advancement. All occupations, positions, and professions are open to them throughout the United Kingdom, and Irishmen attain eminence and high respect in all. But Irishmen of late have done their best to make their country a scandal to men who care for law and order, and they have only themselves to thank if their conduct has chilled some of the kindlier sentiments which their countrymen of Great Britain are quite ready to entertain.

September 12, 1882

CORK, SEPT. 25.

It is stated that Mr. Parnell will not come to Cork next Sunday. The intention is that he should open the new bridge, which has been named after him. This structure is not yet out of the builders' hands, and upon the time of its completion will depend the exact date of Mr. Parnell's journey to the south. His arrival here will probably be within three weeks, and certainly before the reassembling of Parliament in October.

In consequence of Captain M'Ternan's appearance as a witness at the Hynde trial, the unpaid members of the choir at the Ennis Roman Catholic Church have resented the

presence of his son and daughter in the choir by remaining away for the past few Sundays. In consequence of this circumstance several constables were stationed near the church door yesterday to ensure the safety of the young lady and her brother when leaving after mass.

September 26, 1882

MR. SHAW-LEFEVRE AT READING.

The First Commissioner of Works (the Right Hon. G. J. Shaw-Lefevre, M.P.) and Mr. George Palmer, M.P., addressed their constituents in the new Town-hall, Reading, yesterday evening. There was a large attendance. Mr. James Boorne, J.P., President of the Reading Liberal Association, presided.

great scale. (Cheers.) He would now turn to the other great difficulty which the Government had had to cope with - that of Ireland. He was thankful to be able to say that under the revised policy of firmness and conciliation so admirably administered by Lord Spencer and Mr. Trevelyan this difficulty was gradually being overcome and Ireland was quieting down. When he addressed them a year ago matters were at their very worst. The Land Act had only recently been passed; it had not then had time to exercise any beneficial effect. It was being denounced and obstructed by the extreme agitators. It was equally feared and dreaded by landlords. Crime of an agrarian character was rife throughout the country. Several hundreds of persons were in prison under the gravest suspicion of having committed these crimes, but all without trial and detained under the warrant of the Lord Lieutenant; and popular sympathy was enlisted on their behalf rather than against the crimes they had committed. The Land League had also proclaimed the dangerous and shameful doctrine of the nonpayment of rent. Since then considerable changes had taken place. The old Coercion Act had been allowed to expire, and at this moment he believed there was no longer a single person in prison who had not been tried or whom it was not intended to try. (Hear, hear.) It was true that after the shocking murder of Lord F. Cavendish, than whom no purer and higher-minded statesman ever existed, and whose death was a calamity to Ireland (hear, hear), it was found necessary to pass another Coercion Act of a somewhat different form, but the severer parts of this new Act had not, he believed, been put in force. It had not been found necessary to try any person without a jury and by the Judges only, and he earnestly hoped it might not become necessary to do so. (Hear, hear.) What in fact was still more serious in Ireland even than failure of conviction for crime was the state of opinion which rendered possible such immunity and which sympathized with criminals such as Hynes and Walsh, and until that state of opinion was changed we should not have effected much. There was every reason to hope, however, that that change was being effected. The no-rent movement had been defeated, and rents were now being generally paid throughout Ireland. Agrarian crime was diminishing week by week, and, meanwhile, the Land Act of last year and its necessary supplement, the Arrears Act of this year, were gradually producing a soothing effect and were giving to the smaller tenants throughout the country a sense of security and justice. The decisions of the Land Commissioners showed that there was far more general cause for complaint that the smaller tenants were rack-rented than was generally believed. There could not now be a doubt that gross injustice was frequently done to these tenants. Having given some account of the Married

October 1882

MR. GLADSTONE assented to the motion.

OUTRAGE IN DUBLIN.

LORD J. MANNERS.—Can any member of the Government give the House any information about the reported outrage in Dublin? It is understood that an officer of the law has been cruelly wounded, and, according to one report, a second has been similarly treated.

Mr. GLADSTONE.—An account has reached us by telegraph during the sitting of the House to the effect that a juror in the case of Hynes has been assaulted by two men who got off a car, struck him down in North Frederick street, Dublin, and wounded him in various places, injuring him gravely, perhaps fatally. Two young men came to his assistance, but the murderers—I may call them so, for they were so in intention—got upon the car and drove off at a rapid pace. The young men endeavoured to raise a hue and cry, but, so far as we are informed, they did not succeed in causing the car to stop. There has also been a second rumour about the House, but a telegram sent out at 11 49 has been received from the head of the Dublin police on the subject of the first outrage, and he makes no allusion to a second. The rational inference is that the rumour is a not unnatural growth of the pain and horror, and, perhaps, excitement, created by the outrage which has occurred.

The House adjourned at half-past 12 o'clock.

November 28 1882

Mrs. Doloughy, wife of the herd murdered by Francis Hynes (who was executed for the crime), was examined yesterday in Ennis, before Mr. Monahan, Q.C., in support of her claim for £3,000 compensation for the loss of her husband. She stated that since the execution she has been boycotted, that no one will speak to her, and she had to be escorted by police to the Court-house. The Lord Lieutenant will decide upon the amount of compensation in this and other cases after receiving the report of the Commissioners conducting the inquiry.

December 14, 1882

The Government have had under consideration a speech delivered by Mr. Biggar, M.P., in Waterford, early in the week, addressed to the members of a National Club, in which he referred in very gross language to the conduct of Mr. Justice O'Brien in presiding at the trials in Greenstreet, and in still more outrageous terms to the Lord-Lieutenant.

The following is the speech for which it is believed Mr. Biggar will be prosecuted:—"He said the most important thing to be considered was that the Ministers of the day had only to be amenable to the House of Commons. They should also be amenable to public opinion, and to the public opinion of Ireland. When he spoke of the Ministers he alluded to the Ministers of the Crown for Ireland. They all denounced outrage and murder, but it was most desirable that the innocent person should not be punished for a crime of which he was not legally found guilty, and of which he might be innocent. (Cheers.) He would not say a word with regard to Mr. Justice William O'Brien, as if he did he might be brought before him for contempt of court; but he might at another time and in another place question Mr. Justice O'Brien's conduct in some recent trials. To show how the Ministers of the English Government in Ireland acted when they were not bound by the strong force of public opinion, he might refer to the case of Francis Hynes. The jury in that case were allowed to disperse, and the conviction by them was illegal, according to British law. That fact was known to Earl Spencer—that bloodthirsty English peer. He knew that, according to English law, another jury should be empannelled before the trial was proceeded with. The Judge might not have known these facts, but Earl Spencer did, and yet he allowed the young man to be hanged. If he was amenable to public opinion in Ireland he would not do that. They knew that, by the English law, a jury should be fairly selected to try a man charged with a serious offence; but what was the fact? The fact was notorious. The representative of English Whiggery turned off a jury almost every man who professed the Catholic faith, and the Catholics who supported the Whig Government were the men whom they should look on as the most degraded in the country. Then there was the case of Myles Joyce. He made his last confession, and protested his innocence. They, as Catholics, would believe that the Government knew that he was innocent, and he (Mr. Biggar) believed that Earl Spencer sacrificed that man's life for the sake of an appearance of consistency before the English people. Again, there was the case of Walsh, hanged at Galway. He declared his innocence on the scaffold, and yet he was hanged. No one in Ireland should support the Whig party. Earl Spencer let Myles Joyce be hanged though Joyce protested with his dying breath that he was inno-

cent, and that was done to please English Whigs. He would, therefore, ask them not to support either Tories or Whigs, but stand to their colours and support first of all the cause of Irish nationality."

CORK, DEC. 21.

December 22 1882

it will be a matter of interest to watch future returns as to outrages. Without expecting any great and sudden change, we are sanguine as to the result of a general knowledge that a trumped up defence of an *alibi* will be disregarded; that witnesses will not be prevented by threatening letters from giving evidence; and that jurymen are resolved to conform to their oaths.

It is a great descent to pass from these matters of grave importance in order to refer to a speech by MR. BIGGAR, which has attracted more attention than it merits. In politics as well as in other spheres *de minimis non curare* holds good, and it is always difficult to suppose that there can be a justification for heeding anything which MR. BIGGAR happens to say. He is reported to have spoken of EARL SPENCER as a "bloodthirsty English peer," and to have charged the LORD LIEUTENANT with violating the law and with refusing to save HYNES from the scaffold, though knowing his conviction to be improper. Had these charges come from any one but the member for Cavan, the Government would, perhaps, have been bound to take action. Whether the words fall within any section of the Prevention of Crimes Act may not be clear; but, at all events, that an offence has been committed, if the words are correctly reported, can scarcely be doubted. Coming from MR. BIGGAR, they, perhaps, merit only that contempt which they will be certain to receive; and one cannot be sure that it would not be a mistake to bring the battery of the law against the member for Cavan. The limited interest which his speech possesses mainly concerns the portion of his countrymen who send him to Parliament. They do not appear to be easily scandalized, and hitherto they seem to have been strangely indifferent to matters tending to the degradation of public life. Otherwise, one could wish them no heavier punishment than the perusal of the last speech of their representative. Fortunately, it is not in the power of calumniators much more influential than the member for Cavan to assail with success the character of the present VICEROY. In a difficult position he is pursuing a policy of firmness and conciliation; and it is satisfactory to be able to detect signs that he is not doing so in vain. Classes which were affected by evil influences a year ago now seem to be rallying to the cause of order. The law is again a terror to evil doers. In Dublin and Cork has been won a victory which must dispirit the secret foes of society. If it were followed by the discovery and conviction of the murderers of LORD MOUNTMORRES and LORD FREDERICK CAVENDISH, who can say what would be the moral effect? The very possibility of such a blow being struck at the organizations which have hitherto been shrouded in thick darkness is a satisfactory element in the situation. Though the horizon is far from clear, the year ends in Ireland brighter than it began, and with hopes which could not be reasonably entertained twelve months ago.

December 22, 1882

The Government have had under consideration a speech delivered by Mr. Biggar, M.P., in Waterford, early in the week, addressed to the members of a National Club, in which he referred in very gross language to the conduct of Mr. Justice O'Brien in presiding at the trials in Green-street, and in still more outrageous terms to the Lord-Lieutenant.

The following is the speech for which it is believed Mr. Biggar will be prosecuted :—“ He said the most important thing to be considered was that the Ministers of the day had only to be amenable to the House of Commons. They should also be amenable to public opinion, and to the public opinion of Ireland. When he spoke of the Ministers he alluded to the Ministers of the Crown for Ireland. They all denounced outrage and murder, but it was most desirable that the innocent person should not be punished for a crime of which he was not legally found guilty, and of which he might be innocent. (Cheers.) He would not say a word with regard to Mr. Justice William O'Brien, as if he did he might be brought before him for contempt of court; but he might at another time and in another place question Mr. Justice O'Brien's conduct in some recent trials. To show how the Ministers of the English Government in Ireland acted when they were not bound by the strong force of public opinion, he might refer to the case of Francis Hynes. The jury in that case were allowed to disperse, and the conviction by them was illegal, according to British law. That fact was known to Earl Spencer—that bloodthirsty English peer. He knew that, according to English law, another jury should be empanelled before the trial was proceeded with. The Judge might not have known these facts, but Earl Spencer did, and yet he allowed the young man to be hanged. If he was amenable to public opinion in Ireland he would not do that. They knew that, by the English law, a jury should be fairly selected to try a man charged with a serious offence; but what was the fact? The fact was notorious. The representative of English Whiggery turned off a jury almost every man who professed the Catholic faith, and the Catholics who supported the Whig Government were the men whom they should look on as the most degraded in the country. Then there was the case of Myles Joyce. He made his last confession, and protested his innocence. They, as Catholics, would believe that the Government knew that he was innocent, and he (Mr. Biggar) believed that Earl Spencer sacrificed that man's life for the sake of an appearance of consistency before the English people. Again, there was the case of Walsh, hanged at Galway. He declared his innocence on the scaffold, and yet he was hanged. No one in Ireland should support the Whig party. Earl Spencer let Myles Joyce be hanged though Joyce protested with his dying breath that he was inno-

December 22 1882

Judging from several verdicts recently given by Irish juries and the testimony of more than one Judge, a new spirit, full of promise for peace and order, begins to manifest itself. It is not merely Dublin jurymen who are prepared to act upon clear evidence and to convict prisoners to whom foul crimes are brought home; it is a still more hopeful sign that Cork juries are also ready to disregard threats and appeals to their prejudices, and to do their duty without fear. Two prisoners, charged with the murder of a farmer in October last near Castleisland, were tried on Thursday and yesterday at Cork. The crime of which they were accused was, as MR. JUSTICE BARRY said, of peculiar audacity and atrocity; they were charged with having shot their victim in broad daylight on his own farm, and they seem to have had no enmity against him except irritation at the fact that he had purchased the interest of two tenants in their farms. The usual defence of an alibi was set up; but the jury disregarded it, and found the prisoners guilty. Following in the wake of the convictions obtained by the Crown in Dublin, the verdict of the Cork jury will exercise a wholesome effect. It appears to indicate a waking of conscience, a distinct perception of the terrible future in store for the country if assassins be permitted to work their will without check, and if secret agencies are to override the law and tyrannize over a whole community. At the close of the Connaught Assizes the other day MR. JUSTICE LAWSON took occasion to say that if the jurors throughout Ireland discharged their duties in the same spirit as the jurors of the county of Sligo, he was not without hope that a reign of law and order would soon return to the land. Such an observation recalls by force of contrast recent times, when all prosecutions, no matter how cogent, seemed futile; when, partly from lack of testimony withheld from fear, and partly also from a prevalent spirit of opposition to authority, jurymen refused to convict; and when Judges declared from the Bench that they were well aware that a secret power arrested the machinery of the law and made trial by jury little better than a farce. Better times are before Ireland, a solid basis for hope is laid, when we see witnesses ready to speak as to what they know, and jurymen undeterred by threats and the perils incident to their position.

The improvement in the situation would appear not to end with the growth of a new disposition on the part of jurymen to enforce the law against assassins. There is reason to think that the Government are using with considerable effect the plan of offering large rewards for private information as to crime ; and it is hoped that they may thus obtain a clue to the perpetrators of the murder of LORD MOUNTMORRES. As far back as September of 1880 that nobleman was found shot near his house in the county of Galway. A large reward for information as to the murderers was offered, and several arrests were made ; but no evidence justifying the detention of those on whom suspicion had fallen could be obtained. The demeanour of many of the peasantry after the murder was such that the detection of the murderers seemed highly improbable, if not impossible ; and hitherto a profound mystery has enveloped this singularly barbarous crime. The authorities do not, however, despair even at this date to bring to light the history of the murder ; and if they are successful in so doing we may hope that in time the authors of other outrages will be detected and brought to justice. Past experience as to Irish secret organizations is, on the whole, encouraging. Fear and threats have been effectual in ensuring silence for a time, but generally in the end the temptation of a considerable sum offered for information which need not be communicated publicly has been strong enough to induce some one to betray his confederates. It is of the very essence of the secret societies whose emissaries have committed the crimes which have shocked the whole civilized world that they become weak with time ; that they are leavened with members less audacious and unscrupulous than the founders, and that the chances of betrayal thus increase. The probability appears to be that we shall see this again verified if the police are active and vigilant and ready to avail themselves of every clue.

One of the prisoners who was yesterday convicted at Cork is reported to have said, after he received sentence of death, "This will not put a stop to the work at Castleisland." It may be true that one or two convictions may not be sufficient. Such is the demoralized state of feeling in some districts that, to inculcate the lesson that the law is strong, time may be necessary. At all events, that cannot be done in any other way than by juries resolving to follow the stern path of duty. To talk of sending a message of peace to such men as those concerned in the murder of the HUDDYS is a mockery. They will be sensible to fear, if to anything; they will be much more affected by the fates of POFF and BARRETT and of FLYNN and his associates, than by vague denunciations of crime or the largest promise of political amelioration. Nothing, as MR. JUSTICE LAWSON properly told a Sligo jury, but the certainty that those who commit crimes will be punished for them will bring back order. This being the case,

it will be a matter of interest to watch future returns as to outrages. Without expecting any great and sudden change, we are sanguine as to the result of a general knowledge that a trumped up defence of an *alibi* will be disregarded; that witnesses will not be prevented by threatening letters from giving evidence; and that jurymen are resolved to conform to their oaths.

It is a great descent to pass from these matters of grave importance in order to refer to a speech by MR. BIGGAR, which has attracted more attention than it merits. In politics as well as in other spheres *de minimis non curare* holds good, and it is always difficult to suppose that there can be a justification for heeding anything which MR. BIGGAR happens to say. He is reported to have spoken of EARL SPENCER as a "bloodthirsty English peer," and to have charged the LORD LIEUTENANT with violating the law and with refusing to save HYNES from the scaffold, though knowing his conviction to be improper. Had these charges come from any one but the member for Cavan, the Government would, perhaps, have been bound to take action. Whether the words fall within any section of the Prevention of Crimes Act may not be clear; but, at all events, that an offence has been committed, if the words are correctly reported, can scarcely be doubted. Coming from MR. BIGGAR, they, perhaps, merit only that contempt which they will be certain to receive; and one cannot be sure that it would not be a mistake to bring the battery of the law against the member for Cavan. The limited interest which his speech possesses mainly concerns the portion of his countrymen who send him to Parliament. They do not appear to be easily scandalized, and hitherto they seem to have been strangely indifferent to matters tending to the degradation of public life. Otherwise, one could wish them no heavier punishment than the perusal of the last speech of their representative. Fortunately, it is not in the power of calumniators much more influential than the member for Cavan to assail with success the character of the present VICEROY. In a difficult position he is pursuing a policy of firmness and conciliation; and it is satisfactory to be able to detect signs that he is not doing so in vain. Classes which were affected by evil influences a year ago now seem to be rallying to the cause of order. The law is again a terror to evil doers. In Dublin and Cork has been won a victory which must dispirit the secret foes of society. If it were followed by the discovery and conviction of the murderers of LORD MOUNTMORRES and LORD FREDERICK CAVENDISH, who can say what would be the moral effect? The very possibility of such a blow being struck at the organizations which have hitherto been shrouded in thick darkness is a satisfactory element in the situation. Though the horizon is far from clear, the year ends in Ireland brighter than it began, and with hopes which could not be reasonably entertained twelve months ago.

December 23 1882

IRELAND.

DUBLIN, JAN. 22.

Mr. O'Brien, editor of *United Ireland*, attended to-day in the Northern Police Court in answer to a summons charging him with having published on the 23d of December, in an article headed "Accusing Spirits," a seditious libel calculated to bring the Government of the country into contempt.

The case was before the Court on the 1st inst., when Mr. Sullivan proposed to examine witnesses in justification of the statements in the article, and the magistrate having refused to receive the evidence, an adjournment was granted pending an application to the Queen's Bench for a *mandamus* directing the evidence to be taken. The Queen's Bench unanimously refused to grant the *mandamus*, holding that it would be unreasonable to direct the magistrate to take such evidence where it was not admissible at the trial.

Mr. James Murphy, Q.C., prosecuted; Mr. A. M. Sullivan and Mr. J. F. Taylor appeared for Mr. O'Brien.

Mr. Murphy, Q.C., Crown Solicitor, referred to the circumstances above stated, and asked that the defendant be returned for trial upon reasonable bail.

Mr. Sullivan said that in ordinary circumstances he should reserve his defence, but the circumstances were so exceptional and so peculiar that he felt it would be doing the defendant the greatest injustice if he allowed his lips to remain sealed until the day of trial, without offering such vindication as the law permitted. It was impossible to disguise from himself that Mr. O'Brien appeared in court in exceedingly painful circumstances highly calculated to prejudice his fair trial before any jury. After what had happened in the Queen's Bench it came to this, that Mr. O'Brien could offer here just as much evidence as he would be allowed to offer there; so that for all practical purposes he was before the Court at that moment very much as he would be before a jury. He could not offer evidence of truth; that was put aside. The jury, if he were to be sent before a jury, would have to do what his Worship here had to do—to judge from the statement of his counsel, except, of course, that his Worship had to judge whether there was a *prima facie* case upon which a jury might convict. He could only consider it a most unfortunate coincidence—and he said so without the slightest reflection upon his learned friend—that things fell out so that Mr. O'Brien was at the present moment joining issue with the law officers of the Crown in that court, while he was joining issue with them in another court on a public matter elsewhere.

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Mr. Sullivan said that was true, but the writ for Mallow was not issued at that time. He did not charge his learned friend with it; on the contrary, Mr. Murphy conducted the case with fairness and courtesy. Mr. O'Brien offered evidence in reply to a summons charging him with publishing a false, seditious, and malicious libel, but it could not be heard. No matter how true the libel was, it had been decided that the truth of it could not be proved by evidence. The charge was that he published a libel in a newspaper article which was called forth by certain trials and executions which had recently taken place. Those trials and those executions had relation to some of the most horrible and shocking crimes which ever stained that country, and he (counsel) did not envy the feelings of the man who could for one instant either write or speak a word which would tend to mitigate the horror of those crimes. It was right that such crimes should be execrated by the public, and that they should be punished by the law. But if they took a murderer and hung him from the nearest lamp-post, they were guilty of murder, no matter how fearful the crime that man had committed. That being the case, it should be seen that the law was not strained, and that it should be administered carefully and impartially. The more public horror was excited by a crime or the more abominable it was, the more carefully the trial should be conducted, and it was for the public good that a journalist should come forward and denounce the officials who made any perversion of the law. Mr. Sullivan denounced the practice which had lately been growing of every small official calling himself the Government, and sheltering himself behind the Throne. Every subordinate called himself the Crown in this country, and even the process-server of Dalldayhoby, when he heard some person speaking about the constituted authorities, remarked "That is me." The Crown prosecutors assumed to themselves power which was not asked for by Bismarck. The Chancellor, when libelled, sued his libeller for a personal libel, and why did not the Crown Prosecutors of this country do likewise? When Pitt, the Prime Minister, was charged with polluting his high office for the purpose of stock-jobbing, he did not call himself the Crown and prosecute his libeller for sedition and shelter himself behind the Throne. No; he undertook a private prosecution, and it was reserved for this country to make an effort to choke the Press by charges of seditious libel. He said his client's article was not false, was not malicious, was not seditious. The article was written for the public good. Suppose his client said this, "I express the conviction that the execution of Francis Hynes was in all its parts an illegality, and that he was murdered," would he not be brought before the magistrates in a trice? And yet those were the words uttered by a Cabinet Minister, Mr. Bright. The name Francis Hynes has been put in the place of the name John William Gordon. These were the words of Mr. John Bright in reference to an execution in Jamaica. That was how an Englishman, not named O'Brien, commented upon a trial and execution. Mr. John Bright was not called a seditious libeller for doing that. No! But, instead, the Queen sent him into her Cabinet. Was an Irishman to be sent into prison for saying what an Englishman was put into the Cabinet for? Then, again, a similar case occurred recently. A petty officer in Her Majesty's ship Clyde

recently. A petty officer in Her Majesty's ship Clyde reported certain circumstances which he did not consider right, and the captain and officers, whom he had charged with various offences in the report said, "You are a mutineer, you are seditious," and they tried him and reduced him from the rank he held. But what happened? The Duke of Edinburgh happened to hear of the transaction, and instituted an inquiry, the result of which was that the captain and the other wrongdoers were dismissed from the Queen's service. Then, again, in the case of delivering up the refugees in Gibraltar, nearly the same thing occurred, although the men who first denounced the action of the authorities there were nearly sent to prison for doing so. The authorities were inclined to act out there as the attorneys' clerks who managed the jury panels in Dublin had been acting. The wrongdoers in Gibraltar had been dismissed the service, and some such wholesome examples were sadly wanted in this country. If his client saw trial by jury reduced to a mockery, a delusion, and a snare, was it not right that he should take it by the throat and use words before used by Mr. Bright? But Mr. O'Brien's language was infinitely more guarded and cautious than that used by Mr. Bright. Mr. Gordon was a Protestant missionary who was executed because he incited to revolt. He was brought up and convicted at a tribunal as legal as that in Green-street, and yet all the Press of London cried out against his execution, and described it as a judicial murder, and why? Simply because they said the tribunal he was tried before was unfairly prejudiced against him. Why were not the London journals who denounced Gordon's execution prosecuted at once? They did not hear of any editor being charged in London at the time and brought before a magistrate, because every one recognized that these articles were for the public good. The Governor-General of the island—the Queen's representative there—was indicted for the murder of George William Gordon. The grand jury threw out the bill, but that did not alter the argument. The accused was denied the right secured to him by Magna Charta of trial by jury.

Mr. Murphy.—It is time to interfere. My learned friend has stated candidly he has no expectation of affecting your decision to send the case for trial, and he is now averring the truth of the libel.

Mr. Sullivan.—No.

Mr. Murphy.—You have stated the Crown have denied a fair trial, or trial by jury, to a particular person, and you justify what has been said because of that. I submit you cannot attempt to justify it without being able to prove it.

Mr. Sullivan.—What has been held that I cannot do is that I cannot put witnesses into the box and examine them. But my learned friend knows that never before has it been sought to close the lips of the advocate in a case like this.

Mr. Murphy.—We have enough of this now, I do not care how long it may go on, but I will enter my protest against it.

Mr. O'Donel.—Can counsel state, as a fact, a matter in his client's defence that he is not able to prove?

Mr. Sullivan.—Do you remember where Curran in Finnerty's case was allowed to appeal to the jurors' knowledge of public events?

Mr. O'Donel said he should send the case for trial and therefore, unless for an outside purpose, Mr Sullivan's remarks had no effect.

Mr. Sullivan said he was entitled to quote what had been said by eminent persons down to within a recent period in protesting against the exclusion of Roman Catholics from juries. He then read extracts from speeches of Earl Grey, Lord Macanlay, Lord John Russell, and others. He said that the Crown wished to send Mr. O'Brien for trial before a jury. What jury? They could not foretell. Would they send him for trial before such a jury as the law entitled him to? No. What kind of a jury was that? Not merely a jury of 12 men, but a jury of his peers, selected from his neighbours, as Magna Charta provided. If the Attorney-General were present he could have told him that he had many courses open to him of bringing the defendant into court. As the Lord Chief Justice pointed out, those concerned could have brought the personal criminal action. Why did they not? Because they could not swear the affidavit. As the Lord Chief Justice put it, the prosecutor had to swear he was not guilty of the crime imputed, so that he had to come into court with clean hands. Mr. O'Brien said in public and through him that if he got a fair tribunal, and if that tribunal, giving him a fair chance, was not satisfied that he acted through a sense of duty, no punishment could be too severe. He welcomed it, he challenged it, but he asked for a tribunal that was

not managed by his foes. He asked for such a tribunal as Mr. Law gave those whom he prosecuted two years ago. Convictions won in a fair way between the subjects and the Crown had a wholesome effect, and they carried the confidence of the people along with them. Convictions in law courts won by "Stand aside" conduct would never bring any gain to society, would never bring any peace to a Government. And at what a time did he appeal for that tribunal? At a time when every good citizen—he did not care what his party politics or religious persuasion might be—ought to yearn for peace, tranquillity, security, and order in this country; when every man at the Press, at the Bar, or in the forum ought to help in restoring something like confidence between the administration of justice and the popular sentiment of the nation. He would deplore that a public journalist, even in a righteous cause, should express himself in unbecoming words, and he was glad to say that in an article written under great and honest provocation, as Mr. O'Brien felt, there was no vituperation on individuals, though a desperate accusation of a practice. Lord Spencer had been, perhaps sarcastically, referred to as "The Good." Neither here nor elsewhere could he mention Lord Spencer except in terms of personal respect; but if his respect were a thousand times as great it would not weigh with him in seeking to drag to public justice the men who hid behind his robes in Dublin Castle. He, for his part, felt, as every man who had studied constitutional law must feel, that trial by jury was a precious possession. Did trial by jury mean trial by 12 men? No. What the barons of Kinnymede put into the Charter did not only say trial by 12 men, but trial by 12 of the peers of the accused person from his own neighbourhood. An eminent Judge had written "There is no sedition in enuring the servants of the Crown." That was the expression of Lord Fitzgerald, and the servants of the Crown had alone been censured in the present case. His client stood before his Worship, answering for all that he had written, and ready to justify it, but forbidden to do so. He stood there, however, with a clear conscience, unstained honour, and with perfect confidence in the ultimate judgment of his country. He calmly awaited the issue of the prosecution.

Mr. O'Donel.—I will not trouble you, Mr. Murphy, to make any observations. It is perfectly manifest my sole duty is to return the case for trial to the next Commission. I have no jurisdiction to deal with it myself, and it is now only a question of what bail you, Mr. O'Brien, will enter into to appear at the next Commission and stand your trial.

Mr. Sullivan.—My client will give bail.

Mr. Murphy.—Himself in £100 and two sureties in £50 each.

The required bail was then entered into, and Mr. O'Brien and his friends, including Mr. Davitt, left the court.

Messrs. Davitt, Healy, and Quinn have received notice that judgment will be given on Wednesday morning, in the Queen's Bench Division, upon the application of the Attorney-General to have them held to bail on account of speeches inciting to crime.

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January 23 1883

IRELAND.

DUBLIN, FEB. 9.

The trial of Mr. W. O'Brien, M.P., for publishing a seditious libel in *United Ireland* took place to-day in the Commission Court, before Mr. Justice Harrison. On the application of Mr. A. M. Sullivan, his counsel, the traverser was allowed to sit at the solicitors' table.

The clerk of the Court read the indictment, a voluminous document, which set forth the charge in technical phraseology. The purport of it was that the article headed "Accusing Spirits," published on December 23, in reference to the trial of prisoners who were convicted and executed for murder, was a false, wicked, malicious, scandalous, seditious libel of and concerning the prisoners who had been found guilty, the witnesses who had been examined on the trials, the jurors, Lord Spencer, the law, and the administration of justice in this country.

The Crown was represented by the Attorney-General, Mr. James Murphy, Q.C., and Mr. Peter O'Brien, Q.C.; the traverser by Mr. A. M. Sullivan and Mr. J. F. Taylor. Mr. O'Brien pleaded "Not Guilty."

Before the case was opened, Mr. A. M. Sullivan said he wished to challenge the array. The traverser was served with a notice that he would be tried by a special jury, under the Prevention of Crimes Act, and the mode of striking the panel in such trials was laid down by the 34th and 35th Victoria, chapter 65. By that Act against the name of each person placed on the panel it was to be noted whether he had or had not served on a jury, grand or otherwise, during the previous two years. Counsel now challenged the array, on the ground of the wilful misconduct of one of the sheriffs and one only. The county sub-sheriff, in preparing the county list of jurors, had wilfully disobeyed the provisions of the Act, and neglected to put in whether the jurors in it had served previously.

The Attorney-General took issue upon the challenge and denied that there was any wilful misconduct on the part of the county sub-sheriff in preparing the panel. Mr. Sullivan's observation was not against the array at all. It was not of itself and could not be any evidence whatever of wilful misconduct within the meaning of the section.

Two triers were then sworn, and Mr. Ormsby, the sub-sheriff, stated that his son had the management of the jurors; he did not take that department himself. He complained that he did not get sufficient notice that the books were wanted.

Mr. Sullivan—Somebody must be responsible here. You are the person we hold responsible. As far as I am personally concerned you got the earliest notice in my power to give.

Mr. Ormsby said he sent for the books, but his son was not in the office. He would have the books in 20 minutes. In reply to the Attorney-General he stated that no application had been made to him to see them before. He had read the whole of the panel over before his son struck it, and there was not a single name put on as Mr. Sullivan alleged.

The Attorney-General observed that a charge of wilful misconduct ought not be made unless there was some ground for it.

Mr. P. O'Brien referred to a similar case at Tralee, in which, he said, Mr. Justice, now Lord Fitzgerald refused the defendant any help where due notice had not been given.

Mr. Justice Harrison said he would allow the books relevant to the present charge to be produced.

Mr. Murphy, Q.C., said the traverser knew perfectly well the case was coming on to-day, and ought to have given timely notice.

Mr. Taylor said they had prudently abstained from giving notice, thinking it better to have the books brought in hurriedly so that there should be no interference with them.

The Attorney-General said if it was a charge against the officers of tampering with the books, the application ought to be peremptorily refused.

Mr. Sullivan said the books should be produced at the moment, and they had been asked for an hour and a-half ago.

In reply to Mr. Justice Harrison, Mr. Ormsby said it was about five minutes after 11 when he received the subpoena.

By direction of the Court, the books for 1882 were then produced, and examined by Mr. Sullivan.

At the close of the examination, Mr. Justice Harrison said that the issue had now been disposed of. The triers would find that the Sheriff had not been guilty of any misconduct.

After the triers had returned a verdict to that effect, His Lordship said that although two hours had been occupied in the discussion, he did not consider the time had been wasted, as it was a matter of the very highest importance. He did not think the charge should have been made.

The swearing of the jury was then proceeded with. On the Crown Solicitor ordering the first juror to stand aside,

Mr. Sullivan interposed, and said according to law it was the presiding Judge who should do so at the instance of the Crown. He, therefore, asked that this practice should now be adopted.

The Attorney-General said he was only adopting the usual course.

Mr. Justice Harrison.—The uniform and established practice in this and every other Court is for the Crown to order jurors to stand aside, and I am not going to alter it.

Mr. Sullivan.—I think it right to say that my client will challenge no juror, either for cause or anything else.

A jury having been sworn, the Attorney General proceeded to open the case for the prosecution. He wished to impress upon the jury that there was no charge against the traverser except as to the one article, and asked them to banish from their minds anything else they had read in his journal. It was the duty of the Crown to bring into court any serious case in which the administration of the law had been interfered with by libel. Those who had charge of these prosecutions had to consider the time, the circumstances, and the place where the libel was committed, for it might be a comparatively harmless thing to carry lighted matches in the Fifteen Acres, while such an act in a powder magazine would be highly criminal. In the present state of the country, to which none of them could be blind, it behoved those to whom the administration of the law was intrusted to be very careful that publications should not be allowed to go on which were calculated to lead to grave social disturbance. Nothing could be of greater importance, said a learned Judge, to the welfare of the public than that no censures should be allowed to be made upon the proceedings of courts of justice. The law permitted and even invited free criticism on all public matters, but did not permit abuse against the administration of justice. The jury were all

probably aware that recently there had been in that city a number of very painful criminal trials, which were not tried in places where the offences were committed. The office of a juror, as they all knew, was one which was not sought after, but one which involved considerable inconvenience and something else. It was an invidious, a difficult, and a dangerous task which was undertaken without any hope of reward. And, therefore, it was vitally important to protect the persons exercising these functions from calumny and obloquy in the same way as the Judge on the Bench. It was a painful duty of some juries recently to return convictions in capital cases after patient hearing, and it was against these this article was written. But it was not merely for a protection of individual jurors that this prosecution was undertaken, but it was for the protection of justice. They were there to see that none except decent comments should be allowed on the proceedings of justice, and to see that a jurymen's duties should not be made more onerous by anonymous writers. In the issue of *United Ireland* of the 23d of December last there was an article headed "Accusing Spirits," which referred to trials recently held in the court, and which had as its text as it were the declaration of the innocence of some of the men who were recently convicted. Now, he would not enter into the merits of those trials at all, as it would be utterly impossible to try those men again, and he would give no opinion as to the truth of their declarations. Statements of that kind might be true or false. He had not the smallest reason to doubt but that the juries in every one of these cases had arrived at a right conclusion. But that was not the question, and he believed that those whom he now addressed believed these jurors to have done their duty fairly and conscientiously. In this article the Government of the country to whom the administration of the law had been committed, and upon whom the prosecution of crime devolved as a solemn duty, were charged with having endeavoured to convict innocent persons rather than no one at all. As to the allegation in the article that juries were packed, any person who was in court in the morning could see that that was impossible. There was a time when such things were not uncommon in this and other countries—when public officers could return whom they pleased as jurors. But now, in consequence of various Acts of Parliament, all that was done away with, and now it was a matter of the merest routine as to the persons to be returned to serve, and the public officers had no option

be returned to serve, and the public officers had no option in the matter. As to the power of the Crown to order jurors to stand aside, surely they were not to be called to order for doing so by an anonymous newspaper writer. This article went on to say that the jurors were the deadly enemies of the men in the dock. How could they be deadly enemies to men they never saw or heard of before? He was sure all connected with those trials looked upon the wretched criminals in the dock with the utmost pity and commiseration. What inference could be drawn from such language when addressed to ignorant and misguided men? Events had shown that they had not been slow to adopt the lesson. The Lord Lieutenant of this country was compared to Torquemada, who burned 900 victims at one time. The article went on to allege there was a white terror in Green-street, but nothing was said of a terror of another colour which was going about in other parts of the country. The jury had now before them the entire article. Let them ask themselves what was the motive of the writer, who in a long tirade devoted himself to the purpose of vilifying and attacking every one connected with the administration of law and justice, but more particularly the class of persons upon whom the law had laid the duty of trying those cases. It would be alleged that Mr. O'Brien was not responsible for the article, but his name appeared in print upon the newspaper itself as being the publisher of it, and upon the very number containing the incriminated article. More than that, he asked the person who arrested him on a warrant charging him with being the editor of *United Ireland* for permission to pay the men in the office, and a letter in his own handwriting would be read proving him to be the editor. He was the responsible public editor and publisher, and it would be for him to give such evidence as he could to satisfy the jury that the article in question did not transcend the limits of fair public criticism upon matters of public interest. They would hear, doubtless, some discussion about the liberty of the Press. The liberty of the Press was not interfered with in this prosecution. Private liberty stood precisely on the same footing now in the eye of the law as the liberty of the Press, which had no special liberty and no special indulgence. Its liberty was to act within the limits of the law. There was no liberty on the part of the Press to malign the administration of justice or calumniate

those concerned in it, and it was because the incriminating article transcended all reasonable bounds of fair play and discussion that this prosecution had been instituted. To the jury was committed the duty of deciding every question that could arise in the case. There was no question of law, but the jury had to use sound judgment as to whether this was not a case in which those representing the Crown would be wanting in their duty to the public, whom they were bound to protect, if they did not invite their serious attention to the libel.

Mr. J. R. Gildea, Governor of Kilmainham, proved a letter produced, dated February 17, 1852, to be in Mr. O'Brien's handwriting. The letter applied for a file of *United Ireland*, of which he was the acting editor, in order to refute certain misrepresentations of the paper and himself which had been made in the House of Commons.

Constable M'Nally proved the purchase of a paper at the office of *United Ireland* in Abbey-street, and Inspector Kavanagh deposed that Mr. O'Brien, when arrested by him last October under the Coercion Act, asked permission to go to the office and write a cheque to pay the men.

Mr. Sullivan submitted that there was no evidence of publication by his client.

Judge Harrison ruled that there was.

Mr. Sullivan addressed the jury in the strongest spirit on behalf of his client and friend Mr. O'Brien, member of Parliament for the borough of Mallow. He was accused here of writing a libel; but that was not all the accusation of the Crown, because a written article might consist of allegations of fact or expression of opinion. The Crown went beyond the main charge of libel, and they said it was a false libel, and they were bound by their oath to find according to the evidence. What evidence had been adduced in any particular to sustain the allegation of falsehood? As to the construction and the meaning of the article 12 men in the box would put upon it its proper meaning. They would say in their fair judgment, on their

meaning. They would say in their fair judgment, on their oaths, what was the plain and manifest meaning of the words, and he had no doubt his Lordship would tell them that in law a man will be held to mean by his words that which is their plain, natural, ordinary import, considering all the surrounding circumstances, and there was this distinction between the trial of a seditious libel and almost any other issues that could be put before 12 citizens of Dublin—a very remarkable difference, which he begged them to keep well in mind—that whereas on the other occasions and trials the jurors were only judges of the fact, the jurors were to find merely whether certain things were done or certain matters were true or false; but in a trial for seditious libel, according to the laws under which they were bound, these 12 men—honest men—were judges of the law and of the fact, and it would be for them, having heard his Lordship's statement of what the law was, to judge both. Mr. Sullivan, following the line of observation which he adopted in the police-court, ridiculed the practice of seventh or tenth class subordinates calling themselves the Crown. He characterized the witnesses who had been examined upon the trial referred to as bribed witnesses, and said that bags of gold had been sent to the Connemara mountains to reward people in whose evidence there might be a grain of truth, but who would be ready to give a ton of padding in order to gain what, to them, would be untold wealth. He defended the comments upon the juries as packed juries, and commented upon the exclusion of the Catholic element. He dwelt strongly upon the fact that the panel contained the names of 26 Protestants, 23 Catholics, and one Jew, while the jury sworn in the *Lynch* case consisted of 11 Protestants and one Jew. That system, he said, was the same as if the Crown had the choosing of the jury. What difference was there between rejecting every one but men of a certain class and selecting every man? The English Press, however, had recently cried out for vengeance upon the perpetrators of crime in Ireland, and the Crown officials felt bound to put forth great efforts to hang somebody. All great reforms had been carried despite of judges and Crown officials, by reformers such as John Bright in England and William O'Brien in Ireland, who cried out with a burst of honest indignation against injustice. He spoke of England as the birthplace of freedom and eulogized the manly character of the English people, who would not tolerate any encroachment upon the Magna Charta of their liberties. The person who interfered with their freedom would find himself in danger of imprisonment. When kings encroached upon their people's rights they were either transported to France or lost their heads at Whitehall. In Ireland, however, everything was different. It was the constitutional right of every man to be tried by the people of his neighbourhood. That was one of the privileges secured by Magna Charta. Mr. Sullivan justified the comments which had been made by the traverser and appealed to the jury to find that they were not a seditious libel.

At the conclusion of his address, which lasted for over two hours, the Court was adjourned until to-morrow morning, when Mr. Murphy, Q.C., will reply for the Crown.

February 10, 1883

DEBATE ON THE ADDRESS

DEBATE ON THE ADDRESS.

The adjourned debate on Mr. Gorst's amendment to the Address in reply to the Queen's Speech was resumed by

Mr. PARNELL, who rose amid cheers from the Irish members. The hon. member said:—Sir,—In taking part in this debate for a short while I can assure the House—and I make the assurance with the greatest respect—that it is not from any belief that what I may say at this time will have the slightest effect on the public opinion of this House, or of this country. (Cheers from the Irish members.) I have been accustomed, during my political life, to rely on the public opinion of those whom I have desired to help, and with whose aid I have worked for the cause of prosperity and freedom in Ireland. (Cheers.) And the utmost that I desire to do, in the very few words I shall address to the House, is to make my position clear to the Irish people at home and abroad (cheers) from the most unjust aspersions which have been cast upon me by a man who ought to have been ashamed to have devoted his high ability to the task of traducing me. (Cheers.) I consider that he had no right to question me; and in my opinion he is in a position very little better than an informer with regard to the secrets of the men with whom he was associated. (Hear.) But he has not even the pretext of that remarkable informer whose proceedings we have lately heard of—namely, the miserable one of attempting to save his own life. No, Sir, some other motives of less importance seem to have swayed the right hon. gentleman in the extraordinary course which he has adopted on the present occasion in going out of his way to collect together a series of extracts, perhaps nine or ten, out of many hundreds, perhaps thousands, of speeches delivered during the land movement upon which to found an accusation against me for what was said and done by others. (Hear, hear.) If the right hon. gentleman had even been accurate in his quotations there might have been some excuse for him; but, unfortunately, on this occasion also he has displayed the same remarkable ignorance of matters of fact in connexion with Irish affairs as he displayed during his tenure of office as Chief Secretary of that country. He has charged me with responsibility for the writings in the *Irish World*. Sir, I suppose, if there is one newspaper more than another that I have had less to do with, and studied less, it is the

Irish World. (Hear.) The right hon. gentleman appears to have been studying the *Irish World* very closely during the progress of this land movement, and if he considered that the articles in that newspaper incited to, or were likely to produce, crime in Ireland, why did he not exercise the common-law powers he subsequently exercised, and refuse to allow it to circulate in Ireland? (Hear, hear.) What is the difference between the responsibility of the right hon. gentleman, who read these articles, who believed what their result would be, and who refused to take the responsibility of preventing their circulation, and my own, who never read those articles ("Oh!" and cheers), which are now brought up as an accusation against me because, indeed, Mr. Patrick Ford, in his office in Brooklyn or New York, chose to direct his newspaper for the purpose of destroying or attempting to destroy the movement which we have so carefully been building up in Ireland? ("Oh!" and cheers.) Mr. Patrick Ford's aims and programme are not my aims and programme (cheers), though they may be much more nearly the aim and object of the right hon. gentleman the late Chief Secretary. (Hear.) I have had very little time to look through the speech of the right hon. gentleman and arrange the accusations made against me in order. But I think that another of his great points was that which was made, not against my hon. friend the member for Mallow, the editor of *United Ireland*, but against me, with reference to paragraphs appearing in that paper. The right hon. gentleman asked me at the time "Does the hon. member for Cork approve of the articles in *United Ireland*?" I nodded my head. I supposed the right hon. gentleman alluded to articles appearing in that paper either before or since my imprisonment. What was my surprise to find that he was actually alluding to paragraphs appearing in that paper at the time when the hon. member for Mallow, who is the responsible editor and responsible in the eyes of the law, and myself, together with the majority of the

staff, were imprisoned (hear); when we were denied the privilege of seeing a copy of the paper, and it was utterly impossible to do so, so watched were we by the gaolers of the right hon. gentleman, and so well did they fulfil their trust, although I am aware that that has been doubted. (Hear.) And yet the right hon. gentleman does not scruple to take advantage ("Shame!")—and this it is that makes him so guilty, and has marked his career ever since he was Chief Secretary—of the ignorance of members of this House upon Irish questions, to take advantage of the prejudice which prevails in this country against Ireland—and, of course, there always must be prejudice and ignorance when a nation attempts the impossible task of governing another (cheers)—to take advantage of the trial in Dublin where 20 men will have to face the tribunal constituted by the late Chief Secretary, and to take advantage of the unprecedented and extraordinary situation in order to attack us at the present time, and to select writings and passages such as those to which I have alluded for the purpose of founding an accusation against me, and to make me responsible for the words of others. (Cheers.) Furthermore, not only is he guilty of the sin of commission, but of the suppression of the truth as well. (Hear.) There is not only the *evantatio falsi*, but also the suppression of the truth lying to his charge. The heading of these paragraphs was "Incidents of the Campaign." Now the very moment my hon. friend the member for Mallow was released from prison and resumed the control of his paper, that moment that heading disappeared. It is infamous and shocking that we should have such accusations made against us for things of which we could not in any possible way have the slightest knowledge. (Cheers.) I have not the least intention of discussing at the present time the proceedings in Dublin. I have been asked to give an explanation with regard to matters put in evidence at the preliminary investigation now taking place. The right hon. gentleman the Home Secretary, a lawyer of great eminence and ability, rebuked the right hon. gentleman the member for the University of Dublin for asking him to go into these matters, and expressly declined to do so. But the right hon. gentleman shortly afterwards loudly applauded a subsequent speaker on the front Opposition bench who invited me to go into the very same matters. (Hear.) I do not know whether I ought even to refer to the evidence now being taken before the Court at Dublin, but as that evidence has been by the Dublin correspondents of the London newspapers garbled in a most extraordinary way, I will just refer so far as to state what the evidence actually was, and nothing more—I mean the evidence which is supposed to throw suspicion on some members of the Land League in connexion with the murders and outrages which have been committed. Now, the statements which were made in that direction, were made by the approver Carey. I do not wish to comment on that fact, but they are statements, not of belief, but of the belief of others. They are three in number. Carey swore, firstly, that he had met a person in the garb of a priest, who was introduced to him as Father Murphy, who informed him that he was going down into the country to found a branch of the "Invincible" organization, and that he was afterwards informed—he did not say by whom—that this Father Murphy was Mr. Sheridan of Tubercurry; secondly, he swore that some among his comrades believed that the money came from America, others that the money came from the Land League. This, again, the House will bear in mind, is a

Mr. FORSTER.—They were not mentioned to me.

Mr. O'SHEA.—They were mentioned. (Irish cheers.)

Mr. PARNELL.—Mr. Davitt was released immediately afterwards, owing to representations which I made to the hon. and gallant member for Clare. Why was Mr. Davitt's name not included in this Cabinet memorandum? Why was Mr. Boyton's name not included, who had left Ireland immediately after his release (Irish cheers), and who could not have returned to Ireland without being re-arrested? Why was Mr. Egan's name not included in the Cabinet memorandum? Why was it that only Mr. Sheridan's name was selected for the purpose of attempting to make out that I was privy to and knew of some connexion of Mr. Sheridan's with outrage and attempted outrage? (Prolonged Irish cheers.) I leave this question to be answered by members who may have a better knowledge with regard to what passed than I have, yet I am sure they are of a significance which deserves that they should be considered and pondered by the House. The right hon. gentleman has asked me to defend myself. Sir, I have nothing to defend myself from. (Loud Irish cheers.) The right hon. gentleman has confessed that he attempted to obtain a declaration, a public promise, from me, which would have had the effect, if given, of discrediting me with the Irish people. He has admitted that he failed in that attempt (Irish cheers); and, failing in that attempt, he lost his own position. (Renewed Irish cheers.) He boasted last night that he had deposed me from some imaginary position which he was pleased to assign me; but at least I have this consolation—that I am in pretty good company. We both fell into the ditch. I do not think, in the process of pulling the right hon. gentleman and myself out of the ditch, that I have suffered quite so much in the opinion of my countrymen as the right hon. gentleman has suffered in the opinion of his. (Irish cheers and counter cheers.) The right hon. gentleman has deposed me from my position as a prominent Irish politician. I admit that he has been very successful, and that I have taken very little part in Irish politics since my release. I expressed my reasons for that upon the passing of the Crimes Act. I said that in my judgment the Crimes Act would result in such a state of things that between the Government and the secret societies it would be impossible for a constitutional agitation to exist. (Irish cheers.) I believe so still. What was the item of news published in the journals yesterday cabled from America. It was that Mr. Patrick Ford of the *Irish World*, who used to collect money for the purpose of sending it to us, is now collecting it for a very different purpose. (Irish cheers and cries of "Oh!") The right hon. gentleman may be proud of his work. I regret that he should. I look with the utmost apprehension to the future relations between England and Ireland. I say it is impossible to stem the torrent of prejudice that has arisen within the last few days, and I regret that the officials charged with the administration of this Act are unfitted for their post. (Irish cheers.) I am sure the right hon. gentleman the present Chief Secretary to the Lord Lieutenant must admit that to the fullest. He must have asked himself the question, "Why is the right hon. gentleman the member for Bradford, who has had experience in the administration of Ireland, there, while I am here? We say he was deposed from his position, and the right hon. gentleman apprenticed, although a very willing one, in his place. I feel that the Chief Secretary must say to himself, in the words of Scripture, "I am not worthy to unloose his shoe latches." It would have been far better to have had it administered by the sound politician now in disgrace. (Irish cheers.) Call him back; send him to help Lord Spencer in the congenial work of the gallows in Ireland; send him to look into the secret inquiries of Dublin Castle and to superintend the impost for blood-money. (Irish cheers.) All this would be congenial work for him. (Irish cheers.) We invite you to

man your racks. Send your best men forward in the task of misgoverning and oppressing Ireland. For my part, I am confident for the future; I believe that our people will survive the present oppression (Irish cheers), as they have survived many and worse ones. I think our progress may be slow, but the time will come when this House and the people of this country will admit once more that they have been mistaken; that they have been deceived by those who ought to be ashamed of themselves; that they have been led astray from the right method of governing a noble, generous, brave, and impulsive people, and that they will reject their present leaders with just as much determination and with just as much belief as they rejected the services of the right hon. gentleman the member for Bradford. (Loud Irish cheers.)

Mr. O'SHEA.—In his speech the right hon. gentleman the member for Bradford said that no other name was mentioned in my conversation with him except that of Sheridan. On the 16th of May (I am reading from "Hansard," 880),

"Mr. O'Shea wished to say, for the information of the right hon. and learned gentleman the member for the University of Dublin, that he did mention Davitt to the right hon. gentleman the late Chief Secretary for Ireland on the Sunday in question, and the fact that the right hon. gentleman had not entered the name in his memorandum was only another proof of his inaccuracy."

The right hon. gentleman rose and said, "I did not give a note of the whole conversation." (Irish cheers.) Why did he not give a note of the whole conversation? He hockwinked his colleagues.

Mr. TREVELYAN.—Sir, I deeply regret the side channel into which the debate has drifted—about as deplorable a course as it could have taken. I hold to the full that no allusion, direct or indirect, should be made to the evidence in Dublin, and no argument or illustration should be drawn from it. I will go further, though I fear I shall not have the whole House with me, I think it a pity that my right hon. friend should have given an appearance of taking these Dublin revelations for a general attack (Home Rule cheers) in regard to the relations to agrarian crime in which the hon. member for Cork stood—an attack which was very powerfully conducted. But since he did make use of it in a manner which will not be forgotten, I believe I am expressing the feeling of the House when I say that the member for Cork would have done very well to make his position clearer than it is at present. (Loud cheers.) I must say that, since I have been in Ireland, the fact that the hon. gentleman acted with men who made speeches which showed sympathy with outrage and a deplorable levity with regard to murder is a consideration which is ever present to the minds of the rulers who are endeavouring to do their duty by Ireland. (Hear, hear.) I would have given much if the hon. gentleman had satisfied our minds with a reasonable explanation—an explanation to which I myself would have listened in a spirit of indulgence, for I want to be fair, which is sometimes wanting to the remarks of my right hon. friend. But the hon. gentleman has chosen to take another course. In a passage of remarkable bitterness, he

another course. In a passage of remarkable bitterness, he has dried up those hopes of conciliation which are always present with those who are endeavouring to carry on the administration of Ireland. That passage was very short, very powerful, and very bitter, but connected with other speeches made in this debate, and the amendment, which may be withdrawn and may not; but I shall find it necessary to make some remarks in the course of my speech after I have addressed myself to the position in which Her Majesty's Government stands with regard to the amendment. And on this point I cannot help hoping that I may really produce some slight impression on hon. members. When the noble lord opposite rose to give notice of the amendment, I saw there was a sensation of some surprise. To the Government that amendment has been the most unfeigned surprise. We have had a task of very stern reality—a task with regard to which I feel myself already quite incapable of responding in the same spirit to those brilliant displays of rhetoric by which this debate has been so marked. It is impossible to proceed further without recognizing the courtesy and abundant generosity with which our political opponents have mentioned our names; but, notwithstanding that, the debate has not been satisfactory to us. There are two reasons why we should be most ungrateful and disloyal if we did not say that we have received from our colleagues a general approval of our policy, and something more—we have received the most hearty, friendly, and cordial sympathy and co-operation in things great and small from every individual member of the Cabinet. The second reason is that we have been engaged in very complicated work in Ireland which no man could pretend to carry through without making certain mistakes and errors. There are a number of problems of all sorts, not relating to crime merely, but questions of economy and social order which required to be solved during the last six months. They were so great that we looked forward to the debates in Parliament to see what view Parliament would take of these questions. We looked forward to see what view gentlemen opposite, with their experience of Irish administration and affairs, would take of them. We looked for approval or reproof, but, above all, for criticism. But instead of that we have had a debate which turns on one question—whether ten months ago the hon. member for Cork promised in a letter that support to a Liberal Administration which we have never seen elsewhere. I dare say this debate has had its value; but we cannot help looking at it from our own standpoint. The present state of Ireland, and not the past, fills our whole mind. (Hear, hear.) As far as the present state of Ireland is concerned this debate, I must allow, has hitherto appeared to me to go for very little or nothing at all. I do not know about what happened either in the Cabinet or, to a great extent, in the House of Commons ten months ago. During the hottest and most interesting debates I was in Ireland; but what

the House of Commons ten months ago. During the hottest and most interesting debates I was in Ireland; but what I do think is this—that the only practical point in the matter that is worth consideration is, whether the enlargement from prison of the hon. member for Cork and his colleagues was or was not for the profit of Ireland. I have on several occasions said in this House that I believed that the release of these gentlemen produced no evil consequences (hear); and no exception was taken to that remark by hon. members. But it was said yesterday by the right hon. gentleman the member for Bradford that though outrages had diminished, murders increased pretty largely in number and increased very decidedly in the significance of their atrocious details. Now, Sir, the cause of the increase of murder is about the most serious matter which the Government could look into. The Government has satisfied itself as to the cause of the increase and decrease of these murders, and it believes that the enlargement of the hon. members had absolutely nothing to do with them. (Hear.) Murders occurred during the time they were confined; murders followed and increased with ever-increasing velocity, and they increased more rapidly as time went on. When murderers were apprehended, however, and capitally punished, murders began to decrease. (Hear.) That is the opinion the Irish Government holds on the increase and the decrease of murders in Ireland. Now, I do not attach too much importance to the remarks of my right hon. friend; but, Sir, beside being disappointed with the debate, we are still more disappointed and even discouraged by the amendment itself. When we read the paragraph in the Queen's Speech which refers to Ireland, I am sure that we all feel that we are rewarded, and over rewarded, for any public service we have tried to do. But it is a very different matter when the amendment is brought forward and supported by one of the two great parties in the State, the only meaning of which is that Lord Spencer and his colleagues cannot be relied upon. ("Hear, hear," and "No, no.") The amendment states that it is hoped that no further attempts will be made to purchase the support of persons disaffected to Her Majesty's rule. (Hear.) Read that amendment as you will, it cannot have the present interpretation. It means either that the Irish Government of their own will and judgment will recommend the Cabinet to purchase support in that manner; or it means that, against their judgment, they will be blown about by certain English and Irish newspapers, which, either from too great or too little knowledge of Ireland, have sometimes referred to these matters in a very unfortunate way. A third, and the only other interpretation that can be given to it is that our colleagues at home are disloyal and will throw us over if we will not lead ourselves to that policy; and I may observe that I cannot say which of these three interpretations is the more distasteful to Lord Spencer and myself. (Cheers.) Though none of these interpretations may be taken, yet, at any rate, it cannot be denied that the success of the amendment would be to change the Government of Ireland. (Hear.) You must forgive us if we cannot view the situation otherwise than this. We

Government of Ireland. (Hear.) You must forgive us if we cannot view the situation otherwise than this. We have endeavoured under fearful difficulties to serve, not our party, but our Queen and our country (cheers), and our reward is that the amendment has been brought forward in a spirit personal to us of the greatest unkindness. ("Hear, hear," and "No, no.") If it is carried it will turn us out (Hear.) But it will be said that the main object of this amendment is to instruct the country—to put on record the opinion that the Irish government should be carried forward in a spirit of firmness and loyalty. ("Hear," and cheers.) I admit that it is quite necessary that this instruction should be given. (Hear.) I quite admit that it is seriously wanted. (Hear.) The hon. member for Ipswich has said that we should do more to promote peace and order by making the Corporations responsible; but I must say that no pains should be spared to correct an opinion which in my view would be fatal to Ireland. (Hear.) Sir, the evils of Ireland are not to be cured by rhetoric, but there is a sort of rhetoric which is so weighty and so just, that it has all the value of well-considered action, and when they got off the Kilmainham business, the speeches of the right hon. members for the Dublin University were such that I was very glad to see them intently listened to by the hon. members who sat round the hon. member for Ipswich. It is by speeches of that sort, so full of experience, that you will bring home these truths to hon. members who may not see them quite sufficiently; but you will not do so by interposing an amendment the effect and the success of which would be to turn out the Cabinet. (Hear.) I shall now address myself to this debate, and I may say that this is the first opportunity before the House of Commons which we have had of justifying ourselves against charges most important in their nature. These charges have been powerfully reiterated in the course of the debate, and especially in the speech of the hon. member for Mallow. I think, Sir, it would be out of order for me to make any reference to the amendment of the hon. member for Cork, but there is no necessity for me to do so, because he has put his charges in a much shorter and still more formidable form in his speech to-day, and those charges were also brought forward at con-

considerable length by the hon. member for Mallow. These charges are of a nature that have been made before in the House, but on all occasions when previously made they have been brought forward by some crotchety or isolated member. Now, however, they are made by the leader of a very powerful party; they are cheered by a considerable number of members who sit round him; and, what is almost worse, they have been made over and over again in newspapers, both English and Irish, whose proprietors and editors are at this moment members of this House. (Hear.) What are those charges? I will take the speech of the hon. member for Mallow, and ask him whether the general effect of it was not to say that Ireland was improving during the period the Coercion Bill was passing, but that when the Bill was put into operation the country was alienated and estranged. That charge was made also in terms of great ferocity by many newspapers and on many platforms. What is my answer to it? The present Crown officials—I borrow that phrase from the amendment paper—went to Ireland at the beginning of May last. They were sent there with a commission from the Crown and from Parliament, and unless they sincerely and cordially accepted that commission they had no right to go at all. (Hear.) That commission was that the Crown officials should do their best to maintain the union of the two countries and to diminish—and if possible to extinguish—organized political and agrarian crime in Ireland. (Hear.) Their duties were absolute. What, then, was the condition of organized crime when we were first appointed to our post in Ireland? It is hardly too much to say that it was as bad as bad could be. In the previous March outrages reached the frightful total of 542. It is quite true that a slight diminution had set in, which diminution continued—I quite allow that to the hon. member—during the summer months, at a time when our only weapon was the Protection of Property and Person Act. (Hear.) But the hon. member loses sight of two most important considerations which I think entirely destroy his argument. In the first place, agrarian crimes always fall off in the summer months. In the month of July, 1881, the outrages were only one-third of those of December previous, and yet when winter came the dreadful work went on faster than ever. The average of the six winter months was actually over 500 a month. In the second place, during the summer months—the halcyon months of the hon. member—the most awful of all crimes, murder, was increasing, the number of agrarian murders in the first eight months of 1882 being 24—double the proportion for 1881—without reckoning six doubtful cases which I will call political homicides. The *Irish World* in its last number calls Lord Spencer the cold-blooded murderer of five innocent Irishmen within the last two months, one of whom he knew beyond all manner of doubt to be innocent. I prefer to quote this statement from an American print, but I am sorry to say such passages occur by dozens and scores in papers published in Ireland. When the editor of the *Irish World* talks of these five innocent Irishmen, who, I suppose, are the same men as are in the mind of the hon. member for Mallow, is he aware, as the hon. member for Cork is aware, that ten times as many really and undoubtedly innocent Irishmen were murdered in succession without one of their murderers being brought to punishment? (Cheers.) If the *Irish World* did not know that, Lord Spencer's Government did, and the first task they set themselves was to take care that during the winter months of 1882-3 outrages should not increase as they had increased previously. As a matter of

increase as they had increased previously. As a matter of fact, since the 3d of October last there has been only one agrarian murder in the whole of Ireland. (Cheers.) In order to attain this result the Government relied upon two things—a reorganization of the *personnel* employed in the detection and repression of crime and the Prevention of Crime Act passed last year. As regards the former, a certain amount of misunderstanding, and consequently misrepresentation, appears to have arisen. The men and officers of the constabulary and of the Dublin police are in the opinion of the Government public servants who have done their duty most efficiently and most zealously in the trying circumstances in which they were placed. (Cheers.) The Government have done nothing with regard to the men and officers except to recognize their conduct by special gratuity, and either to improve their permanent position or to make inquiry as to the method by which their permanent position may be improved. But in the machinery by which crime is detected and the law upheld in Ireland very important changes have been made. To begin with, the Under-Secretary who succeeded the lamented Mr. Burke—namely, Mr. Hamilton—was relieved of a portion of his overwhelming work by the appointment of an Under-Secretary who was instructed to take in hand the whole detective business of the country. Previously the detective departments of the constabulary and of the Dublin police were separate, and the want of unity of action between them proved to be a really serious evil. How the working of the new police and crime department has been carried on by Mr. Jekinson everybody knows. (Cheers.) Another change upon which the Government has relied was the removal of public servants who, from their personal qualities, did not seem to be so well adapted for their duties as was desirable. There has been some criticism in this House as to the manner in which the Government have treated certain resistent magistrates, and they have had to face still more painful remonstrances addressed to them by the friends of the officials concerned, but they have resolutely done what seemed to be for the public advantage. (Cheers.) In addition to this reorganization of *personnel*, Lord Spencer's Government had the enormous advantage of being possessed of a stringent Crimes Act, more effective in its operation than the power of merely locking up men on suspicion—a course which, however irksome to educated men, was, I am told, little less than pleasant to the regular criminal. The operation of the Crimes Act has this about it, that its effect is progressive, and that if it is vigorously applied at first, there is afterwards less and less occasion to have recourse to it. During the first week of the present month only five cases came under this Act, while in the corresponding week of last year there must have been at least 100 outrages; and I ask whether exemption from the terrible amount of mental and physical suffering which those outrages involved was not moderately purchased with five convictions, attended on an average with less than 14 days' imprisonment? (Cheers.) The hon. member for Mallow has charged me with extraordinary vehemence of language, with having interfered with free writing and free speech, and allusion has frequently been made to certain words of mine uttered at Belfast, to the effect that the Government were opposed to crime, but did not intend to interfere with politics. These words have been construed as an encouragement to turbulence and agitation, but I would take this opportunity of reminding the House that they were uttered before the Town Council of Belfast, who would undoubtedly be pretty severe critics of anything tending to disorder. I do not regret those words. The only effective policy in Ireland is to say exactly what you mean, and to do it. (Loud cheers.) As for the free writing we have interfered with, and which I think the House will agree with me is very free writing indeed, it is not political. It is a sort of writing which I will venture to describe as part of the machinery of murder as much as sword-canes or pistols. (Cheers.) I have only to point to the language of *United Ireland* in proof of this—language some of which it is only fair to say appeared at a time when it could not be supervised by the present editor of the paper. The point which I want to make is this—consciously or unconsciously, there is a class of articles which tend to produce crime. Here is an article written in October, 1881, it is called, “*A bas les Bastilles!*”

"The men who level them will go further—to a palace at Versailles or a castle at Cora-hill, and the hired Swiss, be they primed with ball cartridge or clad in plush, will not stand long in their way, depend upon it. . . . There are 50,000 ready to take up the fight, where Tyrone, where Owen Roe, where Sarsfield, where Tone, where Emmett, where O'Connell, where Mitchell, where Allen Larkin and O'Brien left it off." We know very well where Larkin and O'Brien left it off. And here I may say that nothing has pained me so much in Ireland as the tribute that is paid to Emmett, because it appears to me that his insurrection, though made by a man of great and high aspirations, resulted in an assassination, which, in effect, resembled very greatly the assassination in the Phoenix-park. Before I read the next article I wish to express my firm belief—it would be a breach of order to say more—that the man who wrote the article was reckless of the effect it produced. On the 6th of May, 1882, there was nominally published, but on the 4th of May, was really published, an article entitled "Dis-establishing the Castle." It said,

"But the money it" (that was the castle) "spends and the favours it distributes, and the foul toads who use it as a elstern to knot and gender in it are just the things which make the harmless travesty of vice-royalty an offence and scorn to Irishmen. . . . The toads are the gang of alien officials who nestle in the snuggeries of the Castle like as many asps in the bosom of the country. Down with the whole bundle of rottenness and imposture."

That was published, I presume, on the 4th of May, and we know what happened on the 6th of May. I pass on with a large jump in time to the case of Francis Hayes. The question has not been introduced into this discussion, and I am not going to enter into the argument as to whether the charge against the jury in that case was founded or unfounded. I have no doubt I shall have another opportunity of arguing that. When that charge was made this article was written with regard to it:—

"Silence and veneration is demanded by the religion of English rule, and we bow before its sacred symbol, the gallows. Not often even in the bloodstained records of Ireland has there been a tragedy more pitiful, more horrible than that of which Francis Hayes was the victim. Need we recapitulate the grotesque mockery of the trial? . . . A jury presided over by a Judge who, from the commencement of the trial to its close, did not even attempt to conceal his indecent longing for a conviction. (Cheers from Home Rule members.) It was not enough that his charge should be a speech for the prosecution. By nod and smile throughout the trial he emphasized each scrap of evidence that seemed to tall against the prisoner; by shrugs and deprecatory gestures he made light of the defence. . . . Need we speak of the 'terrible' exposure that followed? Judge Lawson, in a tempest of virtuous indignation decided that jury-packing and jury orgies were subjects too sacred for public comment."

It is not the arguments in that passage that I object to; there is not an argument in it which might not be said in proper language, in a proper place, but said in that language and in a newspaper which had the audience that *United Ireland* had, it could, the Government imagines, only have the effect it did have. (Cheers.) I will not read any more articles with reference to Judge Lawson. The next article I will read is headed "The Bloody Assize." It said:—

"The jury was as shamefully concocted, its partisanship was as indecent, and the evidence was evidence upon which an English jury would not hang a dog. (Cheers from Home Rule members.) . . . Once the word is passed to 'convict murderers' a metropolitan Protestant and loyal jury, under the eye of Mr. Norris Goddard may be trusted to know a murderer when they see him without splitting hairs about particulars. . . . What is even more aggravating than a patent murder machine as a system of government is the Pharisaism which shelters the achievements of Mr. Goddard's pals, under the venerable title of trial by jury, and decries as a foe to public justice whoever cries out on the imposture."

Now, who are "Mr. Goddard's pals" to whom that allusion is made? On the 7th of October reference was made to "the incident of Mr. Field passing down an affectionate

billet doux from the jury box to Mr. Norris Goddard." It was hinted that Mr. Field was on very friendly terms indeed with the chief organizer of the landlord faction. We know that Mr. Justice Lawson's life was only saved by the courage of one man and of the jury connected with the trial of Michael Walsh. Mr. Field was the person next selected for assassination. (Hear, hear.) I do not wish the House to think that I am going contrary to what I promised, for I repeat that I do not impute any malevolence to the editor.

Mr. O'BRIEN said he was very reluctant to interrupt, but he should like to ask the right hon. gentleman whether in any of the passages referred to Mr. Field's name was mentioned.

Mr. TREVELYAN.—The article began "The incident of Mr. Field passing down an affectionate *billet doux* from the jury box to Mr. Norris Goddard." (Cheers.) I was going to say that it is now shown that in order to save time the Dublin assassins picked out three people connected with the trial for assassination, and they were the three whose names had been most prominently brought before the public. That shows that the mention of names in this way places the persons indicated in very great danger. (Hear, hear.) My own personality has been spare! up to this time, but after the speech I made at Hawick three leading articles appeared in *United Ireland*. On the 10th of February, 1885, it said:—

"The land code of Ireland up to quite recently invited crime. It was an English institution, and it is notorious that the English land system excites crime wherever it is established. (Cheers from Irish members.) Again, it is notorious that the English system of government invites crime. The English Government has no business here. (Cheers from Irish members.) The negation of the natural right—the Divine right of any people to be the shapers of their own destinies is the prolific parent of crime, and it has ever been so. It has been said,—

"A patriot is a rebel who succeeds,

"A rebel is a patriot who falls."

The principle is applicable to this country. That is crime for the present in Irishmen which will be quite other when Ireland is mistress of her own fortunes."

As to what has been said of myself I shall take no further notice; but I shall take good care that if in future any public servant or any private individual is pointed out in such a manner as to convince the Government that his life will be endangered the person who wrote it may rest assured that the Government will take steps to prevent it occurring again. (Loud cheers.) So much with regard to free writing, as to which I have stated the principle on which the Government act, and now I will go for one moment to free speech. The right hon. member for Lincolnshire says that we are always urging that Ireland is in a constant state of improvement. We are not so hopeful of the condition of Ireland as he has described us, but at the same time we are not so desponding as the right hon. gentleman. He says that the Government has to realize that it is governing a country against the wish and opinion of the great mass of the population of that country. (Cheers from Irish members.) The Government may or may not realize that, and they admit that there is a large amount of political disaffection; but when you come to the question of sympathy with crime, we believe that that sympathy is to a great extent partial, temporary, and evanescent. We believe that there is a great mass of people in the country who want to go about their business in peace and quietness; we believe that the farmers of Ireland, if left alone, are beginning slowly to settle down and to appreciate the great advantages which—whether justly or unjustly we are not now arguing—have been conferred upon them by the Land Act. (Hear, hear.) But they were not allowed to settle down. There was an agitation set on foot, the objects of which, although not the avowed objects, yet the practical objects, were in the opinion of the Government absolutely inadmissible. In our opinion, to judge by the earlier speeches made, most of the remarks made at the National League meetings, either by or in the presence of its most eminent members, were, calculated in the districts in which the meetings were held, to excite opposition to what was called "landlordism," and to the commission of acts the object of which was to terrify into a compliance with the demands of the League.

There was another matter that has been referred to outside the House—namely, that I believe, on the authority on which the Government relied in regard to anything which concerns the peace and order of the country, these meetings were, in many cases, promoted by small local agitators, who live upon the money they collect by terror. The tone set at the earlier meetings was a very serious and dangerous one, and at last, very reluctantly, we came to the conclusion to stop the thing at the outset. Some people said we ought to have proclaimed the National League; but that was not our opinion. We contented ourselves with forbidding meetings of the League in places where we were told outrages would ensue, and where, if outrages did not ensue, that sort of terrorism which collects money from people who are unwilling to give it would be one of the consequences. It was astonishing how few meetings were prohibited. My impression is that only ten or so, at the outside, were prohibited; and of those we might have made one or two mistakes. If, for instance, I had known that Mr. Sexton was to speak at that meeting to which reference has been made, I would not have prohibited it, and for this reason:—I consider that where we have a member of Parliament of great eloquence—a man who knows how to keep that eloquence within permissible bounds—the risk is less than in the case of men such as those we know the suspects of Loughrea to be. If we have here and there made mistakes, on the whole the general result of the action of the Government has more than satisfied the most sanguine expectation. (Cheers.) The hon. member for Cork and the hon. member for Mallow—certainly the hon. member for Mallow—have argued at considerable length in favour of a return to the ordinary law. Let us go back to our last experience of the ordinary law in Ireland. In August, 1879, when Ireland was under the ordinary law, the outrages were 103; in September, 168; in October, 269; in November, 561; and in December, 866. In January, 1881, the Protection Act was passed, but it had not the effect, under the circumstances, of checking crime. The only effect it had was to prevent things going from very bad to very much worse. During the year 1881 outrages rose and fell, until in December there were 574. Now we come to January, 1882. In January, 1882, there were 495 outrages, of which 231 only were threatening letters, and no less than 34 were murderous crimes. What was the total in January, 1883? Has crime risen this winter as it did last winter? On the contrary, the outrages were 90, including one that was of a murderous character, as against 34 in the previous year. The improvement which had been checked for a month or two has now begun again, and on two days of this month the outrages reported were *nil*, a thing which has been unknown for many months, except for single days. The most noticeable indication of the feebleness of the law in the troublous days was the number of persons employed in trying to enforce it. From the 17th to the 23rd of January, 1882, 1,081 soldiers and 672 police were engaged in protecting sheriffs, officers, and process-servers, but in the corresponding week of this year 218 police and no soldiers at all were employed (cheers); and it might be said that the Queen's warrant runs now at least eight times as easily in Ireland as it did a year ago. (Cheers.)

Mr. PARNELL.—Will the right hon. gentleman give us information as to the number of evictions?

Mr. TREVELYAN.—I can only say, generally, that recently the number of evictions have been increasing; and the general returns for the winter are not less high than the Government have anticipated.

Mr. PARNELL.—Will the right hon. gentleman state the number?

Mr. TREVELYAN.—I prefer not to mention the number. I have not put forward this contrast in any spirit of vainglory, for all the credit rests with the people on the spot, and I cannot but think that the men who have done the work deserve to receive the support of their countrymen. (Hear, hear.) The noble lord the member for Woodstock said that the Government have only succeeded in hanging up a few miserable wretches; but the execution of a human being is not a subject for glorification, and ought not to be the subject of Parliamentary taunt. In the course of two years 50 murders were committed with absolute impunity, and it is no wonder that the moral sense of many of the Irish people was destroyed, and that some among them of the poorer classes began to think evil good, and good evil. (Hear, hear.) It is from that condition of things that the Government have been trying to rescue the country. The duty of the Government is to go on unhesitatingly to punish crime in Ireland until the people have been educated to see that crime is criminal. (Loud and general cheering.) The danger, in my opinion, lies more on this side of the water than on that. It lies in this—that people here may be in too great a hurry to see things right in Ireland, and that when they get despondent they resort to desperate remedies. The great thing wanted in Ireland for many years to come is patience—patient firmness in repressing crime, and patient diligence in redressing grievances. (Cheers.) But this violent invective because the Government do not neglect and abandon the elementary duty of a civilized Government—a duty rather than abandon which they would at once throw up their offices—only serves to divert the attention of the House and of the Ministry from those measures of which notice has been given, and which I hope shortly to be able to lay upon the table of the House—measures which, if we only set our hands to work, may be productive of practical and lasting advantage to the country. (Loud cheers.)

SIR H. WOLFF remarked that the object of the amendment of the hon. member for Chatham was to emphasize and accentuate the triumph of the party of law and order in the Cabinet as represented by the noble marquis the deputy leader of the Government, and perhaps by the Home Secretary, over the party of lawlessness and disorder as represented by the President of the Board of Trade. For a long time there had been two currents in the Cabinet—one, which wished to exercise all the powers of the law for the repression of crime in Ireland, and the other which looked to the agencies of outrage as useful allies in passing Liberal measures through the House. In January, 1881, the right hon. gentleman at the head of the Government spoke of the steps of the Land League being dogged by crime, and in March of the same year the Home Secretary described the doctrine of the Land League as the "doctrine of treason and assassination," also denouncing its "vile conspiracies." Why, then, were adequate measures not taken in time to deal with that terrible organization? Because, according to the confession of the President of the Board of Trade, it was necessary to encourage these outrages in order to carry Liberal legislation. (Hear, hear.)

Mr. CHAMBERLAIN was sure the hon. gentleman would not willingly misrepresent. He defied the hon. gentleman to quote any language that he had ever used anywhere to the effect that the Government had thought it necessary to encourage outrage in order to pass any measure. (Hear, hear.)

SIR H. WOLFF.—The colleagues of the right hon. gentleman denounced the acts of the Land League at the beginning of 1881, yet no attempts were made to stop them; and in a speech delivered in October of the same year at Liverpool the President of the Board of Trade said that the objects of the Land League "were legal and

even praiseworthy," and that to have stifled agitation would have prevented reform. At what time was that?

Mr. CHAMBERLAIN.—At the time when their objects were legal and praiseworthy.

SIR H. WOLFF.—Were the Land League's objects legal and praiseworthy at the end of 1880 and the beginning of 1881, when, as the right hon. member for Bradford had informed them, outrages were countenanced by its leaders? The President of the Board of Trade in the same speech declared that another reason which had weighed with the Government was that if the Land League had been suppressed the tenants would have had no organization to fall back upon. The right hon. gentleman would not interfere with outrages, or, at any rate, with the organization which countenanced those outrages, because he feared the effect of their suppression on the passing of the Land Act; and he would not take steps to put down the Land League until its leaders proclaimed the "no-rent" principle. Then, instead of giving the right hon. member for Bradford the assistance and support he asked for, the Government went and negotiated with the leaders of the very organization which they said was connected with outrages, and that in the teeth of the opinion of their own colleague in Ireland, against whom they were intriguing and caballing in this country. They refused either to give him the powers he urgently sought from them, or to exact from the prisoners in Kilmainham the guarantees which he held to be absolutely necessary; and while murders and "boycotting" were rampant they decided to postpone all legislation until they had passed those rules of procedure which the caucus had dictated to their Radical supporters. (Hear, hear.) The House had heard the hon. member for Ipswich the other day. They knew that hon. member's connexion with the President of the Board of Trade. ("What is it?") Why, he was the right hon. gentleman's travelling companion—his *alter ego*; and he was known in Birmingham as "Chamberlain's barometer." (Laughter.) Unless the House, therefore, expressed itself strongly, what security had they that, notwithstanding all the exertions of Lord Spencer and the present Chief Secretary, the Government might not be adopting the views and advice of the hon. member for Ipswich, or that they might not be again trafficking with and taking into partnership those whom they had denounced as countenancing outrage, in order to stab a colleague in the back or to carry some measure of reform? After the deplorable tragedy in the Phoenix Park, the Government were forced to take a new departure; and it was with a view of supporting that new policy that the present amendment had been moved. How signal had been the defeat of the party of lawlessness and disorder in the Cabinet might be seen from the fact that in all the recent Ministerial changes the Radical element had been relegated to the inferior places, all the chief posts being now held by earls and landlords. (A laugh.) The Radical section were relegated to the inferior posts of the Cabinet, and the caucus was crushed now as much as the Land League. It was because of the triumph of the Secretary for War and the Home Secretary over the Radicals that his hon. friend wished to place on record the fact that the policy of his right hon. friend opposite had prevailed. (Hear.)

noble lord the member for Woodstock, the right hon. gentleman the member for North Lincolnshire, and others to cheer the accusation that had been made against the right hon. gentleman the late Chief Secretary. It should not be forgotten that the difficulties that the Government had to deal with were mainly due to the neglect and apathy of the late Government. (Hear.) Had the late Government brought in additional powers when they were in office, he ventured to say that much of the trouble that had since arisen would not have occurred. Since the present Government came into office he considered that they had not received the support and assistance from the right hon. gentleman the member for North Devon and his colleagues which they had a right to expect. (Hear.) He complained of the action of the Conservative party, and particularly that of the hon. member for Wigtown and the right hon. gentleman the member for Westminster. The former had proposed a motion displaying hostility to some of the most important provisions of the Land Act—those dealing with fair rent and the 15 years' fixed tenure; the latter endeavoured to embarrass the Government, and, at the same time, to aid the landlords by encouraging a scheme of purchase by tenants out of funds which would come from the pockets of the taxpayers. Failing all other attempts, they had fallen back upon an alleged treaty. He did not believe there was any foundation for the statement made respecting that transaction; but even if there was, he should rejoice if it had been the means of giving peace to Ireland. He believed that nothing short of the total extinction of the Land League organization could have relieved Ireland from the curse which had come upon it through that organization. The right hon. gentleman the member for Bradford had always had his support. He never saw a man treated in such a manner by hon. members. There was not a part of the conduct of the right hon. gentleman which was not assailed on one side of the House or the other because, forsooth, he had separated from his colleagues. He had risen for the purpose of protesting against the accusation made against the right hon. gentleman that he had allowed the Land League to exist on purpose that crime might multiply and some Land Act be obtained. It was an accusation altogether unfounded, but had been cheered by the noble lord the member for Woodstock. He would say, in conclusion, he did hope the result would be that hon. members would not talk as the hon. member for Cork had done that night of a brave and noble nation. What hope could there be for any people who permitted in their midst and to pass unconvicted such atrocious crimes as had been committed in that country?

Mr. METGE said he had listened with heartfelt pleasure to the statement made by the hon. member for Cork, and he considered he had completely answered the charges brought against him. He (Mr. Metge) was proud to have been a humble member of the Land League. He had joined it at its first inception, and he believed it to be legal in its objects. The Attorney-General for Ireland had said that the League was from the first unconstitutional in its foundation, in its objects, and in its sanctions. He said that was the strongest condemnation of the Government made by any member of that House. With regard to Carey's evidence in the Dublin trials, he said that he did not wish to screen the action of criminals; but they must remember, after all, that the statements of Carey were those of an infamous informer. But, taking the words of that man to be true, he would ask the House to consider the circumstances of the Land League. It must be remembered that it existed through all parts of the country, and included persons from all classes, members of the landlord class as much as those of the Fenian class, and it would have been impossible to have devised a scheme which would have purged its ranks. He believed himself that, if the Fenians did join with the Land League, it was done in order to break up the first great attempt that had ever been made in Ireland to obtain legitimate ends by constitutional means. From the first the objects of the League were legal, and they had never failed in voice and influence to discountenance crime and to support order. Having quoted from a speech made in the House on a previous occasion by Mr. Parnell to show that the hon. member discountenanced the physical force policy, he denied that there was any connexion, either secret or open, between the two organizations, the Land League and Fenianism. This course he himself and all the members of the League

This course he misconstrued and all the members of the League had followed and acted upon. He had a sincere respect for a man who, believing that physical force might secure the regeneration of his country, acted on those sentiments, but he never believed that such a policy was justifiable in the cause of Ireland. He did not think even the possibility of success could justify it (hear), nor did he believe that the state of affairs in Ireland at present was sufficiently bad to justify it. (Hear.) He came there to oppose the Government; but, under the emergency that had arisen, no man could wish to do so, for they were justified in using any means to put down crimes which must be revolting to the feelings of every honest man. (Hear.) The party to which he belonged had been asked to show by what means they would endeavour to put down crime in Ireland in the future, and he contended that that question had been answered over and over again with irresistible force when they stated what their methods would be. They would endeavour to remove the cause of so much crime by sweeping away once and for ever, not in the interests of the tenant and industrial classes, but of the landlords themselves, that accursed land system which was mainly responsible for the outrages that were committed. Let the Government at the same time bring in measures of liberal reform, and place Ireland in a position equal with England in regard to electoral and constitutional rights. Let them give the people some sense of responsibility; let the people have some confidence in the administration of justice; some hope that their complaints would be fairly and impartially listened to. At present there was no feeling of the sort, and no confidence in the administration of the law, and the consequence was that the people, instead of looking to the law for help, regarded it as their unscrupulous foe. It had been said that, under existing coercion, the country had attained to at least some measure of peace; but he was sorry to say that he did not think that to be the case. He believed the peace that now prevailed in Ireland was only apparent. Undoubtedly crime to a great extent had disappeared, but the spirit of crime was there still, and the only way to effectually deal with it was to remove the real and true cause. At this moment Ireland was under a system of rule that would not be tolerated in England for a day, and, while such a state of things as this existed, radical improvement could not be expected. It was all very well to "make a solitude and call it peace," but emigration was bad both politically and socially. In spite of the talk of demoralizing the population, he held that a small modicum of outdoor relief ought to be administered to the starving people of the West of Ireland.

COLONEL O'BRIEN disapproved the Irish policy of the late Chief Secretary, but had no doubt that he went to Dublin with the best intentions, and that he would retain the kindly feelings towards Ireland which animated him when he took office. As for the Crimes Act, he could not think that it had been worked in a very vindictive spirit, considering how many murders had been committed and how few murderers had been brought to justice. Nor could it fairly be said that those convictions had been obtained by means of packed juries. For his own part he held that the country, so far from denouncing the Act, ought to be grateful for its existence, if only because it rendered possible the punishment of outrage-mongers. He confessed that, now that the Land League was dead and gone, he had little curiosity as to the objects on which its funds had been spent, though its balance-sheet, if published, would not be without interest. It was more important just now to learn whether the new National League, the successor of the Land League, was not an illegal body—a point on which, as it seemed to him, the statements of the Chief Secretary were contradictory.

Mr. EOROYD regretted, in the interests of the hon. member for Cork himself, that his explanation that evening had not been fuller and more explicit. (Hear, hear.) He should decidedly support the amendment, because it was intended as an approval of the vigorous policy of Lord Spencer. The Crimes Act, which was now so energetically enforced, was the only apology for the neglect and unnecessary precautions of the Government between their accession to office and January, 1881. If it were true that the germs of the present troubles were developing themselves in Ireland during the administra-

tion of Lord Beaconsfield, that in itself was a strong condemnation of the course taken by the present Government at the critical period when they came into office. On the 16th of November a speech was made at Birmingham by the President of the Board of Trade, in which he distinctly asserted that when discontent arose it was not the first duty of the Government to maintain peace and order, but that they should allow the forces opposed thereto to organize themselves, while the Government inquired into the grievances with the view of finding a remedy for them. It would be impossible to formulate a doctrine more entirely subversive of law and order. There had been two forces at work in the Government—one determined to assert the majesty of the law, and the other animated by the principles of the speech just referred to. The object of the amendment was not to put an end to the administration of Lord Spencer, but to strengthen the wiser and firmer section of the Government. They had got rid of the man who was right in 1882 when he stood out as the defender of law and order. It was now desired that they should purge themselves of the element which were a continued source of weakness, so that an unqualified support might be given to the Government.

Mr. BUXTON, as an independent member sitting above the gangway, desired to support the Government. He believed the debate was one that was calculated to intensify disaffection in Ireland. The amendment, if carried, must put an end to the administration of Lord Spencer. When it was said that was not its object, the question was raised whether it was strictly in accordance with the traditions of the House to put forward an amendment for the purpose of damaging the Government with the expectation that it would not be carried. It was difficult to reconcile the terms of the amendment with the passages of the Address which would be left untouched by the amendment, and by the adoption of which satisfaction would be expressed at the improvement in the social condition of Ireland. The Conservatives were in high glee because they thought they saw a little division of opinion on the Liberal benches, which promised to be of use to them. He did not believe, however, that there was the slightest ground for their joy, inasmuch as the slight difference of opinion that formerly existed between the late Chief Secretary and Her Majesty's Government was of very small moment. It simply concerned the policy of the Government for about ten days, and they all on that side of the House now united in approving the present policy. This evening the member for the City of Cork had disclaimed all knowledge of certain statements published in *United Ireland* on the plea that when they appeared he was actually in Kilmainham Gaol, but surely after his release he might have read what had been printed in the paper during his incarceration. The object of the friends of the Land League was the severance of the union between England and Ireland. This was a serious time, and they ought to show a united front. He thought it would be more dignified if members on the other side of the House would assist Her Majesty's Government. They were dealing with no light matter, and with the view of strengthening the hands of the Government he should give his strenuous opposition to the amendment. (Hear.)

LORD C. HAMILTON said the last speaker had remarked that no party ought to put an amendment on the paper unless they thought they could carry it. In that case an Opposition could not exist.

Mr. BUXTON explained that what he really said was that a party should only move an amendment which they seriously wished to have carried, and which, if carried, would advance the object they had in view.

ment was to procure a discussion on the Address to Her Majesty, and to strengthen the hands of Her Majesty's Government. (Laughter on the Ministerial side.) The action of Her Majesty's Government in the past had been such that unless there was a strong expression of opinion on the part of the House in favour of their later policy they might at any moment, being urged by those in the Cabinet and by those below the gangway who were hostile to the present policy, abandon it in favour of such an arrangement as the Kilmainham treaty. (Hear, hear.) After the discussion which had taken place, and after the speech of the right hon. member for Bradford, he should not be sorry if the amendment were to be withdrawn, as he thought the hands of the Government had already been immensely strengthened. The right hon. member for Bradford and the Home Secretary charged the Opposition with not having suppressed the Land League in its earlier stages. They stated that the Land League existed in the time of the late Government, which ought to have dealt with it at that time. The noble marquis said that what first gave the Land League power in Ireland was the power which the hon. member for the City of Cork obtained in that House. Those members who had sat in the last Parliament knew the facts which led to the power of the hon. member for the City of Cork. The President of the Board of Trade was also somewhat cognizant of those facts. They remembered how the Irish party below the gangway received constant assistance and advice from the President of the Board of Trade, the President of the Local Government Board, and occasionally from the late Chancellor of the Duchy of Lancaster. Those right hon. gentlemen knew that if the Government of that day had attempted to deal with the Land League, they and a large portion of the Liberal party would have joined the Land League party against such an attempt. The President of the Board of Trade had said that at its commencement the objects of the Land League were lawful, and even praiseworthy. He was therefore surprised that the Conservative party should be charged with not having suppressed what was thus described as a lawful agitation. The noble marquis had said that many Conservatives admitted the necessity both for the Land Act and the Arrears Bill. It was possible that at the time the latter Bill was introduced it had become necessary through the misadministration of the Government. There was the authority of the Duke of Argyll for the statement that at first the Government had no idea of a Land Bill. It was only through the action of the Land League, and that of the President of the Board of Trade, that the introduction of such a measure became necessary. The right hon. member for Bradford had denied that he had been disloyally treated by his colleagues, and the statement of the right hon. gentleman the member for North Lincolnshire that clandestine negotiations went on behind the right hon. gentleman's back had been repudiated. The noble marquis had admitted that the late Chief Secretary was away frequently in Ireland; if so, the right hon. gentleman might have been unaware of those negotiations. He thought that his right hon. friend was perfectly justified in his observations. The President of the Board of Trade had always shown skill in intrigue, and was well known in Birmingham in connexion with those organizations of which he was the originator and was still the advocate and support. (Hear, hear.) The right hon. member for Bradford had proved one or two things of some importance. The first was that the Arrears Bill was made part of the Kilmainham treaty, which had been denied by the noble marquis; and another was with respect to the reorganization of the police. The right hon. gentleman the member for Bradford denied that there had been any such reorganization. But to state that the reorganization of the police was a cause of the improvement in Ireland was a strong condemnation of the Government, because no Act of Parliament was required to reorganize the police. The Chief Secretary had stated that no harm was done by the release of the suspects. He did not say it had done any good. But if no harm had been done why was Davitt now in prison? After his release Davitt had gone to Liverpool and Manchester, stirring up sedition, and the Government had since put him in prison. Either gross injustice had been done to Davitt, or the Chief Secretary's statement was beside the mark. He

Chief Secretary's statement was beside the mark. He believed the amendment would strengthen the hands of the Government. The Opposition had no desire to hamper the Government in any way as had been sufficiently shown during the last two-and-a-half years. But they wished the Government to learn by experience the danger of tampering with sedition or negotiating with persons suspected of treason. The Chief Secretary had asked them to be patient. But what the Irish people wanted was repose and quiet. Any one who went to Ireland would soon ascertain that what they most wanted was to be left alone. ("Hear, hear" from the Home Rule benches.) Some hon. members had spoken in an optimistic tone of Ireland and its future; but those who lived there thought there was little to be hoped for in the future. Still, the material wealth of the country was increasing, and would continue to increase if the Government would lend a deaf ear to agitation, and go on in the task which they had now resolved upon, and determine not to listen to agitators or bring forward fresh remedial measures before upholding the law and its powers with justice and impartiality. (Hear, hear.)

Mr. T. DICKSON agreed with the hon. member for Andover that the amendment of the hon. and learned member for Chatham was one which, if adopted, would tend to weaken the hands of the Government. Although he had opposed the passing of the Protection of Life and Property Act, under which hundreds of untried men had been imprisoned, he had voted in favour of the Crimes Act. In his opinion, Lord Spencer deserved the support of every right-minded man for having at length, after months of patient investigation and hard work, succeeded in tracing crime to its source and in laying bare before the country one of the foulest and most hideous conspiracies that had ever been conceived. (Hear, hear.) The Irish officials, especially Mr. Jenkinson, deserved the greatest credit for having unmasked the secret societies which had been established in their country. He did not think that the present was the most appropriate time for discussing the subject of Irish administration, because by doing so they might weaken the hands of an embarrassed Executive Government. (Hear.) Every one, whether he were a Liberal or a Conservative, ought to rally round and sustain the Lord Lieutenant and the Chief Secretary in the arduous and dangerous positions in which they were placed, and do their best to enable them to administer the law with firmness. He must confess, however, that he had been disappointed at the announcement that had been made in another place by a noble lord, a member of the Government, and at the hints which had been dropped in the course of this debate to the effect that there was to be no legislation of importance relating to Ireland introduced by the Government during the present Session, and this in the face of the admitted defects that existed in the Land Act. He appealed to the Government not to repeat the mistake that had been made with regard to the Land Act of 1870, when 11 years had been allowed to elapse before a measure was introduced in order to remedy the admitted defects that had existed in that Act. If the Government neglected to bring in a measure to amend the Land Act of last year in the course of the Session, it would be an additional proof of the truth of the remark that Ireland never gained anything except by agitation. In his opinion, the law relating to County Boards and to the grand juries of Ireland urgently demanded reform. (Hear.)

Mr. BLAKE did not think that the amendment which had been moved by the hon. and learned member for Chatham would conduce in any way to the advantage of the State, and behind that it was the duty of the Conservative party, in the present state of affairs in Ireland, to do all they could to aid in redressing Irish grievances, rather than to try and embarrass the Government. Whatever arrangements had been entered into by the Government at the time of the Kilmainham compact were made with the view, not of

coming to terms with lawlessness, but of restoring peace and order by the promise of introducing remedial measures. The speeches which had been delivered during that debate showed that were the Tory party in, no concessions would be made to Ireland. It was only just to Her Majesty's Government to declare that the measures relating to the land system of Ireland which they had introduced had gone a long way to remedy the defects in that system. (Hear.)

SIR D. CURRIE observed that the meaning of the amendment was to impugn the action of the Government in Ireland. He had no sympathy with the Land League, the policy of which, he believed, could result in nothing but disorder, socialism, communism, and the suppression of authority (hear, hear); but the House had to consider the interests both of Great Britain and Ireland, and not the party object served by the motion of the hon. and learned gentleman. He therefore deprecated a prolonged discussion, and trusted that the House would pass on as soon as possible to practical legislation.

Mr SCHREIBER remarked that during the recess Ministers had shown a nervous anxiety to avoid touching upon the events of the last three years, and to divert the attention of the public to their contemplated legislation. They had talked of their Corrupt Practices Bill, and their Municipal Reform; but, if they had a strong point, it was bankruptcy. (A laugh.) They had, in effect, said, "We mean business; for heaven's sake let us not hear another word about Egypt, and *s for Ireland, let it not be so much as named among us." (Laughter.) But in all this the Government had reckoned without the Opposition. Recent events had thrown on the Opposition a duty which it must either discharge or cease to be an Opposition. Fault had been found with the time chosen for bringing forward the vote of censure, but whatever time might be chosen the Government of the day would be sure to think it inopportune. The Queen's Speech showed that the social condition of Ireland was now so much improved that a discussion could take place without danger. The present amendment was not a vote of censure, and its object was to extract from the Government a definite statement of policy which might do something to allay the anxiety of the English public through the Cabinet speaking with two voices upon Irish affairs. It was vitally interesting to the public to know whether the views of the Secretary of State for War or those of the President of the Board of Trade represented the opinions of the Government. (Hear, hear.) For the future they should be told, and told plainly, whether the policy of the Government was intended to aid loyal or disloyal Ireland. The task of governing Ireland would not be an easy one for years to come, and would not be rendered more easy by shutting their eyes to it. They had in Ireland to reckon on hatred deep and wide to England—the pent-up hatred of centuries. They had to reckon with the fatal passion of the Irishman for the soil he tilled—a passion that rendered him a prey to the agitator; and they had also to deal with the native turbulence of the Celt race. If they wished to know with how little wisdom this world was governed (Irish cheers) they had only to turn to the proposal of Her Majesty's Government that Ireland should be pacified by the help of the hon. member for Cork, who neither in that House nor out of it had ever concealed his hatred for England, who was the head of an agitation for transferring to the tenant the property of his landlord (Irish cries of "No"), and who well understood how to play with turbulence until it passed the border lines of crime. (Hear, hear.) He did not know where to find a parallel for such amazing folly as that which had destroyed public confidence in a Government, which was only stopped from making so mad an experiment by the dark tragedy in which Lord Frederick Cavendish lost his life and, by his death, saved Ireland. (Cheers.)

MR. GRANTHAM thought the House were much indebted to the Home Secretary for his speech, for had it not been for that speech the debate would have closed, and the House would not have had the advantage of hearing the admirable speech of the right hon. member for Bradford, or his grave charge against the hon. member for Cork—a charge which the hon. member had never answered. (Hear, hear.) The Government had complained that the Conservative party had made an unfair attack upon their Irish policy; but the history of Ireland during the last three years was in itself a censure of the Government, for, as they had themselves admitted, prior to 1882 there had been 60 unavenged murders in that country. The Home Secretary's inaccuracies, which had been exposed by the right hon. member for Bradford, were alone enough to condemn any Government. The remarks of the right hon. gentleman, moreover, exposed the weakness of the Government in that they were afraid of exercising their powers because they thought they would be disapproved of by the people. Such weakness on the part of a Government would inevitably lead to the degradation of the country. If the country were appealed to to-morrow, he thought there could be little doubt as to what its verdict would be; it would declare with no uncertain voice that it had no longer confidence in Her Majesty's Ministers. The Chief Secretary had told them that the main difficulty of governing Ireland arose in England; and one might fairly ask how much longer was political history to repeat itself in the sister country. For many decades past a policy of concession to popular violence and clamour had only produced a fresh crop of grievances. Hon. members opposite were found always tampering with the affairs of Ireland, often, it might be, with pure motives, but sometimes, he was afraid, as was the case in 1880, with the view of recovering their hold of office and to win the Home Rule vote. The hon. member for Ipswich and also the junior member for Leeds had shown a disposition to yield still further to the demands of turbulent agitators. The son of the Prime Minister might be supposed to have spoken the views entertained by a much more responsible person who had not thought fit to be in his place at the commencement of the Session. ("Oh, oh!" from the Ministerialists.) The right hon. member for Mid Lothian, although from the House, had it appeared, not deemed it unbecoming in him to make certain statements in reference to his policy, in which he avowed himself to be "in favour of localization in Ireland"—an expression which, if it meant anything, must bear the sense of the speeches either of the member for Leeds or of the member for Ipswich. It was, therefore, all the more necessary that all those who were for maintaining law and order in Ireland should assert their convictions in some such form as that assumed in the amendment before the House.

Mr. M'CARTHY confessed that the fate of the amendment under discussion gave him very little concern. Its force was not directed against himself or against his friends with whom he acted, but against Her Majesty's Government, and he could not take much interest in its purport or its working. He did not intend to discuss it, and he cared not whether it was carried or rejected. He wished to apply himself mainly to two of the speeches which had been delivered in the course of that debate—namely, that of the right hon. member for Bradford and that of the present Chief Secretary for Ireland. The speech of the right hon. gentleman the member for Bradford was a great effort. He always thought that the right hon. gentleman possessed a good deal of dramatic talent, but it had not been fully developed until the present moment. (Hear.) He regretted that the right hon. gentleman was not then present. The motive of the right hon. gentleman in making his speech was not only to attack and discredit the Irish members, but also to discredit and damage the Government of which he had been a member. There was one quality of the speech to be remarked, and that was its envenomed malignity. He had never heard a speech in that House so entirely inspired with the purpose of deliberate defamation. (Hear, hear.)

At this point Mr. FORSTER entered the House, and was met with ironical cheers from the Irish members.

At this point Mr. FORSTER entered the House, and was met with ironical cheers from the Irish members.

Mr. M'CARTHY, continuing, said he had just observed that the speech of the right hon. gentleman was one of systematic defamation. The right hon. gentleman said that he gave the Irish members the alternative—namely, either that they connived at outrage, or that when warned by facts and statements they determined to remain in ignorance in order to gain the advantage of outrage. (Ministerial cheers.) But that was no alternative at all. In either case they connived at outrage. The right hon. gentleman, therefore, having made up his mind to charge them with conniving at murder, should have stood boldly up and said so. (Cheers.) He should have thought that the right hon. gentleman was the last man, owing to certain memories, who would have been inclined to fling such an accusation recklessly. He must have remembered the time, when he was making the charge yesterday, when the leading, and by far the most influential, newspaper in this country had charged him with sympathy with secret assassination. He (Mr. M'Carthy) did not make such a charge against the right hon. gentleman, but the leading newspapers at that time did so again and again. On the 14th of March, 1864, a member of that House (Mr. Pope Hennessy) brought forward statements with regard to his right hon. friend the member for Halifax, and charged that right hon. gentleman with sympathy with assassination because he had harboured Mazzini and certain of his friends. The effect was that the right hon. gentleman resigned. The right hon. gentleman the member for Bradford then stood up for his friend. He did not blame him for that. But in the course of the debate extracts from the writings of Mazzini inciting to murder were read. The right hon. gentleman then said, that "A charge had been brought against an absent man—Signor Mazzini—but whatever his failings, he was a man of high character." (Cheers.) The right hon. gentleman the Prime Minister was not of the same opinion, because he wrote at the same time that "The satellites of Mazzini make common cause with assassination." (Hear.) In the course of a subsequent debate the right hon. gentleman the member for Bradford said, "I should not be ashamed to be the friend of Mazzini. I am not ashamed of being his acquaintance." (Cheers.) That incident was not altogether without interest or a moral at that time. (Hear, hear.) He must quote another extract referring to that matter. *The Times* of the 15th of March, 1864, had a leading article on this subject, which was not without application to the present circumstances. "Who, then, is Mazzini—Mazzini, to whose innocence the right hon. gentleman the member for Halifax and Mr. W. E. Forster pledge themselves? Let any one read the passages quoted by Mr. Hennessy, and say whether the friends of Mazzini had any right to indulge in high-flown indignation when it was alleged that he might possibly be engaged in a conspiracy against a potentate's life." He asked whether the right hon. member for Bradford was justified in condemning the Irish members, because the very same newspaper which accused him of sympathy with assassination now brought a similar charge against them. (Hear, hear.) The right hon. gentleman had had something to say about the humble individual who was addressing the House with regard to his connexion with the *United Irishman*, which was published in Dublin. It appeared that about a year and a half ago the right hon. gentleman saw in that newspaper, not leading articles, but some small paragraphs, and had appealed to him when he was absent from the House to say whether he approved them or not. The right hon. gentleman must have known, when he made that appeal, that he could not possibly have seen the paragraphs in question, inasmuch as they had been published at a time when, to use the language of the right hon. gentleman himself, instead of staying at home to help his countrymen, he had been enjoying himself among the monuments of ancient Greece—where, he need scarcely say, the Dublin newspapers did not follow him. ("Hear," and a laugh.) If the House would allow him to do so, he

was quite willing to give the right hon. gentleman the history of his connexion with the journal in question. The newspaper was started to get rid of a very infamous print, which lived by levying blackmail in Dublin; it was founded by a committee of gentlemen in whom he had the greatest trust, and it was edited by a gentleman whom he regarded and respected, and whom he knew to be incapable of conducting any journal upon the principles suggested by the right hon. gentleman, and, therefore, he had felt quite free to go abroad among the monuments of ancient Greece and to leave the paper in the hands of its very able editor. He had not inquired how the paper had been conducted during his absence. The right hon. gentleman had endeavoured to connect himself and others with a policy of assassination by reading a telegram sent by Mr. Brennan, the correspondent of the *Irish World*, with reference to the Salford dynamite explosion, which was published in the *United Irishman*. He asked the right hon. gentleman whether that telegram was not couched in these terms:—"All sorts of rumours are afloat concerning this explosion, but the truly loyal one is that the Fenians did it."

Mr. FORSTER.—Read the remainder of it. (Hear, hear.)

Mr. M'CARTHY said that he had read the whole of the telegram to which he referred. (Hear, hear.) The right hon. gentleman, in commenting upon his statement that he had not seen the articles in question, had said that he suspected that he had been careful not to read them. The right hon. gentleman had attempted to make him responsible for the utterances of every person who used violent words and every violent act which had been done by any one pretending to belong to the Irish National party; but he should like to know if the right hon. gentleman would apply the same principle to those who broke down the Hyde-park railings and thereby maimed many persons. (Hear, hear.) The right hon. gentleman and his friends had come into power upon the smash of the Hyde-park railings. (Hear, hear.) The right hon. gentleman was intimately connected with the late Mr. Beales—

Mr. FORSTER.—I did not know him personally. (Hear, hear.)

Mr. M'CARTHY said that neither did he know personally those who had uttered these violent words and done these violent acts in Ireland for which he was sought to be made responsible. Did the right hon. gentleman recollect one Joseph Lester, a glass-blower?

Mr. FORSTER.—I do not recollect such a person.

Mr. M'CARTHY remarked that that man's name was in every London newspaper every morning at that time. At a great trades demonstration Joseph Lester had referred to the members of that House, as "Those little-minded, decrepid, hunchbacked, one-eyed creatures who called themselves the House of Commons." (Laughter.) He (Mr. M'Carthy) was not then a member of that House, but he asked the right hon. gentleman what he would have said if some one as nearly connected with the hon. member for Cork as Mr. Lester was with the right hon. gentleman had uttered words of that description to a great meeting. ("Oh.") The riots in Hyde Park took place, people were wounded. ("Order.") The right hon. gentleman had traversed every land and sea to find charges against them; what he was saying was quite to the question; he wanted to show the right hon. gentleman and the House that it was a case of holding the leaders responsible for every idle word uttered by the followers. Of that movement Mr. Beales was the leader, and when the right hon. gentleman's friends came into power, they made him a County Court Judge. (Cheers.) *The Morning Star* had

contained an article, the writer of which was not now living, calling upon the people, unless a certain thing were done, to destroy the House of Lords. The right hon. gentleman took in that paper. The matter was brought before the notice of the House by his hon. friend the member for Tralee. He had not heard that the right hon. gentleman had ever said one single word in condemnation of such words as those. That, too, was not a time of peace. There was much dread of something like a democratic rising in the streets of London; yet during the whole of that time the right hon. gentleman never said a single word. There was one other point, one other question he would ask—Did the right hon. gentleman never hear at that time that a famous Continental leader of revolution was over in London, and in negotiation with some men engaged in these affairs for the purpose of assisting them? Did the right hon. gentleman never hear of that? (“No,” from Mr. Forster.) He never heard of it? Over and over again, in newspapers, in magazines, and in books had that story been told, and the right hon. gentleman had never heard of it; and yet he supposed that he (Mr. McCarthy) read every copy of the *Irish World*. Now, he thought he had sufficiently shown that the right hon. gentleman ought to be cautious of making charges of sympathy with assassination, and how he laid down the theory that a man is bound to know what is done by everybody else. He would tell the right hon. gentleman and the House his version of the manner in which outrages grew up. The Land League had been formed with the full and deliberate intention of trying to bring agitation upon the surface, by means of which men would be reformed from that terrible system of conspiracy, the bane and curse of Ireland for so many years. Because he saw that that was its distinct purpose, he became a member of it. He would not ask the right hon. gentleman whether he had done him the favour of reading the letter he had then published in all the English newspapers, as he now knew that the right hon. gentleman only read the *Irish World*. (Laughter.) In that letter he had stated his reasons for joining the League. But there came one autumn and one winter three influences of evil together—famine, the House of Lords, and the right hon. gentleman. (Hear, hear.) The House of Lords rejected the poor little Compensation for Disturbance Bill, and then, to accumulate the misery of the situation, the right hon. gentleman presently got his laws for the arrest of suspicious men. Then outrages began to increase; there was no longer any power to control them; then the movement drifted leaderless and hopeless. But the member for Cork and the Land League succeeded in raising Ireland out of conspiracy, and history hereafter would prove it. He should offer only a very few remarks on the speech of the Chief Secretary. One point he should mention was that in which the right hon. gentleman charged them with countenancing crime because a gentleman named Redpath, with whom he said they were associated, made a certain speech somewhere. He himself had seen Redpath only once in his life, and then but for two or three minutes; and would tell the right hon. gentleman that he had more to do with Redpath than he (the hon. member) had. Mr. Redpath was an hon. member of the Cobden Club. (Laughter.) He was an Englishman—even a Yorkshireman (laughter), and was at that period and for a considerable time after a member of the Cobden Club. (Renewed laughter.)

Mr. POTTER.—It is true that Mr. Redpath was an hon. member of the club. He was elected in 1877, and at that time was certainly recommended by friends in America, but he is no longer a member of the club. (Hear, hear.)

Mr. MCCARTHY said that but for certain things that had transpired in the House, Mr. Redpath would still be a member of the club. But this incident was sufficient to show that it was absurd to hold the leaders of an organization responsible for everything that might be said and done by all other persons connected with it. (Hear.) The right hon. gentleman seemed a little hopeful towards the end of his speech when he spoke of the great decrease of outrages, and when there was drawn from him the statement that there was also a decrease of evictions. In searching for the causes which had led to this decrease of outrages, the fact of the decrease of evictions must not be overlooked. (Hear, hear.) The right hon. gentleman then became a little more ominous in saying that he feared that lately evictions had been on the increase. Was it not possible that with the increase of evictions might come an increase of outrages? Let it be borne in mind that there was no such thing in Ireland as the right of free speech and of public meetings—no free platform whatever. (Hear, hear.) As the hon. member for Cork had said to-night, there was no longer any possibility for any Irish leader to stand between the Government and the people. It had seldom been in the power of a human creature to do so much good as the right hon. member for Bradford had prevented. (Hear, hear.)

SIR S. NORTHGOTE.—Sir, let me acknowledge that the debate, which has extended over several days, has travelled rather wide. At the same time I think there has been much more connexion between some of the subjects that have been discussed, and some of the speeches that have been made, than at first sight would appear. I am bound to say it does seem to me that the additions which have been made to the knowledge which the House already possessed as to the condition of Ireland have been contributions of very considerable value to teach us the course the Government ought to pursue with regard to it. But I wish to adhere as closely as I possibly can to the motion of the hon. and learned member for Chatham; and I may say it appears to me that it has been found much easier on the part of hon. gentlemen opposite to rebuke my hon. and learned friend, and to taunt those sitting on this side of the House, than to meet his argument or to answer it. (Cheers.) The argument of my hon. and learned friend was somewhat of this nature. He said “You take credit in Her Majesty’s Speech from the Throne for an improvement in the civil condition of Ireland, and for the power and success of the Government in putting down crime.” That is no doubt so far satisfactory. But he says that partly satisfactory state of things has been brought about by a policy materially different to that you formerly pursued, and he desires in inviting the House to express its opinion upon the words he has placed before us, to give utterance to the hope that the new policy will be maintained, and not weakened or destroyed by counter actions of a different kind. (Cheers.) We are told that this is weakening the authority of the Government, or that it is embarrassing the Government. We are sorry, I am sure, to weaken or embarrass the Government, but there is something more to be considered than the possibility of weakening or embarrassing the Government. (Hear, hear.) We have asked, How are we embarrassing the Government? I have heard no answer except this, that if the amendment is carried the Government will feel it impossible to carry on their duties. That would, of course, be extremely embarrassing to the hon. gentlemen and the noble Lord sitting on that side of the House; but in the cause of good government in Ireland it is far better that the truth should be spoken, and that the real facts should be known, even if such consequences were to ensue rather than that hon. gentlemen opposite should go back to those false principles, upon which, as we say, they have acted so long. (Hear, hear.) There were expressions in a few speeches of hon. members opposite, even in the speech of the right hon. gen-

Heman the Chief Secretary for Ireland, which show that it is not unnecessary nor inopportune for the House to go into the matter, and endeavour to obtain a distinct assurance from the Government that they do adhere to the views they have now adopted. The right hon. gentleman the Chief Secretary when speaking to-night of the position of affairs in Ireland said the danger lay rather on this side of the water than on that. I could not help connecting that expression with another expression of the right hon. member for Bradford who, when speaking of the difference between his late colleagues and himself, said, "They have not been in Ireland, and I have." (Hear, hear.) We cannot help seeing that, throughout the dealings of the Government with this question, there has been a great desire to make it appear that it was not on their present measures that they rested—that it was not upon them they intended to rely for the maintenance of peace in Ireland. It was on something else. What was it? It was put into much fine and eloquent language, but it became too evident that they were still inclined to the policy of coaxing and bribing; those you have to keep in order. (Hear, hear.) And if we are rather reproached for allowing the discussion to turn too much on particular incidents in the release of certain members during the past year, we say that that particular discussion was of importance because it elicited unmistakably what the principles of one portion of Her Majesty's Government were; and it is because those are principles which appear to be in a manner dangerous to the State, and it is because we fear that the same lever which was working then is working now, that we now call for some clear and definite statement. (Loud cheers.) The story that was told by the right hon. member for Bradford yesterday in his most remarkable and powerful speech was a story that in many of its details was already known to us. It contained in a condensed form a very large number of cases illustrating in a very remarkable manner the condition of the country; yet the particular incidents and character of the agitation have been really known all through these proceedings (hear, hear), and they were known, of course, to the Government at the time when they had to choose between the policy which they adopted at the end of April, 1882, and the requisitions which were made by their colleagues then specially charged with the government of Ireland. And what was the result? Why the right hon. gentleman tells us in a sentence what the real difficulty was. He says, "I was asked to rely upon assurances which I never expected to get," and complains, which is a far more serious matter, that he could not get the powers which he considered necessary. (Hear, hear.) The state of things which the right hon. gentleman described yesterday, and which is now so vividly before our minds, was known to him at the time when he asked for further powers. Are we to suppose that he communicated that state of things to his colleagues or not? If he did not, no language can be too strong to express our astonishment at and our reprobation of such negligence. But it is impossible to suppose that that could have been the case. It is impossible not to suppose that the state of Ireland must have been upon many occasions brought by the right hon. gentleman to the notice of his colleagues. And what was the result? Why, that Her Majesty's Ministers, in spite of all that was told them, preferred the hon. member for Cork to their own colleague. (Hear.) I am aware that I shall be told that I am speaking of an isolated transaction and alluding to a piece of ancient history. But it is not ancient history. If it were it would not be without its value, for history is philosophy, teaching by examples. But it is not ancient history, nor an isolated transaction. It is a part of the history of the administration of Ireland by the present Government (hear, hear), by men who are still responsible—and it is illustrative of the spirit in which they acted then; and it may possibly be that some of the same spirit remains among some of those Ministers now. (Hear.) We are anxious to have a clear assurance—and I am much deceived if the country does not desire also to have an assurance—that these old fallacies have been laid aside, and that the Ministry are not in the position of that family of whom it was said that they had learnt nothing and forgotten nothing. We hope that they have really turned

gotten nothing. We hope that they have really turned over a new leaf, and that it is in the spirit of Lord Spencer as he is, not of Lord Spencer as he was (hear, hear), and in the spirit of the present Chief Secretary, that the law is to be administered, and that the Irish Government is to be supported not only by the supply of whatever material assistance they may require, but also in this way, that they are not to be hampered by any counter legislation. They have a most difficult, a most arduous task before them, in fulfilling which they deserve and ought to receive the support of every class in this country. (Hear, hear.) If the work which they are doing were to be countermined or injured by expressions used in a contrary sense and by the encouragement of contrary expectations, their very difficult and responsible task would be a desperate instead of a possible one. But I may be told that it is foolish to talk in this way. I do not intend, after all that has been said in this debate, to examine all those utterances and mysterious hints which have come from Ministers and persons supposed to be in the confidence of Ministers. But I would wish to say a word with regard to the most important of all those utterances. Unfortunately we have not among us him who is the real guide and deciding spirit in all these matters—I mean the Prime Minister. We are carrying on this debate at a very great disadvantage in consequence (hear, hear), because it is quite certain that whatever may be the measures approved by the Ministry a very few significant words from the Prime Minister may at any moment have the effect of destroying their efficacy. Therefore it is that we are most desirous to have some assurance—and I think that we may not unfairly express our desire by the words which have been suggested—that the policy which has been adopted in Ireland, and which has on the whole been supported by the Government, has the thorough and complete approval of the Prime Minister. We cannot help remembering that last year we heard in this House words of which it was not altogether easy to measure the effect, but which evidently possessed a grave significance. They were the words spoken by the Prime Minister in the debates on the Address, and they indicated no unfriendly disposition to the consideration of that demand which is put forward by some of the Irish party—namely, the demand for Home Rule. (Hear, hear.) We never clearly understood what the meaning of those expressions were, but we were ominously reminded of them by some of the utterances made by one who might be supposed to be in the confidence of the Prime Minister. At all events, it is of great importance that we should express our opinion that that is not the way in which peace is to be secured in Ireland. We are ready, as we have ever been, to consider any reasonable proposals that may be made for the benefit of Ireland, but not proposals which partake of the character of bribery. Peace and order must be maintained by proper and legitimate methods, and not by the offer of bribes and raps to the disorderly. (Hear, hear.) That being our principle, we complained of the policy adopted at the time when the three members were released from confinement, and against a continuance of that policy we should probably have had to contend last Session if it had not been for the tragic event which occurred in May. (Hear, hear.) We have heard in the course of this debate of certain contradictions between the right hon. member for Bradford and his colleagues as to what was done exactly at the time when he left the Government about the Bill afterwards introduced and known as the Crimes Bill. I will not enter into that difficult region of Cabinet secrets. But I would call the attention of the House to a very remarkable circumstance, that occurred just after the resignation of the right hon. gentleman and just before the atrocious crime, which led to an entire alteration in the policy of the Government. On the 5th of May, the day before that event, a question was put to the Prime Minister by the hon. member for Galway. The hon. member asked whether, considering that the measures contemplated by the Government were of two kinds—the one remedial and the other coercive—the Premier would consider the desirability of dealing with those two subjects separately. In the hope that the remedial measures, carried early into execution, might prevent the necessity of further coercive measures. That is to say, he proposed, when the suspects were released, that the coercive measures—the measures for strengthening the law—should be put off until the remedial measures should be dealt with, in the hope that no coercive measures would be necessary. And the

no coercive measures would be necessary. And the answer of the Premier was that he could hardly suppose that the member for Galway put the question in the hope of obtaining an immediate answer. He could only say that it was a question of considerable importance, and probably, in the course of the debate on Monday, it would be right for the Government to give the information asked for. (Hear, hear.) We see by that answer the turning-point of the whole affair. Up to the time when the suspects were released the feeling of the Government was against giving the Irish Secretary, their colleague, the powers which he thought necessary, and, even when they determined without him to proceed with measures which they considered would be necessary, they were quite ready to take into consideration whether they need have any coercive measures at all. (Hear, hear.) And in that direction they were going, relying upon what they called their remedial measures—the further extension of the Land Act, the Arrears Bill, and so forth—and putting off measures for maintaining law and order. At that terrible moment came the awful event which occurred on the 6th of May, and which entirely reversed the feeling of this House and of the Government itself, and led to the adoption of more energetic steps and to the immediate pressing forward of that measure which the right hon. gentleman thought essential, and which, as far as we can judge, with proper application, has worked beneficially for Ireland. We have a right, therefore, to know whether the Government remained still of the opinion to which they were brought at the time when they took that more energetic course. But when we begin to ask questions of that sort, we receive answers of a perplexing character. The Home Secretary has stated, "It was said that the release of the suspects would weaken the hands of the Government. They were released, and have the hands of the Government been weakened? No." Why not? It was not the release of the suspects that helped you, but the passing of the measure which you refused to your former colleague. (Cheers.) We are told that we ought not now to be going into those old matters, that our interest ought to be with the present and future, and not with the past. It is with regard to the future that we are anxious. (Cheers.) It is quite natural that many members should have desired that the member for Cork should speak out and tell us what his feelings and views are, and what his answer is with respect to those matters of which we have heard so much. We were anxious and desirous to hear what the member for Cork had to say. But, after all, we must consider that that is not a matter of so much importance to us by any means as what the Government have to say. (Cheers.) We are not to be governed according to the views, more or less criminal—we may say, more or less subversive of order and peace—that may be held by the member for Cork. We do not lie at the mercy of the member for Cork. We consider that we are looking to the Government to protect us, and we are anxious to have a clear and distinct expression of opinion from the Government as to what their views and policy are. (Cheers.) We have no doubt that they will proceed upon the principle of endeavouring to repress outrage and maintain the law as they have been doing, and as they are bound to provide efficient instruments to enable them to do. But then that is not enough. If I may venture to illustrate what I mean, I would remind right hon. gentlemen of an illustration in the "Pilgrim's Progress." The Pilgrim is shown a

great fire burning against a wall, and while some were engaged in throwing water upon it to put it out the fire was still burning fiercely, because some one else behind the wall was throwing oil upon it. We have no doubt that they will throw water on the fire, but what we want to know is whether they will not be stirring up the mischief with one hand while putting out the fire with the other. (Hear, hear.) I cannot but remember that the two points which were so frequently put forward by the Prime Minister, that we may consider them as the cardinal point of the policy of the Government, were on the one hand that force was no remedy—that is, force in the hands of the authorities of the country for the purpose of putting down mischief—while at the same time force by the Revolutionary party was a remedy. We trust that there will be much greater progress in the future. I will not say more than that, because at the present time I believe that the Lord Lieutenant and the Chief Secretary are administering the law in a manner which is satisfactory and which is of advantage to the country. But it was easy to see from the right hon. gentleman's speech to-night that those for whom he speaks cannot but feel anxiety and apprehension less they should be impeded and embarrassed in their good work by a want of sympathy on the part of those who possess influence in guiding the policy of the Government. The right hon. gentleman referred to the speech of the hon. member for Ipswich, a speech powerful in itself, good no doubt, from the hon. member's own point of view, and significant as representing the feelings of other of the same political association as the hon. gentleman; and I believe there are several such gentlemen to be found even in the ranks of the Cabinet. I do not know whether the hon. member for Ipswich, as a Radical of Radicals, is raising this cry of municipalities, which are to deal with questions of local government and are to be the better way of settling these difficulties; but if this is to be the policy pursued by the Government, if this is the line recommended to them, if unfortunately it should turn out that the leading spirits in the Government adopt that line, I venture to say we should be doing that than which nothing could be more fatal to the cause of peace and order and tranquillity in Ireland. (Hear, hear.) I do not like to speak much of these matters in the absence of the right hon. gentleman at the head of the Government; I would rather speak directly in his presence; but it is impossible that we should altogether abstain from making any remark on this subject. I fear, indeed, that in this as in other matters we are running a risk of divided counsels in the Government. It was said the other day, in reference to another department of policy, that the right hon. gentleman the Prime Minister had succeeded in establishing nothing but instability. (Hear, hear.) I earnestly hope that may not be the verdict which posterity will pass on your Irish policy. (Cheers.)

Mr. CHAMBERLAIN.—I do not think it is my duty, at this hour, to prolong to any considerable length a debate that has already been protracted, especially as my noble friend the Secretary of State for War made last night so full and complete a statement that I doubt whether I can add to it anything of importance. (Hear, hear.) I do not know that I should have troubled the House at all, but for the fact that throughout the whole of the discussion continual allusions have been made to myself—personal allusions of a style and taste to which the House is not altogether accustomed. (Hear, hear.) Challenges have been thrown out to me which make me fear that, if I were entirely silent, my silence might be taken to mean that I am at variance with my colleagues. To many of these

and variance with my colleagues. To many of these allusions I will not refer, but the first accusation of which I will take notice was formulated by the hon. and learned member for Chatham at the outset of the discussion, and has been adopted to some extent by implication by the right hon. gentleman who has just sat down. It appears to be the opinion both of the right hon. gentleman and of the hon. and learned member for Chatham that the Government in the course of this Irish business have had three separate policies: that of my right hon. friend the hon. member for Bradford up to the beginning of April, 1832, when they were led astray by the insidious persuasions of the President of the Board of Trade and adopted a policy which lasted till the terrible events in the Phoenix Park; and a third policy, which consisted in reverting after those events to the original policy of my right hon. friend. In the view of the hon. and learned member for Chatham the Government, like the soul in the old myth, were constantly vacillating between the good and the evil spirit. ("Hear, hear," from the Opposition.) Well, in all this there is a modicum of truth; how small a modicum I hope to convince the House. It is true, undoubtedly, that there was a change of policy on the part of the Government in the beginning of April, 1832—that is to say, the Government became then convinced that the first Coercion Act had not been entirely and completely successful. They came to the conclusion that they could not ask the House to renew that Act, and decided to substitute for it a measure which they hoped would do much to remove agrarian discontent in Ireland, which they thought was largely due to the evictions that were then going on in great numbers. They believed that by settling the question of arrears they would do much to remove the causes of agrarian discontent, but they knew that they had to deal with secret societies and that it was necessary that the Executive authorities should be armed with greater powers to meet this contingency. That was the opinion, not of a part of the Government but of the whole Government, of every member of the Cabinet. (Cheers.) Every member of the Cabinet was at the time in favour of some measure, such as the Prevention of Crimes Act, and was in favour of dealing with the question of arrears. Yet, the right hon. gentleman the leader of the Opposition, in spite of contradictions previously given to a similar statement, repeated again to-night the assertion that we had refused my right hon. friend a measure similar to the Crimes Prevention Act. (Hear, hear.)

SIR S. NORTHCOTE.—I said that the right hon. gentleman said so. (Cheers.)

Mr. FORSTER.—I am really surprised that the right hon. gentleman should misunderstand me; I distinctly stated last night that there had been no refusal. (Cheers.)

SIR S. NORTHCOTE.—The words were, "I could not get the powers which I wanted." (Counter cheers.)

Mr. FORSTER.—What I did say was that I could not get the Cabinet to agree that a Bill conferring fresh powers should be passed before any steps were taken of a remedial character, but I also stated it was not because there had been any refusal to pass such a measure. (Cheers.)

Mr. CHAMBERLAIN.—All that is necessary for me to do now is to confirm in every particular the statement which has been made by the right hon. gentleman. (Laughter and cries of "Which?") The statement which has just been made. The Cabinet did not at any time refuse the right hon. gentleman the powers he asked for; on the contrary, the Cabinet were prepared to give those powers, or their equivalent, and the only question between us was as to the exact time in the Session (ironical cheers and counter cheers) in which the Bill should be introduced. That is really very much a question of Parliamentary procedure which does not appear to me to involve any large question of principle. At all events, it was in the mind of every

present Chief Secretary was responsible, and the responsibility for that week must be divided between the present Government and the hon. member for Clare. (Cries of "Oh, oh," and interruption.) At present, although the hon. member for Cork had ceased to exercise the commanding influence he formerly wielded, there was no security that within a few weeks or months there would not be some further negotiations carried on with the hon. member for Wexford. (Interruption.) The right hon. gentleman concluded by stating that in consequence of the continual interruptions to which he had been subjected by hon. members opposite below the gangway, he should move the adjournment of the House.

The MARQUIS of HARTINGTON trusted that the right hon. gentleman would not think it necessary to press his motion, considering the hour (12 45 a.m.), and the period of the debate. It was true that the House had shown some signs of impatience (laughter), but the right hon. gentleman had been able to state the views he held with tolerable clearness.

SIR S. NORTHCOTE, while perfectly sympathizing with the right hon. gentleman in his position, also expressed a hope that he would not divide the House on the question of adjournment.

The motion for adjournment was then withdrawn.

The MARQUIS of HARTINGTON.—Before the question is put from the Chair, perhaps the House will allow me to make a very short statement by way of personal explanation upon a matter as to which there was some difference of opinion between my right hon. friend the member for Bradford and myself last night. I have had an opportunity to-day of making inquiry of my colleagues, and of referring to dates, and I find that my right hon. friend was perfectly correct in stating that the committee for the consideration of the details of the measure for the strengthening of the law for the repression of crime in Ireland was not appointed until the day of his resignation. But I am also confirmed in my recollection that the necessity for the passing of such a measure had been accepted by the Cabinet. I find that Lord Spencer, who had accepted the office of Lord Lieutenant some days before the resignation of my right hon. friend, had, as was natural, asked for and received explicit assurances on certain points, and especially on this one, and that he had been definitely informed of the intention of the Government with regard to the passing of this measure. I also find that the intentions of the Government with regard to it were announced on May 2, simultaneously with the announcement of my right hon. friend's resignation. The words used by the Prime Minister were these:—

"As soon as the necessary business of the House will permit we shall ask leave to introduce a Bill to strengthen the ordinary law. No part of the business announced in the Speech will be allowed to interfere with the purpose I have just described viz., to satisfy what we conceive to be the demands of the necessity with regard to future legal provision for peace and tranquility, and the enforcement of law in Ireland. We are now engaged in considering the details of that measure."

This statement was made by the Prime Minister two days before the 7th of May, when my right hon. friend explained the grounds of his resignation, and four days before the assassination in the Phoenix Park.

The House then divided :—

For Mr. Gorst's Amendment	...	176
Against it	259
Majority	—83

The result was received with cheers and counter-cheers.

Mr. BIGGAR moved the adjournment of the debate.

The MARQUIS of HARTINGTON did not propose to oppose the motion, as it was understood that the hon. member for Cork intended to propose one or both of the amendments on the paper; but he appealed to hon. members to keep the debate within reasonable limits. The time available before Easter was very short, and there was a great deal of necessary public business to be done, some of which must be transacted by next Thursday week. He, therefore, trusted hon. members would permit the debate to close at the early part of next week.

Mr. W. H. SMITH inquired when the Supplementary Estimates would be placed upon the table.

Mr. CHILDEES explained that in consequence of the extremely short time available the Government had already presented some of the Supplementary Estimates, so that there need not be any delay whatever on Thursday week.

The matter then dropped, and the House adjourned at five minutes past 1 o'clock.

February 24 1883

Mr. P. Marshall, of 4, Henrietta-street, Dublin, telegraphed to us last night :—

"The statement of Mr. O'Brien in the House of Commons last night, that the champion of that jury (Hynds's case) in the newspaper was the Secretary of the Property Defence Association is quite untrue. I have had the honour to fill that office since its formation, and I have never yet written to the newspapers with respect to that jury or any other, and have not served on any jury for upwards of two years."

February 28, 1882