

The Dock and the Scaffold

The Manchester Tragedy and the Cruise of the Jacknell

T. D. Sullivan

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THE 'ERIN'S HOPE' SALUTING THE GREEN FLAG.

**THE "ERIN'S HOPE" SALUTING THE
GREEN FLAG.**

"God Save Ireland."

THE

DOCK AND THE SCAFFOLD:

THE MANCHESTER TRAGEDY

AND

THE CRUISE OF THE JACKNELL.

"Far dearer the grave or the prison
Illum'd by one patriot's name,
Than the trophies of all who have risen
On liberty's ruins to fame."

MOORE

DUBLIN:
A.M. SULLIVAN, ABBEY STEEET.
1868.

THE DOCK AND THE SCAFFOLD.

The 23rd day of November, 1867, witnessed a strange and memorable scene in the great English city of Manchester. Long ere the grey winter's morning struggled in through the crisp frosty air—long ere the first gleam of the coming day dulled the glare of the flaming gas jets, the streets of the Lancashire capital were all astir with bustling crowds, and the silence of the night was broken by the ceaseless footfalls and the voices of hurrying throngs. Through the long, dim streets, and past the tall rows of silent houses, the full tide of life eddied and poured in rapid current; stout burghers, closely muffled and staff in hand; children grown prematurely old, with the hard marks of vice already branded on their features; young girls with flaunting ribbons and bold, flushed faces; pale-faced operatives, and strong men whose brawny limbs told of the Titanic labours of the foundry; the clerk from his desk; the shopkeeper from his store; the withered crone, and the careless navvy, swayed and struggled through the living mass; and with them trooped the legions of want, and vice, and ignorance, that burrow and fester in the foetid lanes and purlieus of the large British cities: from the dark alleys where misery and degradation for ever dwell, and from reeking cellars and nameless haunts, where the twin demons of alcohol and crime rule supreme; from the gin-palace, and the beer-shop, and the midnight haunts of the tramp and the burglar, they came in all their repulsiveness and debasement, with the rags of wretchedness upon their backs, and the cries of profanity and obscenity upon their lips. Forward they rushed in a surging flood through many a street and byway, until where the narrowing thoroughfares open into the space surrounding the New Bailey Prison, in that suburb of the great city known as the Borough of Salford, they found their further progress arrested. Between them and the massive prison walls rose piles of heavy barricading, and the intervening space was black with a dense body of men, all of whom faced the gloomy building beyond, and each of whom carried a special constable's baton in his hand. The long railway bridge running close by was occupied by a detachment of infantry, and from the parapet of the frowning walls the muzzle of cannon, trained on the space below, might be dimly discerned in the darkness. But the crowd paid little attention to these extraordinary appearances; their eyes were riveted on the black projection which jutted from the prison wall, and which, shrouded in dark drapery, loomed with ghastly significance through the haze.

Rising above the scaffold, which replaced a portion of the prison wall, the outlines of a gibbet were descried; and from the cross-beam there hung three ropes, terminating in nooses, just perceptible above the upper edge of the curtain which extended thence to the ground. The grim excrescence seemed to possess a horrible fascination for the multitude. Those in position to see it best stirred not from their post, but faced the fatal cross-tree, the motionless ropes, the empty platform, with an untiring, insatiable gaze, that seemed pregnant with some terrible meaning, while the mob behind them struggled, and pushed, and raved, and fought; and the haggard hundreds of gaunt, diseased, stricken wretches, that vainly contested with the stronger types of ruffianism for a place, loaded the air with their blasphemies and imprecations. The day broke slowly and doubtfully upon the scene; a dense yellow, murky fog floated round the spot, wrapping in its opaque folds the hideous gallows and the frowning mass of masonry behind. An hour passed, and then a hoarse murmur swelled upwards from the glistening rows of upturned faces. The platform was no longer empty; three pinioned men, with white caps drawn closely over their faces, were standing upon the drop. For a moment the crowd was awed into stillness; for a moment the responses, "Christ, have mercy on us," "Christ, have mercy on us," were heard from the lips of the doomed men, towards whom the sea of faces were turned. Then came a dull crash, and the mob swayed backwards for an instant. The drop had fallen, and the victims were struggling in the throes of a horrible death. The ropes jerked and swayed with the convulsive movements of the dying men. A minute later, and the vibrations ceased—the end had come, the swaying limbs fell rigid and stark, and the souls of the strangled men had floated upwards from the cursed spot—up from the hateful crowd and the sin-laden atmosphere—to the throne of the God who made them.

So perished, in the bloom of manhood, and the flower of their strength, three gallant sons of Ireland—so passed away the last of the martyred band whose blood has sanctified the cause of Irish freedom. Far from the friends whom they loved, far from the land for which they suffered, with the scarlet-clad hirelings of England around them, and watched by the wolfish eyes of a brutal mob, who thirsted to see them die, the dauntless patriots, who, in our own day, have rivalled the heroism and shared the fate of Tone, Emmett, and Fitzgerald, looked their last upon the world. No prayer was breathed for their parting souls—no eye was moistened with regret amongst the multitude that stretched away in compact bodies from the foot of the gallows; the ribald laugh and the blasphemous oath united with their dying breath; and, callously as the Roman mob from the blood-stained amphitheatre, the English masses turned homewards from the fatal spot.

But they did not fall unhonoured or unwept. In the churches of the faithful in that same city, the sobs of mournful lamentation were mingled with the solemn prayers for their eternal rest, and, from thousands of wailing women and stricken-hearted men, the prayers for mercy, peace, and pardon, for the souls of MICHAEL O'BRIEN, WILLIAM PHILIP ALLEN, and MICHAEL LARKIN, rose upwards to the avenging God. Still less were they forgotten at home. Throughout the Irish land, from Antrim's rocky coast to the foam-beaten headlands of Cork, the hearts of their countrymen were convulsed with passionate grief and indignation, and, blended with the sharp cry of agony that broke from the nation's lips, came the murmurs of defiant hatred, and the pledges of a bitter vengeance. Never, for generations, had the minds of the Irish people been more profoundly agitated—never had they writhed in such bitterness and agony of soul. With knitted brows and burning cheeks, the tidings of the bloody deed were listened to. The names of the martyred men were upon every lip, and the story of their heroism and tragic death was read with throbbing pulse and kindling eyes by every fireside in the land. It is to assist in perpetuating that story, and in recording for future generations the narrative which tells of how Allen, O'Brien, and Larkin died, that this narrative is written, and few outside the nation whose hands are red with their blood, will deny that at least so much recognition is due to their courage, their patriotism, and their fidelity. In Ireland we know it will be welcomed; amongst a people by whom chivalry and patriotism are honoured, a story so touching and so enobling will not be despised; and the race which guards with reverence and devotion the memories of Tone, and Emmett, and the Shearses, will not soon surrender to oblivion the memory of the three true-hearted patriots, who, heedless of the scowling mob, unawed by the hangman's grasp, died bravely that Saturday morning at Manchester, for the good old cause of Ireland.

Early before daybreak on the morning of November 11th, 1867, the policemen on duty in Oak-street, Manchester, noticed four broad-shouldered, muscular men loitering in a suspicious manner about the shop of a clothes dealer in the neighbourhood. Some remarks dropped by one of the party reaching the ears of the policemen, strengthened their impression that an illegal enterprise was on foot, and the arrest of the supposed burglars was resolved on. A struggle ensued, during which two of the suspects succeeded in escaping, but the remaining pair, after offering a determined resistance, were overpowered and carried off to the police station. The prisoners, who, on being searched, were found to possess loaded revolvers on their persons, gave their names as Martin Williams and John Whyte, and were charged under the Vagrancy Act before one of the city

magistrates. They declared themselves American citizens, and claimed their discharge. Williams said he was a bookbinder out of work; Whyte described himself as a hatter, living on the means brought with him from America. The magistrate was about disposing summarily of the case, by sentencing the men to a few days' imprisonment, when a detective officer applied for a remand, on the ground that he had reason to believe the prisoners were connected with the Fenian conspiracy. The application was granted, and before many hours had elapsed it was ascertained that Martin Williams was no other than Colonel Thomas J. Kelly, one of the most prominent of the (O'Mahony-Stephens) Fenian leaders, and that John Whyte was a brother officer and co-conspirator, known to the circles of the Fenian Brotherhood as Captain Deasey.

Of the men who had thus fallen into the clutches of the British government the public had already heard much, and one of them was widely known for the persistency with which he laboured as an organiser of Fenianism, and the daring and skill which he exhibited in the pursuit of his dangerous undertaking. Long before the escape of James Stephens from Richmond Bridewell startled the government from its visions of security, and swelled the breasts of their disaffected subjects in Ireland with rekindled hopes, Colonel Kelly was known in the Fenian ranks as an intimate associate of the revolutionary chief. When the arrest at Fairfield-house deprived the organization of its crafty leader, Kelly was elected to the vacant post, and he threw himself into the work with all the reckless energy of his nature. If he could not be said to possess the mental ability or administrative capacity essential to the office, he was at least gifted with a variety of other qualifications well calculated to recommend him to popularity amongst the desperate men with whom he was associated. Nor did he prove altogether unworthy of the confidence reposed in him. It is now pretty well known that the successful plot for the liberation of James Stephens was executed under the personal supervision of Colonel Kelly, and that he was one of the group of friends who grasped the hand of the Head Centre within the gates of Richmond Prison on that night in November, '65, when the doors of his dungeon were thrown open. Kelly fled with Stephens to Paris, and thence to America, where he remained attached to the section of the Brotherhood which recognised the authority and obeyed the mandates of the "C.O.I.R." But the time came when even Colonel Kelly and his party discovered that Stephens was unworthy of their confidence. The chief whom they had so long trusted, and whose oath to fight on Irish soil before January, '67, they had seen so unblushingly violated, was deposed by the last section of his adherents, and Colonel Kelly was elected "Deputy Central Organiser of the Irish Republic," on the distinct understanding

that he was to follow out the policy which Stephens had shrunk from pursuing. Kelly accepted the post, and devoted himself earnestly to the work. In America he met with comparatively little co-operation; the bulk of the Irish Nationalists in that country had long ranged themselves under the leadership of Colonel W.R. Roberts, an Irish gentleman of character and integrity, who became the President of the reconstituted organization; and the plans and promises of "the Chatham-street wing," as the branch of the brotherhood which ratified Colonel Kelly's election was termed, were regarded, for the most part, with suspicion and disfavour. But from Ireland there came evidences of a different state of feeling. Breathless envoys arrived almost weekly in New York, declaring that the Fenian Brotherhood in Ireland were burning for the fray—that they awaited the landing of Colonel Kelly with feverish impatience—that it would be impossible to restrain them much longer from fighting—and that the arrival of the military leaders, whom America was expected to supply, would be the signal for a general uprising. Encouraged by representations like these, Colonel Kelly and a chosen body of Irish-American officers departed for Ireland in January, and set themselves, on their arrival in the old country, to arrange the plans of the impending outbreak. How their labours eventuated, and how the Fenian insurrection of March, '67, resulted, it is unnecessary to explain; it is enough for our purpose to state that for several months after that ill-starred movement was crushed, Colonel Kelly continued to reside in Dublin, moving about with an absence of disguise and a disregard for concealment which astonished his confederates, but which, perhaps, contributed in no slight degree to the success with which he eluded the efforts directed towards his capture. At length the Fenian organization in Ireland began to pass through the same changes that had given it new leaders and fresh vitality in America. The members of the organization at home began to long for union with the Irish Nationalists who formed the branch of the confederacy regenerated under Colonel Roberts; and Kelly, who, for various reasons, was unwilling to accept the new *regime*, saw his adherents dwindle away, until at length he found himself all but discarded by the Fenian circles in Dublin. Then he crossed over to Manchester, where he arrived but a few weeks previous to the date of his accidental arrest in Oak-street.

The arrest of Colonel Kelly and his aide-de-camp, as the English papers soon learned to describe Deasey, was hailed by the government with the deepest satisfaction. For years they had seen their hosts of spies, detectives, and informers foiled and outwitted by this daring conspirator, whose position in the Fenian ranks they perfectly understood; they had seen their traps evaded, their bribes spurned, and their plans defeated at every turn; they knew, too, that

Kelly's success in escaping capture was filling his associates with pride and exultation; and now at last they found the man whose apprehension they so anxiously desired a captive in their grasp. On the other hand, the arrests in Oak-street were felt to be a crushing blow to a failing cause by the Fenian circles in Manchester. They saw that Kelly's capture would dishearten every section of the organization; they knew that the broad meaning of the occurrence was, that another Irish rebel had fallen into the clutches of the British government, and was about to be added to the long list of their political victims. It was felt by the Irish in Manchester, that to abandon the prisoners helplessly to their fate would be regarded as an act of submission to the laws which rendered patriotism a crime, and as an acceptance of the policy which left Ireland trampled, bleeding, and impoverished. There were hot spirits amongst the Irish colony that dwelt in the great industrial capital, which revolted from such a conclusion, and there were warm, impulsive hearts which swelled with a firm resolution to change the triumph of their British adversaries into disappointment and consternation. The time has not yet come when anything like a description of the midnight meetings and secret councils which followed the arrest of Colonel Kelly in Manchester can be written; enough may be gathered, however, from the result, to show that the plans of the conspirators were cleverly conceived and ably digested.

On Wednesday, September 18th, Colonel Kelly and his companion were a second time placed in the dock of the Manchester Police Office. There is reason to believe that means had previously been found of acquainting them with the plans of their friends outside, but this hypothesis is not necessary to explain the coolness and *sang froid* with which they listened to the proceedings before the magistrate. Hardly had the prisoners been put forward, when the Chief Inspector of the Manchester Detective Force interposed. They were both, he said, connected with the Fenian rising, and warrants were out against them for treason-felony. "Williams," he added, with a triumphant air, "is Colonel Kelly, and Whyte, his confederate, is Captain Deasey." He asked that they might again be remanded, an application which was immediately granted. The prisoners, who imperturbably bowed to the detective, as he identified them, smilingly quitted the dock, and were given in charge to Police Sergeant Charles Brett, whose duty it was to convey them to the borough gaol.

The van used for the conveyance of prisoners between the police office and the gaol was one of the ordinary long black boxes on wheels, dimly lit by a grating in the door and a couple of ventilators in the roof. It was divided interiorly into a row of small cells at either side, and a passage running the length of the van

between; and the practice was, to lock each prisoner into a separate cell, Brett sitting in charge on a seat in the passage, near the door. The van was driven by a policeman; another usually sat beside the driver on the box; the whole escort thus consisting of three men, carrying no other arms than their staves; but it was felt that on the present occasion a stronger escort might be necessary. The magistrates well knew that Kelly and Deasey had numerous sympathisers amongst the Irish residents in Manchester, and their apprehensions were quickened by the receipt of a telegram from Dublin Castle, and another from the Home Office in London, warning them that a plot was on foot for the liberation of the prisoners. The magistrates doubted the truth of the information, but they took precautions, nevertheless, for the frustration of any such enterprise. Kelly and Deasey were both handcuffed, and locked in separate compartments of the van; and, instead of three policemen, not less than twelve were entrusted with its defence. Of this body, five sat on the box-seat, two were stationed on the step behind, four followed the van in a cab, and one (Sergeant Brett) sat within the van, the keys of which were handed in to him through the grating, after the door had been locked by one of the policemen outside. There were, in all, six persons in the van: one of these was a boy, aged twelve, who was being conveyed to a reformatory; three were women convicted of misdemeanours; and the two Irish-Americans completed the number. Only the last-mentioned pair were handcuffed, and they were the only persons whom the constables thought necessary to lock up, the compartments in which the other persons sat being left open.

At half-past three o'clock the van drove off, closely followed by the cab containing the balance of the escort. Its route lay through some of the principal streets, then through the suburbs on the south side, into the borough of Salford, where the county gaol is situated. In all about two miles had to be traversed, and of this distance the first half was accomplished without anything calculated to excite suspicion being observed; but there was mischief brewing, for all that, and the crisis was close at hand. Just as the van passed under the railway arch that spans the Hyde-road at Bellevue, a point midway between the city police office and the Salford gaol, the driver was suddenly startled by the apparition of a man standing in the middle of the road with a pistol aimed at his head, and immediately the astonished policeman heard himself called upon, in a loud, sharp voice, to "pull up." At the spot where this unwelcome interruption occurred there are but few houses; brick-fields and clay-pits stretch away at either side, and the neighbourhood is thinly inhabited. But its comparative quiet now gave way to a scene of bustle and excitement so strange that it seems to

have almost paralysed the spectators with amazement. The peremptory command levelled at the driver of the van was hardly uttered, when a body of men, numbering about thirty, swarmed over the wall which lined the road, and, surrounding the van, began to take effectual measures for stopping it. The majority of them were well-dressed men, of powerful appearance; a few carried pistols or revolvers in their hands, and all seemed to act in accordance with a preconcerted plan. The first impulse of the policemen in front appears to have been to drive through the crowd, but a shot, aimed in the direction of his head brought the driver tumbling from his seat, terror-stricken but unhurt; and almost at the same time, the further progress of the van was effectually prevented by shooting one of the horses through the neck. A scene of indescribable panic and confusion ensued; the policemen scrambled hastily to the ground, and betook themselves to flight almost without a thought of resistance. Those in the cab behind got out, not to resist the attack, but to help in running away; and in a few minutes the strangers, whose object had by this time become perfectly apparent, were undisputed masters of the situation. Pickaxes, hatchets, hammers, and crow-bars were instantly produced, and the van was besieged by a score stout pairs of arms, under the blows from which its sides groaned, and the door cracked and splintered. Some clambered upon the roof, and attempted to smash it in with heavy stones; others tried to force an opening through the side; while the door was sturdily belaboured by another division of the band. Seeing the Fenians, as they at once considered them, thus busily engaged, the policemen, who had in the first instance retreated to a safe distance, and who were now reinforced by a large mob attracted to the spot by the report of firearms, advanced towards the van, with the intention of offering some resistance; but the storming party immediately met them with a counter-movement. Whilst the attempt to smash through the van was continued without pause, a ring was formed round the men thus engaged, by their confederates, who, pointing their pistols at the advancing crowd, warned them, as they valued their lives, to keep off. Gaining courage from their rapidly-swelling numbers, the mob, however, continued to close in round the van, whereupon several shots were discharged by the Fenians, which had the effect of making the Englishmen again fall back in confusion. It is certain that these shots were discharged for no other purpose than that of frightening the crowd; one of them did take effect in the heel of a bystander, but in every other case the shots were fired high over the heads of the crowd. While this had been passing around the van, a more tragic scene was passing inside it. From the moment the report of the first shot reached him, Sergeant Brett seems to have divined the nature and object of the attack. "My God! its these Fenians," he exclaimed. The noise of the blows showered on the

roof and sides of the van was increased by the shrieks of the female prisoners, who rushed frantically into the passage, and made the van resound with their wailings. In the midst of the tumult a face appeared at the grating, and Brett heard himself summoned to give up the keys. The assailants had discovered where they were kept, and resolved on obtaining them as the speediest way of effecting their purpose. "Give up the keys, or they will shoot you," exclaimed the women; but Brett refused. The next instant he fell heavily backwards, with the hot blood welling from a bullet-wound in the head. A shot fired into the key-hole, for the purpose of blowing the lock to pieces, had taken effect in his temple. The terror-stricken women lifted him up, screaming "he's killed." As they did so, the voice which had been heard before called out to them through the ventilator to give up the keys. One of the women then took them from the pocket of the dying policeman, and handed them out through the trap. The door was at once unlocked, the terrified women rushed out, and Brett, weltering in blood, rolled out heavily upon the road. Then a pale-faced young man, wearing a light overcoat, a blue tie, and a tall brown hat, who had been noticed taking a prominent part in the affray, entered the van, and unlocked the compartments in which Kelly and Deasey were confined. A hasty greeting passed between them, and then the trio hurriedly joined the band outside. "I told you, Kelly, I would die before I parted with you," cried the young man who had unlocked the doors; then, seizing Kelly by the arm, he helped him across the road, and over the wall, into the brick-fields beyond. Here he was taken charge of by others of the party, who hurried with him across the country, while a similar office was performed for Deasey, who, like Colonel Kelly, found himself hampered to some extent by the handcuffs on his wrists. The main body of those who had shared in the assault occupied themselves with preventing the fugitives from being pursued; and not until Kelly, Deasy, and their conductors had passed far out of sight, did they think of consulting their own safety. At length, when further resistance to the mob seemed useless and impossible, they broke and fled, some of them occasionally checking the pursuit by turning round and presenting pistols at those who followed. Many of the fugitives escaped, but several others were surrounded and overtaken by the mob. And now the "chivalry" of the English nature came out in its real colours. No sooner did the cowardly set, whom the sight of a revolver kept at bay while Kelly was being liberated, find themselves with some of the Irish party in their power, than they set themselves to beat them with savage ferocity. The young fellow who had opened the van door, and who had been overtaken by the mob, was knocked down by a blow of a brick, and then brutally kicked and stoned, the only Englishman who ventured to cry shame being himself assaulted for his display of humanity. Several others were

similarly ill-treated; and not until the blood spouted out from the bruised and mangled bodies of the prostrate men, did the valiant Englishmen consider they had sufficiently tortured their helpless prisoners. Meanwhile, large reinforcements appeared on the spot; police and military were despatched in eager haste in pursuit of the fugitives; the telegraph was called into requisition, and a description of the liberated Fenians flashed to the neighbouring towns; the whole detective force of Manchester was placed on their trail, and in the course of a few hours thirty-two Irishmen were in custody, charged with having assisted in the attack on the van. But of Kelly or Deasey no trace was ever discovered; they were seen to enter a cottage not far from the Hyde-road, and leave it with their hands unfettered, but all attempts to trace their movements beyond this utterly failed. While the authorities in Manchester were excitedly discussing the means to be adopted in view of the extraordinary event, Brett lay expiring in the hospital to which he had been conveyed. He never recovered consciousness after receiving the wound, and he died in less than two hours after the fatal shot had been fired.

Darkness had closed in around Manchester before the startling occurrence that had taken place in their midst became known to the majority of its inhabitants. Swiftly the tidings flew throughout the big city, till the whisper in which the rumour was first breathed swelled into a roar of astonishment and rage. Leaving their houses and leaving their work, the people rushed into the streets, and trooped towards the newspaper offices for information. The rescue of Colonel Kelly and death of Sergeant Brett were described in thousands of conflicting narratives, until the facts almost disappeared beneath the mass of inventions and exaggerations, the creations of excitement and panic, with which they were overloaded. Meanwhile, the police, maddened by resentment and agitation, struck out wildly and blindly at the Irish. They might not be able to recapture the escaped Fenian leaders, but they could load the gaols with their countrymen and co-religionists; they might not be able to apprehend the liberators of Colonel Kelly and Captain Deasey, but they could glut their fury on members of the same nationality; and this they did most effectually. The whole night long the raid upon the Irish quarter in Manchester was continued; houses were broken into, and their occupants dragged off to prison, and flung into cells, chained as though they were raging beasts. Mere Irish were set upon in the streets, in the shops, in their homes, and hurried off to prison as if the very existence of the empire depended on their being subjected to every kind of brutal violence and indignity. The yell for vengeance filled the air; the cry for Irish blood arose upon the night-air like a demoniacal chorus; and before morning broke their fury was to some

extent appeased by the knowledge that sixty of the proscribed race—sixty of the hated Irish—were lying chained within the prison cells of Manchester.

Fifteen minutes was the time occupied in setting Kelly free—only fifteen minutes—but during that short space of time an act was accomplished which shook the whole British Empire to its foundation. From the conspiracy to which this daring deed was traceable the English people had already received many startling surprises. The liberation of James Stephens and the short-lived insurrection that filled the snow-capped hills with hardy fugitives, six months before, had both occasioned deep excitement in England; but nothing that Fenianism had yet accomplished acted in the same bewildering manner on the English mind. In the heart of one of their largest cities, in the broad daylight, openly and undisguisedly, a band of Irishmen had appeared in arms against the Queen's authority, and set the power and resources of the law at defiance. They had rescued a co-conspirator from the grasp of the government, and slain an officer of the law in the pursuit of their object. Within a few minutes' walk of barracks and military depôts,—in sight of the royal ensign that waved over hundreds of her Majesty's defenders, a prison van had been stopped and broken open, and its defenders shot at and put to flight. Never had the English people heard of so audacious a proceeding—never did they feel more insulted. From every corner of the land the cry swelled, up for vengeance fierce and prompt. Victims there should be; blood—Irish blood—the people *would* have; nor were they willing to wait long for it. It might be that, falling in hot haste, the sword of Justice might strike the innocent, and not the guilty; it might be that, in the thirst for vengeance, the restraints of humanity would be forgotten; but the English nature, now thoroughly aroused, cared little for such considerations. It was Irishmen who had defied and trampled on their power; the whole Irish people approved of the act; and it mattered little who the objects of their fury might be, provided they belonged to the detested race. The prisoners, huddled together in the Manchester prisons, with chains round their limbs, might not be the liberators of Colonel Kelly—the slayers of Brett might not be amongst them; but they were Irishmen, at any rate, and so they would answer the purpose. Short shrift was the cry. The ordinary forms of law, the maxims of the Constitution, the rules of judicial procedure, the proprieties of social order and civilization, might be outraged and discarded, but speedy vengeance should, at all hazards, be obtained: the hangman could not wait for his fee, nor the people for their carnival of blood; and so it was settled that, instead of being tried at the ordinary Commission, in December, a Special Commission should be issued on the spot for the trial of the accused.

On Thursday, the 25th of October, the prisoners were brought up for committal, before Mr. Fowler, R.M., and a bench of brother magistrates. Some of the Irishmen arrested in the first instance had been discharged—not that no one could be found to swear against them (a difficulty which never seems to have arisen in these cases) but that the number of witnesses who could swear to their innocence was so great, that an attempt to press for convictions in their cases would be pertain to jeopardize the whole proceedings. The following is a list of the prisoners put forward, the names being, as afterwards appeared, in many cases fictitious:—

William O'Mara Allen, Edward Shore, Henry Wilson, William Gould, Michael Larkin, Patrick Kelly, Charles Moorhouse, John Brennan, John Bacon, William Martin, John F. Nugent, James Sherry, Robert McWilliams, Michael Maguire, Thomas Maguire, Michael Morris, Michael Bryan, Michael Corcoran, Thomas Ryan, John Carroll, John Cleeson, Michael Kennedy, John Morris, Patrick Kelly, Hugh Foley, Patrick Coffey, Thomas Kelly, and Thomas Scally.

It forms no part of our purpose to follow out the history of the proceedings in the Manchester court on the 25th of September and the following days: but there are some circumstances in connection with that investigation which it would be impossible to pass over without comment. It was on this occasion that the extraordinary sight of men being tried in chains was witnessed, and that the representatives of the English Crown came to sit in judgment on men still innocent in the eyes of the law, yet manacled like convicted felons. With the blistering irons clasped tight round their wrists the Irish prisoners stood forward, that justice—such justice as tortures men first and tries them afterwards—might be administered to them. "The police considered the precaution necessary," urged the magistrate, in reply to the scathing denunciations of the unprecedented outrage which fell from the lips of Mr. Ernest Jones, one of the prisoners' counsel. The police considered it necessary, though within the courthouse no friend of the accused could dare to show his face—though the whole building bristled with military and with policemen, with their revolvers ostentatiously displayed;—necessary, though every approach to the courthouse was held by an armed guard, and though every soldier in the whole city was standing to arms;—necessary there, in the heart of an English city, with a dense population thirsting for the blood of the accused, and when the danger seemed to be, not that they might escape from custody—a flight to the moon would be equally practicable—but that they might be butchered in cold blood by the angry English mob that

scowled on them from the galleries of the court house, and howled round the building in which they stood. In vain did Mr. Jones protest, in scornful words, against the brutal indignity—in vain did he appeal to the spirit of British justice, to ancient precedent and modern practice—in vain did he inveigh against a proceeding which forbade the intercourse necessary between him and his clients—and in vain did he point out that the prisoners in the dock were guiltless and innocent men according to the theory of the law. No arguments, no expostulations would change the magistrate's decision. Amidst the applause of the cowardly set that represented the British public within the courthouse, he insisted that the handcuffs should remain on; and then Mr. Jones, taking the only course left to a man of spirit under the circumstances, threw down his brief and indignantly quitted the desecrated justice hall. Fearing the consequences of leaving the prisoners utterly undefended, Mr. Cottingham, the junior counsel for the defence, refrained from following Mr. Jones's example, but he, too, protested loudly, boldly, and indignantly against the cowardly outrage, worthy of the worst days of the French monarchy, which his clients were being subjected to. The whole investigation was in keeping with the spirit evinced by the bench. The witnesses seemed to come for the special purpose of swearing point-blank against the hapless men in the dock, no matter at what cost to truth, and to take a fiendish pleasure in assisting in securing their condemnation. One of the witnesses was sure "the whole lot of them wanted to murder everyone who had any property;" another assured his interrogator in the dock that "he would go to see him hanged;" and a third had no hesitation in acknowledging the attractions which the reward offered by the government possessed for his mind. Men and women, young and old, all seemed to be possessed of but the one idea—to secure as much of the blood-money as possible, and to do their best to bring the hated Irish to the gallows. Of course, an investigation, under these circumstances, could have but one ending, and no one was surprised to learn, at its conclusion, that the whole of the resolute body of stern-faced men, who, manacled and suffering, confronted their malignant accusers, had been committed to stand their trial in hot haste, for the crime of "wilful murder."

Of the men thus dealt with there are four with whose fate this narrative is closely connected, and whose names are destined to be long remembered in Ireland. They have won for themselves, by their courage, constancy, and patriotism, a fame that will never die; and through all future time they will rank beside the dauntless spirits that in days of darkness and disaster perished for the sacred cause of Ireland. Great men, learned men, prominent men they were not—they were poor, they were humble, they were unknown; they had no claim to the

reputation of the warrior, the scholar, or the statesman; but they laboured, as they believed, for the redemption of their country from bondage; they risked their lives in a chivalrous attempt to rescue from captivity two men whom they regarded as innocent patriots, and when the forfeit was claimed, they bore themselves with the unwavering courage and single-heartedness of Christian heroes. Their short and simple annals are easily written, but their names are graven on the Irish heart, and their names and actions will be cherished in Ireland when the monumental piles that mark the resting-places of the wealthy and the proud have returned, like the bodies laid beneath them, to dust.

William Philip Allen was born near the town of Tipperary, in April, 1848. Before he was quite three years old his parents removed to Bandon, County Cork, where the father, who professed the Protestant religion, received the appointment of bridewell-keeper. As young Allen grew up, he evinced a remarkable aptitude for the acquirement of knowledge, and his studious habits were well known to his playmates and companions. He was a regular attendant at the local training-school for the education of teachers for the Protestant schools of the parish, but he also received instruction at the morning and evening schools conducted under Catholic auspices, in the same town. He was not a wild boy, but he was quick and impulsive,—ready to resent a wrong, but equally ready to forgive one; and his natural independence of spirit and manly disposition rendered him a favourite with all his acquaintances. The influence and example of his father did not prevent him from casting a wistful eye towards the ancient faith. His mother, a good pious Catholic, whose warmest aspiration was to see her children in the fold of the true church, encouraged this disposition by all the means in her power, and the result of her pious care shortly became apparent. A mission, opened in the town by some Catholic order of priests, completed the good work, which the prayers and the example of an affectionate mother had commenced; and young Allen, after regularly attending the religious services and exercises of the mission, became so much Impressed with the truth of the lectures and sermons he had listened to, that he formally renounced the alien religion, and was received by the respected parish priest of the town into the bosom of the Catholic Church. His only sister followed his example, while his brothers, four in number, remained in the Protestant communion. The subject of our sketch was apprenticed to a respectable master carpenter and timber merchant in Bandon, but circumstances highly creditable to the young convert induced the severance of the connection before his period of apprenticeship was expired, and we next find him working at his trade in Cork, where he remained for some six months, after which he returned to Bandon. He next crossed over to Manchester, at the

request of some near relatives living there. Subsequently he spent a few weeks in Dublin, where he worked as builder's clerk; and finally he revisited Manchester, where he had made himself numerous friends. It was in the summer of '67 that Allen last journeyed to Manchester. He was then little more than nineteen years old, but there is reason to believe that he had long before become connected with the Fenian conspiracy. In his ardent temperament the seeds of patriotism took deep and firm root, and the dangers of the enterprise to which the Fenians were committed served only to give it a fresh claim upon his enthusiastic nature. When Colonel Kelly quitted Dublin, and took up his quarters in Manchester, Allen was one of his most trusted and intimate associates; and when the prison door grated behind the Fenian leader, it was Allen who roused his countrymen to the task of effecting his liberation. Allen had by this time grown into a comely young man of prepossessing appearance; he was a little over the middle height, well shaped, without presenting the appearance of unusual strength, and was always seen neatly and respectably dressed. His face was pale, and wore a thoughtful expression, his features, when in repose, wearing an appearance of pensiveness approaching to melancholy. His eyes were small, the eyelids slightly marked; a mass of dark hair clustered gracefully over a broad pale forehead, while the absence of any beard gave him a peculiarly boyish appearance. Gentle and docile in his calmer moments, when roused to action he was all fire and energy. We have seen how he bore himself during the attack on the prison van, for he it was whom so many witnesses identified as the pale-faced young fellow who led the attack, and whose prophetic assurance that he would die for him, greeted Colonel Kelly on regaining his freedom. During the magisterial investigation he bore himself firmly, proudly, and, as the English papers would have it, defiantly. His glance never quailed during the trying ordeal. The marks of the brutality of his cowardly captors were still upon him, and the galling irons that bound his hands cut into his wrists; but Allen never winced for a moment, and he listened to the evidence of the sordid crew, who came to barter away his young life, with resolute mien. The triumph was with him. Out of the jaws of death he had rescued the leader whose freedom he considered essential to the success of a patriotic undertaking, and he was satisfied to pay the cost of the venture. He had set his foot upon the ploughshare, and would not shrink from the ordeal which he had challenged.

Amongst the crowd of manacled men committed for trial by the Manchester magistrates, not one presented a finer or more impressive exterior than Michael O'Brien, set down in the list above given as Michael Gould. Standing in the dock, he seemed the impersonation of vigorous manhood. Frank, fearless, and

resolute, with courage and truth imprinted on every feature, he presented to the eye a perfect type of the brave soldier. He was tall and well-proportioned, and his broad shoulders and well-developed limbs told of physical strength in keeping with the firmness reflected in his face. His gaze, when it rested on the unfriendly countenances before him, was firm and undrooping, but a kindly light lit his hazel eyes, and his features relaxed into a sympathising and encouraging expression, as often as he glanced at Allen, who stood behind him, or bent his gaze upon any of his other fellow-prisoners. O'Brien was born, near Ballymacoda, County Cork, the birthplace of the ill-fated and heroic Peter Crowley. His father rented a large farm in the same parish, but the blight of the bad laws which are the curse of Ireland fell upon him, and in the year 1856, the O'Briens were flung upon the world dispossessed of lands and home, though they owed no man a penny at the time. Michael O'Brien was apprenticed to a draper in Youghal, and earned, during the period of his apprenticeship, the respect and esteem of all who knew him. He was quiet and gentlemanly in manners, and his character for morality and good conduct was irreproachable. Having served out his time in Youghal, he went to Cork, and he spent some time as an assistant in one of the leading drapery establishments of that city. He afterwards emigrated to America, where some of his relatives were comfortably settled. Like many of the bravest of his fellow-countrymen, the outbreak of the civil war kindled a military ardour within his bosom, and O'Brien found himself unable to resist the attractions which the soldier's career possessed for him. His record throughout the war was highly honourable; his bravery and good conduct won him speedy promotion, and long before the termination of the conflict, he had risen to the rank of lieutenant. When his regiment was disbanded he recrossed the Atlantic, and returned to Cork, where he again obtained employment as assistant in one of the large commercial establishments. Here he remained until the night before the Fenian rising, when he suddenly disappeared, and all further trace was lost of him, until arrested for participation in the attack upon the prison van in Manchester.

Close by his side in the dock stood Michael Larkin, an intelligent-looking man, older looking than most of his fellow-prisoners. The following are a few facts relating to his humble history:—

"He was," writes a correspondent who knew him, "a native of the parish of Lusmagh, in the south-western corner of the King's County, where for many generations his ancestors have been residents on the Cloghan Castle estate (then in the possession of the O'Moore family), and where several of his relatives still

reside; and was grandson to James Quirke, a well-to-do farmer, who was flogged and transported in '98 for complicity in the rebellion of that time, and whose name, in this part of the country, is remembered with pleasure and affection for his indomitable courage and perseverance in resisting the repeated allurements held out by the corrupt minions of the crown to induce him to become a traitor to his companions and his country. But all their importunities were vain; Quirke steadily persevered in the principles of his gallant leader, Robert Emmett. Larkin's father was a respectable tradesman, carrying on his business for many years in his native parish; he removed to Parsonstown, where he contrived to impart to his son Michael, a good English education, and then taught him his own profession. When Michael had attained a thorough knowledge of his business, he was employed till '58 at Parsonstown; he then went to England to improve his condition, and after some time he married, and continued to work on industriously at his business till May, '67, when he visited his native country to receive the last benediction of his dying father. He again returned to England with his wife and family, to resume his employment. After some time he was arrested for assisting to release two of his fellow-countrymen from bondage. I cannot attempt to enumerate the many good qualities of the deceased patriot: the paternal affection, exhibited from the earliest age; the mildness and affability of manner, good temper, affectionate and inoffensive disposition; his sobriety and good moral conduct—endeared him to all who had the pleasure and honour of his acquaintance. Throughout his whole life he was remarkable for his 'love of country,' and expressions of sincere regret for the miserable condition of many of his countrymen were ever on his lips. He was, in the true sense of the idea, a good son, an affectionate husband and father, and a sincere friend."

On Monday, October 28th, the three Irishmen whose lives we have glanced at were placed at the bar of the Manchester Assize Court, and formally placed on their trial for wilful murder. With them were arraigned Thomas Maguire, a private belonging to the Royal Marines, who was on furlough in Liverpool at the time of Kelly's liberation, and who was arrested merely because he happened to be an Irishman, and who, though perfectly innocent of the whole transaction, had been sworn against by numerous witnesses as a ringleader in the attack; and Edward O'Meagher Condon (*alias* Shore), a fine-looking Irish-American, a citizen of the State of Ohio, against whom, like his four companions, true bills had been found by the Grand Jury. It would take long to describe the paroxysms of excitement, panic, and agitation that raged in the English mind within the period that intervened between the committal of the prisoners and the date at which we are now arrived. Nothing was heard of but the Fenians; nothing was

talked of but the diabolical plots and murderous designs they were said to be preparing. The Queen was to be shot at; Balmoral was to be burned down; the armouries had been attacked; the barracks were undermined; the gas works were to be exploded, the Bank blown up, the water poisoned. Nothing was too infernal or too wicked for the Fenians, and every hour brought some addition to the monstrous stock of canards. North and south, east and west, the English people were in a ferment of anxious alarm; and everywhere Fenianism was cursed as an unholy thing to be cut from society as an ulcerous sore—to be banned and loathed as a pestilence—a foul creation with murder in its glare, and the torch of the incendiary burning in its gory hand. Under these circumstances, there was little chance that an unprejudiced jury could be empanelled for the trial of the Irish prisoners; and their counsel, seeing the danger, sought to avert it by a motion for the postponement of the trials. The Home Secretary was memorialled on the subject, and the application was renewed before the judges in court, but the efforts to obtain justice were fruitless. The blood of the British lion was up; with bloodshot eyes and bristling mane he stood awaiting his prey, and there was danger in trifling with his rage. Even Special commissions were voted slow, and a cry arose for martial law, Lynch law, or any law that would give the blood of the victims without hindrance or delay. So the appeal for time was spurned; the government was deaf to all remonstrance; British bloodthirstiness carried the day, and the trials proceeded without interruption.

We have not patience to rehearse calmly the story of these trials, which will long remain the reproach of British lawyers. We shall not probe the motives which led to the appointment of two such men as Justice Mellor and Justice Blackburne as Judges of the Commission, but history will be at no loss to connect the selection with their peculiar character on the bench. Nor shall we analyze the speeches of the Attorney-General and his colleagues, in which the passions and prejudices of the jury were so dexterously appealed to. The character of the evidence demands more study. The witnesses consisted of the policemen present at the attack, the prisoners who were locked with Kelly and Deasey in the van, and the bystanders who saw the affray or assisted in stoning the prisoners before and after they were captured. They swore with the utmost composure against the four prisoners. Allen was identified as one of the leaders, and he it was whom most of the witnesses declared to have fired through the door. On this point, indeed, as on many others, there was confusion and contradiction in the evidence: some of the witnesses were sure it was O'Brien fired through the door; others were inclined to assign the leading part to Condon; but before the trial had gone far, it seemed to be understood that Allen was the man to whom the death of Brett was to be

attributed, and that the business of the witnesses was to connect the other prisoners as closely as possible with his act. On one point nearly all of the witnesses were agreed—whoever there might be any doubt about, there could be none concerning Maguire. Seven witnesses swore positively to having seen him assisting in breaking open the van, and some of them even repeated the words which they said he addressed to them while thus engaged. On the evening of Friday, November 1st, the trials terminated. It was past five o'clock when Judge Mellor concluded his charge. The court was densely crowded, and every eye was strained to mark the effect of the judge's words upon the countenances of the prisoners; but they, poor fellows, quailed not as they heard the words which they knew would shortly be followed by a verdict consigning them to the scaffold. Throughout the long trial their courage had never flagged, their spirits had never failed them for an instant. Maguire, who had no real connection with the other four, and who knew that the charge against him was a baseless concoction, did, indeed, betray traces of anxiety and bewilderment as the trial progressed; but Allen, O'Brien, Larkin, and Condon went through the frightful ordeal with a heroic display of courage to which even the most malignant of their enemies have paid tribute.

The judge has done, and now the jury turned from the box "to consider their verdict." An hour and twenty minutes they remained absent; then their returning tread was heard. The prisoners turned their eyes upwards; Maguire looked towards them, half hopefully half appealingly; from Allen's glance nothing but defiance could be read; Larkin fixed his gaze on the foreman, who held the fatal record in his hand, with calm resolution; while a quiet smile played round O'Brien's lips, as he turned to hear the expected words.

"Guilty!" The word is snatched up from the lips of the foreman of the jury, and whispered through the court. They were all "guilty." So said the jury; and a murmur of applause came rolling back in response to the verdict. "Guilty!" A few there were in that court upon whom the fatal words fell with the bitterness of death, but the Englishmen who filled the crowded gallery and passages exulted at the sound: the vengeance which they longed for was at hand.

The murmur died away; the sobs that rose from the dark recesses where a few stricken-hearted women had been permitted to stand were stifled; and then, amidst breathless silence, the voice of the Crown Clerk was heard demanding "if the prisoners had anything to say why sentence of death should not be pronounced on them."

The first to respond was Allen. A slight flush reddened his cheeks, and his eyes lit up with the fire of enthusiasm and determination, as, advancing to the front of the dock, he confronted the Court, and spoke in resolute tones as follows:—

"My Lords and Gentlemen—It is not my intention to occupy much of your time in answering your question. Your question is one that can be easily asked, but requires an answer which I am ignorant of. Abler and more eloquent men could not answer it. Where were the men who have stood in the dock—Burke, Emmett, and others, who have stood in the dock in defence of their country? When the question was put, what was their answer? Their answer was null and void. How, with your permission, I will review a portion of the evidence that has been brought against me."

Here Mr. Justice Blackburne interrupted. "It was too late," he said, "to criticise the evidence, and the Court had neither the right nor the power to alter or review it. If," he added, "you have any reason to give why, either upon technical or moral grounds, the sentence should not be passed upon you, we will hear it, but it is too late for you to review the evidence to show that it was wrong."

"Cannot that be done in the morning, Sir," asked Allen, who felt in his heart how easily the evidence on which he had been convicted might be torn to shreds. But the Judge said not. "No one," he said, "could alter or review the evidence in any way after the verdict had been passed by the jury. We can only" he said in conclusion, "take the verdict as right; and the only question for you is, why judgment should not follow."

Thus restricted in the scope of his observations, the young felon proceeded to deliver the following patriotic and spirited address:—

"No man in this court regrets the death of Sergeant Brett more than I do, and I positively say, in the presence of the Almighty and ever-living God, that I am innocent, aye, as innocent as any man in this court. I don't say this for the sake of mercy: I want no mercy—I'll have no mercy. I'll die, as many thousands have died, for the sake of their beloved land, and in defence of it. I will die proudly and triumphantly in defence of republican principles and the liberty of an oppressed and enslaved people. Is it possible we are asked why sentence should not be passed upon us, on the evidence of prostitutes off the streets of Manchester, fellows out of work, convicted felons—aye, an Irishman sentenced to be hung when an English dog would have got off. I say positively and

defiantly, justice has not been done me since I was arrested. If justice had been done me, I would not have been handcuffed at the preliminary investigation in Bridge-street; and in this court justice has not been done me in any shape or form. I was brought up here, and all the prisoners by my side were allowed to wear overcoats, and I was told to take mine off. What is the principle of that? There was something in that principle, and I say positively that justice has not been done me. As for the other prisoners, they can speak for themselves with regard to that matter. And now with regard to the way I have been identified. I have to say that my clothes were kept for four hours by the policemen in Fairfield-station, and shown to parties to identify me as being one of the perpetrators of this outrage on Hyde-road. Also in Albert-station there was a handkerchief kept on my head the whole night so that I could be identified the next morning in the corridor by the witnesses. I was ordered to leave on the handkerchief for the purpose that the witnesses could more plainly see I was one of the parties who committed the outrage. As for myself, I feel the righteousness of my every act with regard to what I have done in defence of my country I fear not. I am fearless—fearless of the punishment that can be inflicted on me; and with that, my lords, I have done. (After a moment's pause)—I beg to be excused. One remark more. I return Mr. Seymour and Mr. Jones my sincere and heartfelt thanks for their able eloquence and advocacy on my part in this affair. I wish also to return to Mr. Roberts the very same. My name, sir, might be wished to be, known. It is not William O'Meara Allen. My name is William Philip Allen. I was born and reared in Bandon, in the county of Cork, and from that place I take my name; and I am proud of my country, and proud of my parentage. My lords, I have done."

A sign of mingled applause and admiration rose faintly on the air, as the gallant young Irishman, inclining his head slightly to the Court, retired to make way at the front, of the bar for one of his companions in misfortune. But his chivalrous bearing and noble words woke no response within the prejudice-hardened hearts of the majority of his auditors; they felt that the fearless words of the fearless youth would overbear all that his accusers had uttered, and that the world would read in them the condemnation, of the government and of the people whose power he so bravely defied.

Michael Larkin spoke next. He looked a shade paler than on the first day of the trial, but no want of resolution was expressed in his firm-set face. He gazed with an unquailing glance round the faces eagerly bent forward to catch his words, and then spoke in distinct tones as follows:—

"I have only got a word or two to say concerning Serjeant Brett. As my friend here said, no one could regret the man's death as much as I do. With regard to the charge of pistols and revolvers, and my using them, I call my God as a witness that I neither used pistols, revolvers, nor any instrument on that day that would deprive the life of a child, let alone a man. Nor did I go there on purpose to take life away. Certainly, my lords, I do not want to deny that I did go to give aid and assistance to those two noble heroes that were confined in that van—Kelly and Deasey. I did go to do as much as lay in my power to extricate them out of their bondage; but I did not go to take life, nor, my lords did anyone else. It is a misfortune there was life taken, but if it was taken it was not done intentionally, and the man who has taken life we have not got him. I was at the scene of action, when there were over, I dare say, 150 people standing by there when I was. I am very sorry I have to say, my lord, but I thought I had some respectable people to come up as witnesses against me; but I am sorry to say as my friend said. I will make no more remarks concerning that. All I have to say, my lords and gentlemen, is that so far as my trial went and the way it was conducted, I believe I have got a fair trial. So far as my noble counsel went, they done their utmost in the protection of my life; likewise, my worthy solicitor, Mr. Roberts, has done his best; but I believe as the old saying is a true one, what is decreed a man in the page of life he has to fulfil, either on the gallows, drowning, a fair death in bed, or on the battlefield. So I look to the mercy of God. May God forgive all who have sworn my life away. As I am a dying man, I forgive them from the bottom of my heart. God forgive them."

As Larkin ceased speaking, O'Brien, who stood to the right of him, moved slightly in advance, and intimated by a slight inclination to the Court his intention of addressing them. His stalwart form seemed to dilate with proud defiance and scorn as he faced the ermine-clad dignitaries who were about to consign, him to the gibbet. He spoke with emphasis, and in tones which seemed to borrow a something of the fire and spirit of his words. He said:—

"I shall commence by saying that every witness who has sworn anything against me has sworn falsely. I have not had a stone in my possession since I was a boy. I had no pistol in my possession on the day when it is alleged this outrage was committed. You call it an outrage, I don't. I say further, my name is Michael O'Brien. I was born in the county of Cork, and have the honour to be a fellow-parishioner of Peter O'Neal Crowley, who was fighting against the British troops at Mitchelstown last March, and who fell

fighting against British tyranny in Ireland. I am a citizen of the United States of America, and if Charles Francis Adams had done his duty towards me, as he ought to do in this country, I would not be in this dock answering your questions now. Mr. Adams did not come though I wrote to him. He did not come to see if I could not find evidence to disprove the charge, which I positively could, if he had taken the trouble of sending or coming to see what I could do. I hope the American people will notice that part of the business. [The prisoner here commenced reading from a paper he held in his hand.] The right of man is freedom. The great God has endowed him with affections that he may use, not smother them, and a world that may be enjoyed. Once a man is satisfied he is doing right, and attempts to do anything with that conviction, he must be willing to face all the consequences. Ireland, with its beautiful scenery, its delightful climate, its rich and productive lands, is capable of supporting more than treble its population in ease and comfort. Yet no man, except a paid official of the British government, can say there is a shadow of liberty, that there is a spark of glad life amongst its plundered and persecuted inhabitants. It is to be hoped that its imbecile and tyrannical rulers will be for ever driven from her soil, amidst the execration of the world. How beautifully the aristocrats of England moralise on the despotism of the rulers of Italy and Dahomey—in the case of Naples with what indignation did they speak of the ruin of families by the detention of its head or some loved member in a prison. Who have not heard their condemnations of the tyranny that would compel honourable and good men to spend their useful lives in hopeless banishment."

The taunt went home to the hearts of his accusers, and, writhing under the lash thus boldly applied, Judge Blackburne hastened, to intervene. Unable to stay, on *legal grounds*, the torrent of scathing invective by which O'Brien was driving the blood from the cheeks of his British listeners, the judge resorted to a device which Mr. Justice Keogh had practised very adroitly, and with much success, at various of the State trials in Ireland. He appealed to the prisoner, "entirely for his own sake," to cease his remarks. "The only possible effect of your observations," he said, "must be to tell against you with those who have to consider the sentence. I advise you to say nothing more of that sort. I do so entirely for your own sake." But O'Brien was not the man to be cowed into submission by this artful representation. Possibly he discerned the motive of the interruption, and estimated at its true value the disinterestedness of Judge Blackburne's "advice." Mr. Ernest Jones in vain used his influence to accomplish the judge's object.

O'Brien spurned the treacherous bait, and resolutely proceeded:—

"They cannot find words to express their horror of the cruelties of the King of Dahomey because he sacrificed 2,000 human beings yearly, but why don't those persons who pretend such virtuous indignation at the misgovernment of other countries look at home, and see if greater crimes than those they charge against other governments are not committed by themselves or by their sanction. Let them look at London, and see the thousands that want bread there, while those aristocrats are rioting in luxuries and crimes. Look to Ireland; see the hundreds of thousands of its people in misery and want. See the virtuous, beautiful, and industrious women who only a few years ago—aye, and yet—are obliged to look at their children dying for want of food. Look at what is called the majesty of the law on one side, and the long deep misery of a noble people on the other. Which are the young men of Ireland to respect—the law that murders or banishes their people, or the means to resist relentless tyranny and ending their miseries for ever under a home government? I need not answer that question here. I trust the Irish people will answer it to their satisfaction soon. I am not astonished at my conviction. The government of this country have the power of convicting any person. They appoint the judge; they choose the jury; and by means of what they call patronage (which is the means of corruption) they have the power of making the laws to suit their purposes. I am confident that my blood will rise a hundredfold against the tyrants who think proper to commit such an outrage. In the first place, I say I was identified improperly, by having chains on my hands and feet at the time of identification, and thus the witnesses who have sworn to my throwing stones and firing a pistol have sworn to what is false, for I was, as those ladies said, at the jail gates. I thank my counsel for their able defence, and also Mr. Roberts, for his attention to my case."

Edward Maguire spoke next. He might well have felt bewildered at the situation in which he found himself, but he spoke earnestly and collectedly, nevertheless. He had had an experience of British law which, if not without precedent, was still extraordinary enough to create amazement. He knew that he had never been a Fenian; he knew that he never saw Colonel Kelly—never heard of him until arrested for assisting in his liberation; he knew that while the van was being attacked at Bellevue, he was sitting in his own home, miles away; and he knew that he had never in his life placed his foot in the scene of the rescue; yet there he found himself convicted by regular process of law, of the murder of Constable

Brett. He had seen witness after witness enter the box, and deliberately swear they saw him take a prominent part in the rescue. He saw policemen and civilians coolly identify him as a ringleader in the affair; he had heard the Crown lawyers weave round him the subtle meshes of their logic; and now he found himself pronounced guilty by the jury, in the teeth of the overwhelming array of unimpeachable evidence brought forward in his defence. What "the safeguards of the Constitution" mean—what "the bulwark of English freedom," and "the Palladium of British freedom" are worth, when Englishmen fill the jury-box and an Irishman stands in the dock, Maguire had had a fair opportunity of judging. Had he been reflectively inclined, he might, too, have found himself compelled to adopt a rather low estimate of the credibility of English witnesses, when they get an opportunity of swearing away an Irishman's life. An impetuous man might have been goaded by the circumstances into cursing the atrocious system under which "justice" had been administered to him, and calling down the vengeance of Heaven on the whole nation from which the perjured wretches who swore away his life had been drawn. But Maguire acted more discreetly; he began, indeed, by declaring that all the witnesses who swore against him were perjurers—by vehemently protesting that the case, as regarded him, was one of mistaken identity; but he shortly took surer ground, by referring to his services in the navy, and talking of his unflinching loyalty to "his Queen and his country." He went through the record of his services as a marine; appealed to the character he had obtained from his commanding officers, in confirmation of his words: and concluded by solemnly protesting his perfect innocence of the charge on which he had been convicted.

While Maguire's impressive words were still ringing in the ears of his conscience-stricken accusers, Edward O'Meagher Condon commenced to speak. He was evidently more of an orator than either of those who had preceded him, and he spoke with remarkable fluency, grace, and vigour. The subjoined is a correct report of his spirited and able address:—

"My Lords—this has come upon me somewhat by surprise. It appeared to me rather strange that upon any amount of evidence, which of course was false, a man could have been convicted of wilfully murdering others he never saw or heard of before he was put in prison. I do not care to detain your lordships, but I cannot help remarking that Mr. Shaw, who has come now to gloat upon his victims, after having sworn away their lives—that man has sworn what is altogether false; and there are contradictions in the depositions which have not been brought before your lordships' notice. I

suppose the depositions being imperfect, there was no necessity for it. As to Mr. Batty, he swore at his first examination before the magistrates that a large stone fell on me, a stone which Mr. Roberts said at the time would have killed an elephant. But not the slightest mark was found on my head; and if I was to go round the country, and him with me, as exhibiting the stone having fallen on me, and him as the man who would swear to it, I do not know which would be looked for with the most earnestness. However, it has been accepted by the jury. Now he says he only thinks so. There is another matter to consider. I have been sworn to, I believe, by some of the witnesses who have also sworn to others, though some of them can prove they were in another city altogether—in Liverpool. Others have an overwhelming *alibi*, and I should by right have been tried with them; but I suppose your lordships cannot help that. We have, for instance, Thomas, the policeman, who swore to another prisoner. He identified him on a certain day, and the prisoner was not arrested for two days afterwards. As for Thomas, I do not presume that any jury could have believed him. He had heard of the blood-money, and of course was prepared to bid pretty high for it. My *alibi* has not been strong, and unfortunately I was not strong in pocket, and was not able to produce more testimony to prove where I was at exactly that time. With regard to the unfortunate man who has lost his life, I sympathize with him and his family as deeply as your lordships or the jury, or anyone in the court. I deeply regret the unfortunate occurrence, but I am as perfectly innocent of his blood as any man. I never had the slightest intention of taking life. I have done nothing at all in connection with that man, and I do not desire to be accused of a murder which I have not committed. With regard to another matter, my learned counsel has, no doubt for the best, expressed some opinions on these matters and the misgovernment to which my country has been subjected. I am firmly convinced there is prejudice in the minds of the people, and it has been increased and excited by the newspapers, or by some of them, and to a certain extent has influenced the minds of the jury to convict the men standing in this dock, on a charge of which—a learned gentleman remarked a few nights since—they would be acquitted if they had been charged with murdering an old woman for the sake of the money in her pocket, but a political offence of this kind they could not. Now, sir, with regard to the opinions I hold on national matters—with regard to those men who have been released from that van, in which, unfortunately, life was lost, I am of opinion that certainly to some extent there was an excess. Perhaps it was unthought, but if those men had been in other countries, occupying other

positions—if Jefferson Davis had been released in a northern city, there would have been a cry of applause throughout all England. If Garibaldi, who I saw before I was shut out from the world had been arrested, was released, or something of that kind had taken place, they would have applauded the bravery of the act. If the captives of King Theodore had been released, that too would have been applauded. But, as it happened to be in England, of course it is an awful thing, while yet in Ireland murders are perpetrated on unoffending men, as in the case of the riots in Waterford, where an unoffending man was murdered, and no one was punished for it. I do not desire to detain your lordships. I can only say that I leave this world without a stain on my conscience that I have been wilfully guilty of anything in connexion with the death of Sergeant Brett. I am totally guiltless. I leave this world without malice to anyone. I do not accuse the jury, but I believe they were prejudiced. I don't accuse them of wilfully wishing to convict, but prejudice has induced them to convict when they otherwise would not have done. With reference to the witnesses, every one of them has sworn falsely. I never threw a stone or fired a pistol; I was never at the place, as they have said; it is all totally false. But as I have to go before my God. I forgive them. They will be able to meet me, some day, before that God who is to judge us all, and then they and the people in this Court, and everyone, will know who tells the truth. Had I committed anything against the Crown of England, I would have scorned myself had I attempted to deny it; but with regard to those men, they have sworn what is altogether false. Had I been an Englishman, and arrested near the scene of that disturbance, I would have been brought as a witness to identify them; but being an Irishman, it was supposed my sympathy was with them, and on suspicion of that sympathy I was arrested, and in consequence of the arrest, and the rewards which were offered, I was identified. It could not be otherwise. As I said before, my opinions on national matters do not at all relate to the case before your lordships. We have been found guilty, and, as a matter of course we accept our death as gracefully as possible. We are not afraid to die—at least I am not."

"Nor I," "Nor I," "Nor I," swelled up from the lips of his companions, and then, with a proud smile, Condon continued:—

"I have no sin or stain upon me; and I leave this world at peace with all. With regard to the other prisoners who are to be tried afterwards, I hope our blood at least will satisfy the cravings for it. I hope our blood will be enough, and that those men who I honestly believe are guiltless of the blood of that man—that the other batches will get a fair, free, and a more impartial trial. We view matters in a different light from what the jury do. We have been imprisoned, and have not had the advantage of understanding exactly to what this excitement has led. I can only hope and pray that this prejudice will disappear—that my poor country will right herself some day, and that her people, so far from being looked upon with scorn and aversion, will receive what they are entitled to, the respect not only of the civilized world, but of Englishmen. I, too, am an American citizen, and on English territory I have committed no crime which makes me amenable to the crown of England. I have done nothing; and, as a matter of course, I did expect protection—as this gentleman (pointing to Allen) has said, the protection of the ambassador of my government. I am a citizen of the State of Ohio; but I am sorry to say my name is not Shore. My name is Edward O'Meagher Condon. I belong to Ohio, and there are loving hearts there that will be sorry for this. I have nothing but my best wishes to send them, and my best feelings, and assure them I can die as a Christian and an Irishman; and that I am not ashamed or afraid of anything I have done, or the consequences, before God or man. They would be ashamed of me if I was in the slightest degree a coward, or concealed my opinions. The unfortunate divisions of our countrymen in America, have, to a certain extent, neutralized the efforts that we have made either in one direction or another for the liberation of our country. All these things have been thwarted, and as a matter of course we must only submit to our fate. I only trust again, that those who are to be tried after us, will have a fair trial, and that our blood will satisfy the craving which I understand exists. You will soon send us before God, and I am perfectly prepared to go. I have nothing to regret, or to retract, or take back. I can only say, GOD SAVE IRELAND."

Again were the voices of his companions raised in unison. "God save Ireland!" they cried defiantly, in chorus. "God save Ireland!" The cry rung through the packed justice-hall, and fell on the ears of its blood-thirsty occupants like the

voice of an accusing angel. "God save Ireland," they said; and then the brave-hearted fellows gazed fiercely around the hostile gathering, as if daring them to interfere with the prayer. "God save Ireland!"—from the few broken-hearted relatives who listened to the patriots' prayer the responsive "Amen" was breathed back, and the dauntless young Irishman continued:—

"I wish to add a word or two. There is nothing in the close of my political career which I regret. I don't know of one act which could bring the blush of shame to my face, or make me afraid to meet my God or fellow-man. I would be most happy, and nothing would give me greater pleasure than to die on the field for my country in defence of her liberty. As it is, I cannot die on the field, but I can die on the scaffold, I hope, as a soldier, a man, and a Christian."

And now the last was spoken. As true Irishmen and as true patriots they had borne themselves. No trace of flinching did they give for their enemies to gloat over—no sign of weakness which could take from the effect of their deathless words. With bold front and steady mien they stood forward to listen to the fatal decree their judges were ready to pronounce. The judges produced the black caps, with which they had come provided, and then Justice Mellor proceeded to pass sentence. No person, he said, who had witnessed the proceedings could doubt the propriety of the verdict, which, he insisted, was the result of "a full, patient, and impartial investigation." He made no distinction. "I am perfectly convinced," he said, "that all of you had resolved, at any risk, and by any amount of dangerous violence and outrage, to accomplish your object; and that, in fact, Charles Brett was murdered because it was essential to the completion of your common design that he should be." The stereotyped words of exhortation to repentance followed, and then the judge concluded:—

"The sentence is that you, and each of you, be taken hence to the place whence you came, and thence to a place of execution, and that you be there hanged by the neck until you shall be dead, and that your bodies be afterwards buried within the precincts of the prison wherein you were last confined after your respective convictions; and may God, in His infinite mercy, have mercy upon you."

With quiet composure the doomed men heard the words. They warmly shook hands with their counsel, thanked them for their exertions, and then, looking towards the spot where their weeping friends were seated, they turned to leave

the dock. "God be with you, Irishmen and Irishwomen!" they cried and, as they disappeared from the court, their final adieu was heard in the same prayer that had swelled upwards to heaven from them before—

"GOD SAVE IRELAND!"

[God Save Ireland!](#)

"GOD SAVE IRELAND!"

Scarcely had the Manchester courthouse ceased to echo those voices from the dock, when the glaring falseness of the verdict became the theme of comment amongst even the most thoroughgoing Englishmen who had been present throughout the trial.

Without more ado, down sat some thirty or forty reporters, who, as representatives of the English metropolitan and provincial press, had attended the Commission, and addressed a memorial to the Home Secretary, stating that they had been long accustomed to attend at trials on capital charges; that they had extensive experience of such cases, from personal observation of prisoners in the dock and witnesses on the table; and that they were solemnly convinced, the swearing of the witnesses and the verdict of the jury to the contrary notwithstanding, that the man Maguire had neither hand, act, nor part in the crime for which he had been sentenced to death. The following is the petition referred to:—

We, the undersigned members of the metropolitan and provincial Press, having had long experience in courts of justice, and full opportunity of observing the demeanour of prisoners and witnesses in cases of criminal procedure, beg humbly to submit that, having heard the evidence adduced before the Special Commission, on the capital charge preferred against Thomas Maguire, private in the Royal Marines, we conscientiously believe that the said Thomas Maguire is innocent of the crime of which he has been convicted, and that his conviction has resulted from mistaken identity. We, therefore, pray that you will be pleased to advise her Majesty to grant her most gracious pardon to the said Thomas Maguire.

This was a startling event; it was a proceeding utterly without precedent.

Nothing but the most extraordinary circumstances could have called it forth. The blunder of the jury must have been open, glaring, painfully notorious, indeed, when such an astonishing course was adopted by the whole staff of the English Press.

It was most embarrassing. For what had those newspaper reporters seen or heard that the jurors had not seen and heard?—and yet the jurors said Maguire was guilty. What had those reporters seen or heard that the judges had not seen and heard?—and yet the judges said they "fully concurred in the verdict of the jury." The reporters were not sworn on the Evangelists of God to give a true deliverance—but the jurors were. The reporters were not sworn to administer justice—were not dressed in ermine—were not bound to be men of legal ability, judicial calmness, wisdom, and impartiality—but the judges were. Yet the unsworn reporters told the government Maguire was an innocent man; while judge and jury told the government—*swore* to it—that he was a guilty murderer!

What was the government to do? Was it to act on the verdict of newspaper reporters who had happened to be present at this trial, and not on the verdict of the jury who had been solemnly sworn in the case? Behind the reporters' verdict lay the huge sustaining power of almost universal conviction, mysteriously felt and owned, though as yet nowhere expressed. Everyone who had calmly and dispassionately weighed the evidence, arrived at conclusions identical with those of the Press jury, and utterly opposed to those of the sworn jury. The ministers themselves—it was a terribly embarrassing truth to own—felt that the reporters were as surely right as the jurors were surely wrong. But what were they to do? What a frightful imputation would public admission of that fact cast upon the twelve sworn jurors—upon the two judges? What a damning imputation on their judgment or their impartiality! Was it to be admitted that newspaper reporters could be right in a case so awful, where twelve sworn jurors and two judges were wrong?

And then, look at the consequences. The five men were convicted in the one verdict. There were not five separate verdicts, but one indivisible verdict. If the (jurors') verdict were publicly vitiated—if the government confessed or admitted that verdict to be false—it was not one man, but five men, who were affected by it. To be sure the reporters' jury, in *their* verdict, did not include Allen, O'Brien, Larkin, and Shore; but was it to be conveyed by implication that omission from the reporters' verdict of acquittal was more fatal to a man than inclusion in the verdict of guilty by a sworn jury? Might not twenty, or thirty, or forty men, quite

as intelligent as the reporters, be soon forthcoming to testify as forcibly of Allen, O'Brien, Larkin, and Shore, as the Press-men had testified of Maguire? Was it only *reporters* whose judgment could set aside the verdict of sworn jurors, endorsed by ermined judges? But, in any event, the five men were convicted by the one verdict. To cut that, loosed all—not necessarily in law, perhaps, but inevitably as regarded public conscience and universal judgment; for there was not in all the records of English jurisprudence a precedent for executing men on a verdict acknowledged to have been one of blunder or perjury. Clearly, if the jurors were to be told by the government that, in a case where life and death hung on the issue, they had been so blinded by excitement, passion, or prejudice, that they declared to be a guilty murderer a man whose innocence was patent even to unofficial lookers-on in court, the moral value of such a verdict was gone—ruined for ever; and to hang *anyone* on such a verdict—*on that identical verdict, thus blasted and abandoned*—would, it was pointed out, be murder, for all its technical legality; neither more nor less, morally, than cool, deliberate, cold-blooded murder.

Everybody saw this; but everyone in England saw also the awkward difficulty of the case. For, to let Allen, O'Brien, Larkin, and Shore go free of death, in the face of their admitted complicity in the rescue, would baulk the national demand for vengeance. It was necessary that some one should be executed. Here were men who, though they almost certainly had had no hand in causing, even accidentally, the death of Brett, dared to boast of their participation in the affray in the course of which that lamentable event unhappily occurred—that rescue which had so painfully wounded and humiliated English national pride. If these men were saved from execution, owing to any foolish scruples about hanging a possibly—nay, probably—innocent man along with them, a shout of rage would ascend from that virtuous nation amongst whom Charlotte Winsor, the professional infant-murderess, walks a free woman, notwithstanding a jury's verdict of wilful murder and a judge's sentence of death.

So, for a time it seemed that, notwithstanding the verdict of the reporters, the government would act upon the verdict of the jury, and assume it to be correct. No doubt Maguire might be innocent, but it was his misfortune to be included in an indivisible verdict with other men, who, though perhaps as guiltless as he of wilful murder, were surely guilty of riot and rescue, aggravated by the utterance of the most bitter reflections on the British Constitution, which all men know to be the "envy of surrounding nations." If they were not guilty of the crime laid against them on the trial, they were guilty of something else—they had outraged

British pride. It was necessary they should die; and as Maguire's verdict was not separate from theirs, he must die too, rather than that they should escape.

But after a while the idea gained ground in England that this would be rather *too* monstrous a proceeding. Maguire's utter innocence of any participation whatsoever in the rescue was too notorious. The character of the witnesses on whose evidence he was convicted became known: some were thieves, pickpockets, or gaol-birds of some other denomination; others were persons palpably confused by panic, excitement, passion, or prejudice. True, these same witnesses were those who likewise swore against Allen, Larkin, O'Brien and Shore. Indeed, a greater number swore against Maguire than against some of the others. Nevertheless, the overwhelming notoriety of the jury's blunder or perjury, in at least his case, became daily more and more an obstacle to his execution; and eventually, on the 21st of November, it was announced that his conviction had been cancelled, by the only means existing under the perfect laws of Great Britain—namely, a "free *pardon*" for a crime never committed. The prison doors were opened for Maguire; the sworn jurors were plainly told in effect that their blunder or perjury had well-nigh done the murder of at least one innocent man. The judges were in like manner told that shorthand-writers had been more clear-headed or dispassionate to weigh evidence and judge guilt than they. The indivisible verdict had been openly proclaimed worthless.

The news was received with a sense of relief in Ireland, where the wholesale recklessness of the swearing, and the transparent falseness of the verdict had, from the first, created intense indignation and resentment. Everyone knew and saw that, whatever might have been the participation of those men in the rescue of Colonel Kelly, they had not had a fair trial; nay, that their so-called trial was an outrage on all law and justice; that witnesses, jurors and judges, were in the full fierce heat of excitement, panic, and passion—much more ready to swear evidence, to find verdicts, and to pass sentences against innocent men than they themselves were, perhaps, conscious of while labouring under such influences. The public and official recognition of the falseness and injustice of the Manchester verdict was therefore hailed with intense satisfaction.

Maguire was at once liberated; Allen, Larkin, Shore, and O'Brien were still detained in custody. It was universally concluded that, notwithstanding the abandonment by the Crown of the verdict on which they had been sentenced, they, because of their admitted complicity in the rescue, would be held to imprisonment—probably penal servitude—for a term of years. Considerable

astonishment was excited, some days subsequently to Maguire's pardon, by a statement that, in the case of the other prisoners included in the verdict, "the law should take its course." No one credited this declaration for an instant, and most persons felt that the Crown officials were indulging in an indecent piece of mockery. Amidst this universal incredulity, however—this disdainful and indignant disbelief—the prisoners' solicitor, Mr. Roberts, vigilant and untiring to the last, took the necessary steps to pray arrest of execution pending decision of the serious law points raised on the trial. Some of the most eminent counsel in England certified solemnly that these points were of the gravest nature, and would, in their opinion, be fully established on argument before the judges; in which event the conviction would be legally quashed, independently of the substantial abandonment of it as false and untenable by the Crown in Maguire's case.

The first idea of the merest possibility—the faintest chance—of the remaining four men being executed on the vitiated verdict, arose when it became known that the judges, or some of them, had informally declared to the government (without waiting to hear any argument on the subject) that the points raised by the prisoners' counsel were not tenable, or were not of force. Mr. Roberts was officially informed that the sentence would infallibly be carried out. By this time barely a few days remained of the interval previous to the date fixed for the execution, and the strangest sensations swayed the public mind in Ireland. Even still, no one would seriously credit that men would be put to death on a verdict notoriously false. Some persons who proposed memorials to the Queen were met on all hands with the answer that it was all "acting" on the part of the government; that, even though it should be at the foot of the scaffold, the men would be reprieved; that the government would not—*dare not*—take away human life on a verdict already vitiated and abandoned as a perjury or blunder.

The day of doom approached; and now, as it came nearer and nearer, a painful and sickening alternation of incredulity and horror surged through every Irish heart. Meanwhile, the Press of England, on both sides of the Channel, kept up a ceaseless cry for blood. The government were told that to let these men off, innocent or guilty, would be "weakness." They were called upon to be "firm"—that is, to hang first, and reflect afterwards. As the 23rd of November drew near, the opinion began to gain ground, even in England, that things had been too hastily done—that the whole trial bore all the traces of panic—and that, if a few weeks were given for alarm and passion to calm down, not a voice would approve the Manchester verdict. Perceiving this—perceiving that time or

opportunity for reflection, or for the subsidence of panic, would almost certainly snatch its prey from vengeance—a deafening yell arose from the raving creatures of blood-hunger, demanding that not a day, not an hour, not a second, should be granted to the condemned.

Still the Irish people would not credit that, far towards the close of the nineteenth century, an act so dreadful durst be done.

During all this time the condemned lay in Salford gaol, tortured by the suspense inevitably created by Maguire's reprieve. Although every effort was made by their friends to keep them from grasping at or indulging in hope, the all-significant fact of that release seemed to imperatively forbid the idea of their being executed on a verdict whose falseness was thus confessed. The moment, however, that the singular conduct of the judges in London defeated the application of Mr. Roberts, they, one and all, resigned themselves to the worst; and while their fellow-countrymen at home were still utterly and scornfully incredulous on the subject, devoted their remaining hours exclusively to spiritual preparation for death upon the scaffold.

It was now that each character "rushed to its index." It was now—within the very shadow of death—in the most awful crisis that can test the soul—that these men rose into the grandeur and sublimity of true heroism. They looked death in the face with serene and cheerful composure. So far from requiring consolation, it was they who strove most earnestly to console the grieving friends they were leaving behind; imploring of them to exhibit resignation to the will of God, and assuring them that, ignominious as was death upon the gallows, and terrible as was the idea of suffering such a fate unjustly, it was "not hard to die" with a clear and tranquil conscience, as they were dying, for the cause of native land.

It may be questioned whether the martyrology of any nation in history can exhibit anything more noble, more edifying—more elevating and inspiring—than the last hours of these doomed Irishmen. Their every thought, their every utterance, was full of tenderness and holiness—full of firmness and cheerful acceptance of God's will. The farewell letters addressed by them to their relatives and friends—from which we take a few—amply illustrate the truth of the foregoing observations. Here is O'Brien's last letter to his brother:—

New Bailey Prison, Salford,

Nov. 14th, 1867.

My dear brother—I have been intending to write to you for some time, but having seen a letter from a Mr. Moore, addressed to the governor of this prison, and knowing from that that you must be in a disagreeable state of suspense, I may therefore let you know how I am at once. With reference to the trial and all connected with it, it was unfair from beginning to end; and if I should die in consequence it will injure my murderers more than it will injure me. Why should I fear to die, innocent as I am of the charge which a prejudiced jury, assisted by perjured witnesses, found me guilty of? I will do judge and jury the justice of saying they believed me guilty of being—a citizen of the United States, a friend to liberty, a hater of relentless cruelty, and therefore no friend to the British government, as it exists in our beautiful island. I must say, though much I would like to live, that I cannot regret dying in the cause of Liberty and Ireland. It has been made dear to me by the sufferings of its people, by the martyrdom and exile of its best and noblest sons. The priest, the scholar, the soldier, the saint, have suffered and died, proudly, nobly: and why should I shrink from death in a cause made holy and glorious by the numbers of its martyrs and the heroism of its supporters, as well as by its justice? You don't, and never shall, forget that Peter O'Neill Crowley died only a short time since, in this cause.

"Far dearer the grave or the prison,
Illum'd by one patriot name,
Than the trophies of all who have risen
On liberty's ruins to fame."

I should feel ashamed of my manhood if I thought myself capable of doing anything mean to save my life, to get out of here, or for any other selfish purpose. Let no man think a cause is lost because some suffer for it. It is only a proof that those who suffer are in earnest, and should be an incentive to others to be equally so—to do their duty with firmness, justice, and disinterestedness. *I feel confident of the ultimate success of the Irish cause, as I do of my own existence.* God, in His great mercy and goodness, will strengthen the arm of the patriot, and give him wisdom to free his country. Let us hope that He, in His wisdom, is only trying our patience. The greater its sufferings, the more glorious will He make the future of our unfortunate country and its people.

The shriek of the famine-stricken mother and the helpless infant, as well as the centuries of misery, call to heaven for vengeance. God is slow, but just! The blood of Tone, Fitzgerald, Emmett, and others has been shed—how much good has it done the tyrant and the robber? None. Smith O'Brien, McManus, and Mitchel suffered for Ireland, yet not their sufferings, nor those of O'Donovan (Bossa) and his companions, deterred Burke, McAfferty, and their friends from doing their duty. Neither shall the sufferings of my companions, nor mine, hinder my countrymen from taking their part in the inevitable struggle, but rather nerve their arms to strike. I would write on this subject at greater length, but I hope that I have written enough to show you that if a man dies for liberty, his memory lives in the breasts of the good and virtuous. You will also see that there is no necessity for my father, mother, sisters or relations fretting about me. When I leave this world it will be (with God's help) to go to a better, to join the angels and saints of God, and sing His praises for all eternity. I leave a world of suffering for one of eternal joy and happiness. I have been to Holy Communion, and, please God, intend going shortly again. I am sorry we cannot hear Mass; the good priest is not allowed to say it in this prison.

Give my love to my father and mother, to Mary, Ellen, John Phillips, Tim, Catherine, uncles, aunts, and cousins.

Farewell.

From your affectionate brother,

MICHAEL O'BRIEN (*alias* William Gould).

The following is one of Allen's letters to his relatives, written the day before his execution:—

Salford, New Bailey Prison, Nov. 23rd, 1867.

TO YOU, MY LOVING AND SINCERE DEAR UNCLE AND AUNT HOGAN,

I suppose this is my last letter to you at this side of the grave. Oh, dear uncle and aunt, if you reflect on it, it is nothing. I am dying an honourable death: I am dying *for Ireland*—dying for the land that gave me birth—dying for the Island of Saints—and dying for liberty. Every generation of

our countrymen has suffered; and where is the Irish heart could stand by unmoved? I should like to know what trouble, what passion, what mischief could separate the true Irish heart from its own native isle. Dear uncle and aunt, it is sad to be parting you all, at my early age; but we must all die some day or another. A few hours more and I will breathe my last, and on English soil. Oh, that I could be buried in Ireland! What a happiness it would be to all my friends, and to myself—where my countrymen could kneel on my grave. I cannot express what joy it afforded me, when I found Aunt Sarah and you were admitted. Dear uncle, I am sure it was not a very pleasant place I had to receive you and my aunt; but we must put up with all trials until we depart this life. I am sure it will grieve you very much to leave me in such a place, on the evidence of such characters as the witnesses were that swore my life away. But I forgive them, and may God forgive them. I am dying, thank God! an Irishman and a Christian. Give my love to all friends; same from your ever affectionate nephew,

W.P. ALLEN.

Pray for us. Good bye, and remember me. Good bye, and may heaven protect ye, is the last wish of your dying nephew,

W.P. ALLEN.

Larkin was the only one of the condemned four who was married. There were to weep his fall, besides his aged parents, a devoted wife and three little children—all young; and it redounds rather to his honour, that though flinching in nowise, lacking nought in courageous firmness, home ties were painfully strong around his heart. With him it was anguish indeed to part for ever the faithful wife and the little ones who used to nestle in his bosom. Ah! he was never more to feel those little arms twining round his neck—never more to see those infant faces gazing into his own—never more to part the flaxen curls over each unfurrowed brow! Henceforth they would look for his coming and hearken for his footfall in vain! They would call upon him, and be answered only by the convulsive sobs of their widowed mother. And who would now fill his place for them, even as bread-winner? Mayhap, when he lay in the grave, these cherished little ones, for whom he would draw the life-blood from his heart, would feel the hunger-pangs of orphanage in squalid misery and obscurity! But no. If such a thought approached Larkin's heart, it was at once repelled. Assuredly, he had more faith in his countrymen—more faith in the fidelity and generosity of his race—than to

believe they would suffer one of those orphans to want loving, helping, guiding hands. As he himself said, he was not, after all, leaving them fatherless; he was bequeathing them to Ireland and to God.

And the Father of the Fatherless, even on the instant, raised up a friend for them—sent an angel missionary of blessed comfort to give poor Larkin, even on the brink of the grave, assurance that no pang of poverty should ever wound those little ones thus awfully bereaved. One day the confessor met the prisoners with beaming face, holding in his hand a letter. It was from the Dowager Marchioness of Queensbury, to the condemned Irishmen in Salford gaol, and ran as follows:

MY DEAR FRIENDS—

It may be that those few lines may minister some consolation to you on your approaching departure from this world. I send you by the hands of a faithful messenger some help for your wife, or wives, and children, in their approaching irreparable loss, and with the assurance that so long as I live they shall be cared for to the utmost of my power.

Mr. M'Donnell, the bearer of this for me, will bring me their address, and the address of the priest who attends you.

It will also be a comfort for your precious souls, to know that we remember you here at the altar of God. where the daily remembrance of that all-glorious sacrifice on Calvary, for you all, is not neglected.

We have daily Mass for you here; and if it be so that it please the good God to permit you thus to be called to Himself on Saturday morning, the precious body and blood of our Lord and Saviour and our Friend will be presented for you before God, at eight o'clock, on that day—that blood so precious, that cleanses from all sin. May your last words and thoughts be Jesus. Rest on Him, who is faithful, and willing and all-powerful to save. Rest on Him, and on His sacrifice on that Cross for you, instead of you, and hear Him say, "*To-day thou shalt be with me in Paradise.*" Yet will we remember your souls constantly at the altar of God, after your departure, as well as those whom you leave in life.

Farewell! and may Jesus Christ, the Saviour of sinners, save us all, and give you His last blessing upon earth, and an eternal continuance of it in heaven.

CAROLINE QUEENSBURY.

This letter enclosed £100. On hearing it read, poor Larkin burst into tears; the other prisoners also were deeply affected. Surely, never was act more noble! Never was woman's sex more exalted—never was woman's mission more beautifully exemplified, than by this glorious act of bravery, tenderness, and generosity.

Two days before the fatal 23rd, the calm resignation which the condemned by this time enjoyed was once more cruelly disturbed, and almost destroyed. Once again the government came to fill their hearts with the torturing hope, if not, indeed, the strong conviction, that after all, even though it should be at the foot of the gallows, they would one and all be reprieved. *Another man of the five included in the vitiated verdict was reprieved*—Shore was to have his sentence commuted.

This second reprieve was the most refined and subtle torture to men who had made up their minds for the worst, and who, by God's strengthening graces, had already become, as it were, dead to the world. It rendered the execution of the remaining men almost an impossibility. Maguire notoriously was innocent even of complicity in the rescue—the verdict of the sworn jury, concurred in by the "learned judge," to the contrary notwithstanding. But *Shore was avowedly a full participator in the rescue*. He was no more, no less, guilty than Allen, Larkin, O'Brien. In the dock he proudly gloried in the fact. What wonder if the hapless three, as yet unrespited, found the wild hope of life surging irresistibly through heart and brain!

To the eternal honour of the artisans of London be it told, they signaled themselves in this crisis by a humanity, a generosity, that will not soon be forgotten by Irishmen. At several crowded meetings they adopted memorials to the government, praying for the respite of the condemned Irishmen—or rather, protesting against their contemplated execution. These memorials were pressed with a devoted zeal that showed how deeply the honest hearts of English working-men were stirred; but the newspaper press—the "high class" press especially—the enlightened "public instructors"—howled at, reviled, and decried these demonstrations of humanity. The Queen's officials treated the petitions and petitioners with corresponding contempt; and an endeavour to approach the Sovereign herself, then at Windsor; resulted in the contumelious rejection from the palace gate of the petitioners, who were mobbed and hooted by the

tradesmen and flunkeys of the royal household!

In Ireland, however, as might be supposed, the respite of Shore was accepted as settling the question: there would be no execution. On the 21st of November men heard, indeed, that troops were being poured into Manchester, that the streets were being barricaded, that the public buildings were strongly guarded, and that special constables were being sworn in by thousands. All this was laughed at as absurd parade. Ready as were Irishmen to credit England with revengeful severity, there was, in their opinion, nevertheless, a limit even to that. To hang Allen, O'Brien, and Larkin now, on the broken-down verdict, would, it was judged, be a measure of outrage which even the fiercest hater of England would frankly declare too great for her.

A few there were, however, who did not view the situation thus. They read in the respite of Shore, *fear*; and they gloomily reflected that justice or magnanimity towards the weak seldom characterizes those who exhibit cowardice towards the strong. *Shore was an American*. By this simple sentence a flood of light is thrown on the fact of respiting him alone amongst the four men admittedly concerned in the rescue. Shore was an American. He had a country to avenge him if legally slaughtered on a vitiated verdict. To hang *him* was dangerous; but as for Allen, Larkin, and O'Brien, *they had no country* (in the same sense) to avenge them. America was strong, but Ireland was weak. If it was deemed dangerous to sport with the life of the American, it was deemed safe to be brutal and merciless towards the Irishmen. On these the full arrear of British vengeance might be glutted.

But there were not many to discern, in the first flush of its proclamation, this sinister aspect of Shore's respite. The news reached Ireland on Friday, 22nd November, and was, as we have already said, generally deemed conclusive evidence that the next day would bring like news in reference to Allen, Larkin, and O'Brien.

Early next morning—Saturday, 23rd November, 1867—men poured into the cities and towns of Ireland reached by telegraphic communication, to learn "the news from Manchester." Language literally fails to convey an idea of the horror—the stupefaction—that ensued when that news was read:—

"This morning, at eight o'clock, the three condemned Fenians, Allen, Larkin, and O'Brien, were executed in front of Sulford Gaol."

Men gasped in awe-struck horror—speech seemed denied them. Could it be a dream, or was this a reality? Had men lived to see the day when such a deed could be done? For the reason that incredulity had been so strong before, wild, haggard horror now sat on every countenance, and froze the life-blood in every heart. Irishmen had lain quiescent, persuaded that in this seventh decade of the nineteenth century, some humanizing influences would be found to sway that power that in the past, at least, had ever been so merciless to Irish victims. But now! Alas!—

In that dreadful hour the gulf between the two nations seemed widened and deepened, until it gaped and yawned wide, deep, and dark as hell itself. There was a scowl on every brow. Men went about—sullen, moody, silent, morose—with clenched teeth and darkened faces, terrible passions raging in their bosoms. For all knew that the sacrifice of those three Irish patriots was a cold-blooded and cowardly act of English policy, more than a judicial proceeding—an act of English panic, cowardice, hate, and terror. All knew that Allen, Larkin, and O'Brien would never have been hanged on the evidence of those forsworn witnesses, and on the verdict of that jury whose perjury or blunder was openly confessed and proclaimed, but for the political aspirations and designs of which the rescue was judged to be an illustration. Had their offence been non-political, they would not have been held a day on such a verdict. They were put to death for their political opinions. They were put to death for political reasons. Their execution was meant to strike terror into Irishmen daring to mutter of liberty. Had they been Americans, like Shore, they would have been respited; but as they were Irishmen, they were immolated.

The full story of how those patriots met their fate at the last reached Ireland two days afterwards, and intensified a thousandfold the national emotions. Men were alternately melted into tears or maddened into passion as they read that sad chapter of Irish martyrdom.

Even before the respite of Shore the government had commenced the most formidable military preparations in view of the bloody act of State policy designed for the 23rd. Troops were hurried by rail to all the English cities and towns where an "Irish element" existed; and Manchester itself resembled a city besieged. The authorities called for "special constables," and, partly attracted by the plenteous supply of drink and free feeding;¹ and partly impelled by their savage fury against the "Hirish" or the "Fenians,"—suddenly become convertible terms with English writers and speakers—a motley mass of several thousands,

mainly belonging to the most degraded of the population, were enrolled. All the streets in the neighbourhood of the prison were closed against public traffic, were occupied by police or "specials," and were crossed at close intervals by ponderous wooden barriers. Positions commanding the space in front of the scaffold were strategically scanned, "strengthened," and occupied by military. The scaffold was erected in a space or gap made in the upper part of the outer or boundary wall of the prison in New Bailey-street. The masonry was removed to the width necessary for the scaffold, which was then projected over the street, at the outer side of the wall. It was approached or ascended from the prison yard below, by a long wooden stair or stepladder, close alongside the wall on the inside. Against the wall on the inner side, on either hand of the scaffold, were erected platforms within about four feet below the wall coping. These platforms were filled with soldiers, "crouching down," as the reporters described, "with the muzzles of their rifles just resting on the top of the wall." The space in the street immediately beneath the scaffold was railed off by a strong wooden barrier, and outside this barrier were massed the thousands of police, special constables, and volunteers.

Footnote 1: (return)

The Manchester papers inform us that the specials were plentifully fed with hot pork pies and beer *ad libitum*, which seemed to have a powerful effect in bringing in volunteers from the lower classes.

On Friday the doomed men took leave for the last time of the few relatives allowed to see them. The parting of Larkin and his family is described as one of the most agonizing scenes ever witnessed. Poor Allen, although not quite twenty years of age, was engaged to a young girl whom he loved, and who loved him, most devotedly. She was sternly refused the sad consolation of bidding him farewell. In the evening the prisoners occupied themselves for some time in writing letters, and each of them drew up a "declaration," which they committed to the chaplain. They then gave not another thought to this world. From that moment until all was over, their whole thoughts were centred in the solemn occupation of preparing to meet their Creator. In these last hours Father Gadd, the prison chaplain, was assisted by the Very Rev. Canon Cantwell and the Rev. Father Quick, whose attentions were unremitting to the end. From the first the prisoners exhibited a deep, fervid religious spirit, which could scarcely have been surpassed among the earliest Christian martyrs. They received Holy Communion every alternate morning, and spent the greater part of their time in spiritual devotion. On Friday evening they were locked up for the night at the

usual hour,—about half-past six o'clock. In their cells they spent a long interval in prayer and meditation—disturbed ever and anon, alas! by the shouts of brutal laughter and boisterous choruses of the mob already assembled outside the prison walls. At length the fated three sought their dungeon pallets for the last time. "Strange as it may appear," says one of the Manchester papers chronicling the execution, "those three men, standing on the brink of the grave, and about to suffer an ignominious death, *slept as soundly* as had been their wont." Very "strange," no doubt, it appeared to those accustomed to see *criminals* die; but no marvel to those who know how innocent men, at peace with God and man, can mount the scaffold, and offer their lives a sacrifice for the cause of liberty.

Far differently that night was spent by the thronging countrymen of Broadhead, who came as to a holiday to see the "Fenians" die. Early on the preceding evening crowds had taken up their places wherever the occupying bodies of military, police, or specials did not prevent; and the pictures drawn of their conduct by the newspaper reporters, one and all, are inexpressibly revolting. It was the usual English crowd assembled to enjoy an execution. They made the air resound with laughter at obscene jokes, shouts, cries and repartees; and chorused in thousands [beneath the gallows!] snatches of "comic" ballads and pot-house songs, varied by verses of "Rule, Britannia" and "God save the Queen," by way of exultation over the Irish. Once or twice, in the early part of the night, the police had to remove the mob from the portion of the prison nearest the condemned cells, as the shouts and songs were painfully disturbing the hapless men engaged at that moment preparing for eternity.

Saturday, the 23rd November, dawned misty, murky, dull, and cold over Salford. During the first hours after the past midnight the weather had been clear and frosty, and a heavy hoar covered the ground; but as daylight approached, a thick mist or fog crept like a pallid pall over the waking city.

The condemned were roused from sound and tranquil slumbers about a quarter to five o'clock. Having dressed, they attended Mass, Rev. Canon Cantwell, Rev. Mr. Gadd, and Rev. Mr. Quick officiating. They heard this, their last Mass, with a fervour and solemnity which no words could describe. The Holy Sacrifice having been offered, the condemned and the three priests remained in prayer and spiritual exercises until seven o'clock, when the prisoners partook of breakfast. "The last preparations," says an English eye-witness, "were then begun. At twelve minutes to eight o'clock the executioner, Calcraft, and his assistant, were introduced into the cell in which the prisoners were placed, and the process of

pinioning their arms was gone through. The priests stood by the side of the unhappy men, administering the consolations of religion, and exhorting them to firmness to meet the last dreadful ordeal. The convicts, at this time," continues the English reporter, "manifested a remarkable fortitude. Not one of them flinched in the least."

The same eye-witness describes as follows the last act of the tragedy, with a brief general sketch of which we commenced this narrative:—

"At a quarter to eight o'clock the interior court of the gaol presented a strange and striking spectacle. Behind the wall in New Bailey-street was erected the long staircase leading to the scaffold, and by its side were platforms for the use of the military. The fog was so dense, that objects could be but faintly distinguished at a distance of thirty yards. Suddenly the words of military command were heard, and a company of the 72nd Highlanders marched round the Roundhouse, and took up a position in line at the foot of the staircase. Simultaneously, small detachments of the same regiment ascended to the platform, and crouched there, with their loaded rifles slightly projecting over the prison wall. At almost the same moment the heads of a line of soldiers arose above the parapet of the railway viaduct. A line of warders was formed in the gaol court. The sentries on duty ceased their walk; magistrates and reporters stood aside, and a dead silence prevailed for a few moments, as a signal was given from the corner of the Roundhouse. At three minutes past eight o'clock the solemn voice of a minister repeating the litany of the Catholic Church was heard, and the head of the procession became visible through a thick fog, about thirty yards from the foot of the staircase. The Rev. Canon Cantwell walked first by the side of Allen. The convict was deadly pale; his eyes wandered alternately from the priest to the individuals standing round, and then he uplifted his gaze, in a vain endeavour to pierce the dense canopy which hung above him. He walked with a tolerably steady step, and uttered the response, 'Lord, have mercy upon us,' in a firm voice."

Next to him came Larkin, in whose appearance confinement and anxiety of mind had wrought a striking change. His physical strength seemed shaken, and he required to be assisted by one of the warders in ascending the long wooden stair that led to the scaffold. Last of all came O'Brien, whose noble, firm, and dignified bearing won the approbation of everyone who beheld him. A partition running in the line of the wall divided the scaffold into an outer and an inner platform, a small door opening between them. Allen and O'Brien, and their

attendants, having reached the top of the stair, waited on the inner platform until Larkin and the rest of the attendant warders and officials came up. Then, all being ready, the door was flung open, and the boy-martyr was first led out upon the drop. His face, which was deathly pale, appeared working with the effects of strong mental agony. The high priest of English rule over Irishmen, Calcraft, came forward, placed the treacherous noose around Allen's neck, pulled a thin white cap over his ashen face, and then stooped, and securely tied his feet together. The pinioning of the arms, which had been done in the cell, allowed his hands, from the elbows downward, sufficient freedom to clasp on his breast a crucifix, which ever and anon, as he spoke aloud the responses of the litany, the poor young fellow seemed to press closer and closer to his heart.

Next O'Brien was led forth. On his fine manly face the closest scrutiny could not detect a trace of weakness. He looked calmly and sadly around; then, stepping up to where Allen stood capped and pinioned, he clasped him by the hand, and kissed him affectionately on the cheek, speaking to him a word or two not overheard. Then O'Brien himself was placed by Calcraft on the drop, the rope was fixed upon his neck, the cap was drawn on his face, and his feet were securely bound.

Larkin was now brought out, and led directly to his place on the left hand of O'Brien, who was in the middle. The sight of his two brother-martyrs capped and pinioned, and with the fatal cord around each neck, seemed to unman the poor fellow utterly. He stumbled on touching an uneven plank on the scaffold, so that many thought he had fainted; but it was not so, though he unquestionably was labouring under intense agony of mind. O'Brien, firm and unshrinking to the last, turned and looked at him encouragingly, and to him also spoke a few words in a low tone.

Calcraft now disappeared from view, and the three men stood for a moment before the multitude, their voices ringing out clearly in the still morning air, "Lord Jesus, have mercy on us." Suddenly the click of the bolts was heard; the three bodies sunk through the traps; England's three halters strained, and tugged, and twitched convulsively for a few moments, and the deed was done—her vengeance was accomplished.

That afternoon, her functionaries bore to three grave-pits in the prison-yard three lumps of lifeless clay, that a few short hours before had been three of God's noblest creatures. Like carrion, they were flung into those unconsecrated pits,

and strewed with quicklime. For this was British law. The wolf and the tiger leave some vestiges of their victims; but a special ordinance of English law required even the corpses of those martyred Irishmen to be calcined.

They had purposed addressing the crowd from the scaffold, but were prevented from so doing by order of the government! They had each one, however, committed to writing, as already mentioned, a last solemn message to the world. These declarations of the dying men were entrusted to the care of their confessor, who eventually gave them up for publication. They created the most intense and painful sensation in Ireland. They made more and more clear the, dreadful fact that the hapless men had been cruelly sacrificed. Standing, as it might be said, in the presence of their God and Judge, they one and all protested their innocence, and declared the falseness of the evidence on which they had been convicted. But not in querulous repining or denunciation were these truths proclaimed, but in language and with sentiments worthy of men who professed the faith preached by the Crucified on Calvary. Every line breathed the purest humility, the most perfect resignation, and the most intense devotion to God, mingled with the most fervent love of country. Those men were all of humble circumstances in life, and, with the exception of O'Brien, had but slight literary advantages; yet the simple pathos, beauty, and eloquence of their dying messages moved every heart. Poor Larkin was, of all three, the least endowed with education, yet his letter has been aptly described as "a perfect *poem* in prose." here append those memorable documents:—

DECLARATION OF WILLIAM PHILIP ALLEN.

I wish to say a few words relative to the charge for which I am to die. In a few hours more I will be going before my God. I state in the presence of that great God that I am not the man who shot Sergeant Brett. If that man's wife is alive, never let her think that I am the person who deprived her of her husband; and if his family is alive, let them never think I am the man who deprived them of their father.

I confess I have committed other sins against my God, and I hope He will accept of my death as a homage and adoration which I owe his Divine Majesty, and in atonement for my past transgressions against him.

There is not much use in dwelling on this subject much longer; for by this time I am sure it is plain that I am not the man that took away the life of Sergeant Brett.

I state this to put juries on their guard for the future, and to have them inquire into the characters of witnesses before they take away the lives of innocent men. But then, I ought not to complain. Was not our Saviour sold for money, and His life sworn away by false witnesses? With the help of the great God, I am only dying to a world of sorrow to rise to a world of joy. Before the judgment seat of God there will be no false witnesses tolerated; everyone must render an account for himself.

I forgive all the enemies I ever may have had in this world. May God forgive them. Forgive them, sweet Jesus, forgive them! I also ask pardon of all whom I have injured in any way.

In reference to the attack on the van, I confess I nobly aided in the rescue of the gallant Colonel Kelly and Captain Deasey. It is well known to the whole world what my poor country has to suffer, and how her sons are exiles the world over; then tell me where is the Irishman who could look on unmoved, and see his countrymen taken prisoners, and treated like murderers and robbers in British dungeons?

May the Lord have mercy on our souls, and deliver Ireland from her sufferings. God save Ireland!

WILLIAM PHILIP ALLEN.

DECLARATION OF MICHAEL LARKIN.

Men of the World—I, as a dying man, going before my God, solemnly declare I have never fired a shot in all my life, much less the day the attack was made on the van, nor did I ever put a hand to the van. The world will remember the widow's son's life that was sworn away, by which he leaves a wife and four children to mourn a loss. I am not dying for shooting Brett, but for mentioning Colonel Kelly's and Deasey's names in the court. I am dying a patriot for my God and my country, and Larkin will be remembered in time to come by the sons and daughters of Erin.

Farewell, dear Ireland, for I must leave you, and die a martyr for your sake. Farewell, dear mother, wife, and children, for I must leave you all for poor Ireland's sake. Farewell, uncles, aunts, and cousins, likewise sons and daughters of Erin. I hope in heaven we will meet another day. God be with you. Father in

heaven, forgive those that have sworn my life away. I forgive them and the world. God bless Ireland!

MICHAEL LARKIN.

DECLARATION OF MICHAEL O'BRIEN.

I have only to make these few remarks. I did not use a revolver or any other firearm, or throw stones, on the day that Colonel Kelly and Captain Deasey were so gallantly rescued. I was not present too, when the van was attacked. I say this not by way of reproach, or to give annoyance to any person; but I say it in the hope that witnesses may be more particular when identifying, and that juries may look more closely to the character of witnesses, and to their evidence, before they convict a person to send him before his God. I trust that those who swore to seeing me with a revolver, or throwing stones, were nothing more than mistaken. I forgive them from my heart, and likewise, I forgive all who have ever done me or intended to do me any injury. I know I have been guilty of many sins against my God; in satisfaction for those sins I have tried to do what little penance I could, and having received the sacraments of the Church, I have humbly begged that He would accept my sufferings and death, to be united to the sufferings and death of His innocent Son, through whom my sufferings can be rendered acceptable.

My Redeemer died a more shameful death, as far as man could make it, that I might receive pardon from Him and enjoy His glory in Heaven. God grant it may be so. I earnestly beg my countrymen in America to heal their differences, to unite in God's name for the sake of Ireland and liberty. I cannot see any reason, even the slightest, why John Savage should not have the entire confidence of all his countrymen. With reference to Colonel Kelly, I believe him to be a good, honorable man, unselfish, and entirely devoted to the cause of Irish freedom.

MICHAEL O'BRIEN.

So ends the story of the memorable events which gave three new names to the list of Ireland's martyrs; so closes the sad and thrilling record which tells how Allen, Larkin, and O'Brien died. Over the neglected plot in which their calcined remains are lying no stone stands inscribed with their names—no emblem to symbolize their religion or their nationality. But to that gloomy spot the hearts of

the Irish people will ever turn with affectionate remembrance; and the day will never come when, in this the land that bore them, the brave men whose ashes repose within it will be forgotten.



THE CRUISE OF THE JACKNELL

There was wild commotion among the Irish people in America, when, on the 6th of March, 1867, the Atlantic cable flashed across to them the news that on the previous night the Fenian circles, from Louth to Kerry, had turned out in arms, and commenced the long promised rebellion. It was news to send a thrill of excitement through every Irish heart—to fire the blood of the zealous men, who for years had been working to bring the Irish question to this issue; and news to cause profound and anxious thought to that large class of Irishmen who, deeply occupied with commercial and professional pursuits, are less energetic than the members of the Fenian Brotherhood in their political action, but who scarcely differ from them in principle. It was, for all who had Irish blood in their veins and Irish sympathies in their hearts, a serious consideration that once again the banner of insurrection against English rule had been unfurled in Ireland, and that on many a spot of Irish earth the organized forces of England were in conflict with the hastily collected, ill-supplied, and almost unarmed levies of Irish patriotism.

The question whether the cause of Ireland would be advantaged or injured by the struggle and its inevitable results, was differently answered by different minds. Some saw in the conflict nothing but defeat and suffering for the country—more, gyves and chains—more, sorrow and humiliation for her sons, and a fresh triumph for the proud and boastful power of England. Others, while only too well convinced that the suppression of the insurrectionary movement was sure to be speedily accomplished, viewed the position with a certain fierce and stern satisfaction, and discerned therein the germ of high hopes for the future.

But to certain of the Fenian leaders and Fenian circles in America, the news came with a pressing and a peculiar interest. They were largely responsible for the outbreak; the war was, in a manner, their war. Their late head-centre, James Stephens, was chargeable with it only in a certain degree. He had promised to initiate the struggle before the 1st of January of that year. Conscious that his veracity was regarded in somewhat of a dubious light by many of his followers, he reiterated the declaration with all possible passion and vehemence, and even went the length of swearing to it by invocations of the Most High, before public

assemblies of his countrymen. When the time came for the fulfilment of his pledges he failed to keep them, and was immediately deposed from his position by the disappointed and enraged circles which had hitherto trusted him. But in the meantime, relying on his engagement to lead off an insurrection in Ireland, those circles had made certain preparations for the event, and a number of their members, brave Irishmen who had had actual experience of war in the armies of America, had crossed the Atlantic, and landed in England and Ireland, to give the movement the benefit of their services. To these men the break-down of James Stephens was a stunning blow, an event full of shame and horror; they felt their honour compromised by his conduct; they considered that they could not return to America with their mission unattempted, and they resolved to establish their own honesty and sincerity at all events, as well as the courage and earnestness of the Fenian Brotherhood in Ireland, by taking the desperate course of engaging forthwith in open insurrection. It was in conformity with their arrangements, and in obedience to their directions, that the rising took place on the night of the 5th of March, 1867.

The ill success which attended the attempted insurrection was reported in America almost as soon as it was known in Ireland, by the agency of the Atlantic telegraph. But, whoever believed the statements of its speedy and utter collapse, which were forwarded through the cable, the Fenian circles certainly did not. They felt certain that the truth was being withheld from them, that the cable, which was an instrument in the hands of the British Government, was being employed to mislead them, and that when it reported all quiet in Ireland, and no movement afoot save that of the British troops employed in "scouring" the mountains of Cork and Tipperary, there was, in reality, a guerilla warfare being waged over a great extent of the country, and many a tough fight being fought in pass, and glen, and wood, amidst the picturesque scenery of the Munster counties. Their incredulity was but natural. They had no reason whatever to rely on the truthfulness of the cable messages. If there had been Fenian successes to report, it is very likely that no fair account of them would have been allowed to pass by that route. Still, as day after day went by, and brought no news of battles lost or won by any party, the conviction began to force itself on the minds of the American Fenians that the movement in Ireland was hanging fire, and that it was going hard with the brave men who had committed themselves to it at the outset. It was necessary that something should be done, if those men were to be sustained, and the outbreak developed into a struggle worthy of the cause, and of the long years of preparation, the bold threats and the glowing promises of the Fenian Brotherhood, the risks they had incurred, and the sacrifices they had

made.

What was to be done? What was most needed to give force and power to the insurrectionary uprising in Ireland? They knew the answer. Arms and officers were wanted. To supply them, at least in some measure, was, therefore, the great object that now presented itself to their minds. How they sought to accomplish it is known to the public—if the Attorney-General and his witnesses, at the opening of the Commission in Dublin, in November, 1867, told a true story.

Any references we shall here make to that particular subject, that is, to the alleged voyage of a Fenian cruiser conveying men and arms from New York to Ireland, shall be derived entirely from the statements made in open court on that occasion, with an extract or two from a document otherwise published. We shall add nothing to them, neither shall we vouch for the authenticity of all or any of them, for, at the time of our writing, "the Crown," as the government lawyers call themselves, are not yet done with some of the cases arising out of this alleged expedition. But, taking the narrative as we find it in the newspaper reports of the trials of Colonel John Warren and Augustine E. Costello, and in the lecture delivered in America, under the auspices of the Fenian Brotherhood, by Colonel S.R. Tresilian, John Savage, Esq., C.E.F.B. in the chair, reported in the *Irish People*, New York, and in other journals, we summarise briefly, as follows, its chief particulars.

It appears, then, that at the time to which we have referred, when the necessity of transmitting a quantity of arms, and sending a number of military leaders to Ireland for the sustainment of the insurrectionary movement had impressed itself on the minds of the Fenian leaders in America, they resolved on an attempt to supply, to some extent, those requirements. Two ways were open to them of setting about this difficult and hazardous undertaking. One was to avail of the ordinary mail steamers and trading ships between the two countries, send the men across as ordinary passengers, and ship the arms as goods of different kinds. Much had been done in that way during the previous three or four years, but it was plainly too slow and uncertain a process to adopt on the present occasion. The other course was to procure a vessel for this special purpose, freight her with the men and arms, place her under the command of a skilful and experienced captain, and trust to his skill and luck for landing the entire in safety somewhere on the west coast of Ireland.

This was the course adopted. How it was carried out, the Attorney-General, with

whatever degree of authority may attach to his words in such a case, has thus described:—

On the 12th of April, 1867, a party of forty or fifty men, almost all of whom had been officers or privates in the service of the American government, went down from New York to Sandyhook, in a steamer, a distance of about eighteen miles. There they found a brigantine of about 200 tons burden, which had been purchased for the expedition, and in that brigantine these men embarked, and sailed for Ireland. She was called the "Jacknell," and she sailed without papers or colours. For the purpose of keeping their movements as free from observation as possible, these men embarked without luggage—a rather extraordinary thing in men the great majority of whom had been officers in the American service. The commander of the expedition was named John F. Kavanagh, and he had filled the office of brigadier-general in the American army, and was at one time a member of the American Congress. These men had on board a very large quantity of arms, packed in piano-cases, cases for sewing machines, and wine barrels, in order to conceal them effectually; and the parcels were consigned to a merchant firm in Cuba. The ship steered for one day towards the West Indies, in order to avoid suspicion, and then shaped her course towards Ireland. Vessels occasionally came in sight, and when they did English colours were hoisted. Nothing remarkable occurred until Easter Sunday, April 29th, nearly nine days after they had sailed from New York. The parties determined to celebrate that day as a festival, and they hoisted the green flag with a sunburst, fired a salute, and changed the name of the vessel, calling her "Erin's Hope." Kavanagh then produced Fenian commissions, and distributed them, and also produced sealed orders, from which it appeared that he was to sail to Sligo Bay, and there land his men and arms; and if he found it impracticable to land them there, he was to proceed to some other place in Ireland. Some days after this, they came in sight of the coast of the county of Limerick, and then they sailed towards Sligo; but they overshot the mark, and arrived off the coast of Donegal. They then turned back, and arrived at Sligo Bay on the 20th of May.

The learned gentleman then went on to describe certain occurrences alleged to have taken place on board the vessel, while she remained in and about Sligo Bay. He said that on one evening a hooker came alongside, from which a man, who appeared to be a gentleman, got on board the brigantine. This person went down into the cabin, conversed with the officers, and told them the landing could not

be effected at Sligo, after which he returned on board the hooker, and sailed for the shore. The Attorney-General said:—

About the 26th of May the ship left the Sligo coast. On the 1st of June she arrived at Dungarvan. During the voyage councils were held on board. Provisions were running short, and they could not remain much longer at sea. These matters were made the subjects of discussion. Some were for going to America, and some for landing; and at last the conclusion was arrived at that the majority of the officers should be landed, and that the others should go either to America or to the Western Isles—the Hebrides. They hailed a large fishing boat, and offered the man on board £2 to put two men on shore. He went on board the brigantine, and when he did so, twenty-eight men who were hitherto concealed, rushed on board his ship. He asked them if he would land them at Helwick Point, and they said no, because there was a coastguard station there. They were eventually landed about two miles from that point, and they were compelled to wade through water three-and-a-half feet deep to the shore.

So far the learned gentleman, her Majesty's Attorney-General for Ireland. His statement was supported by the informations and the evidence of an informer, Daniel J. Buckley, the Judas of the expedition. He, however, represented Kavanagh as the captain of the vessel, and General James E. Kerrigan as chief of the military expedition. As to the armament on board, they had, he said, "some Spencer's repeating rifles, seven-shooters, and some Enfield rifles, Austrian rifles, Sharp's and Burnside's breech-loaders, and some revolvers. There were about 5,000 stand of arms on board, and three pieces of artillery, which would fire three-pound shot or shell. With these pieces the salute was fired on the occasion of hoisting the sunburst on Easter Sunday. As regards ammunition, there were about a million-and-a-half rounds on board."

Colonel S.R. Tresilian, in the lecture already alluded to, gave the following facetious account of the warlike stores which were on board the vessel:—

We found the cargo to consist of 5,000 rat-tail files, of different sizes and descriptions. Then there were several smaller files that mechanics carry in their pockets; then again there was the flat file, in respectable numbers, that are used for cutting on either edge, and that are carried in sheathes, to prevent the mechanics from cutting their neighbours' fingers. These files were to be distributed to the paupers in Ireland, to enable them to sharpen

their teeth, so that they could masticate animal food at the grand barbecue that was to be given on the landing of our vessel. Another portion of the cargo was 200,000 puff-balls and sugar-plums, for gratuitous distribution among our English friends and brethren in Ireland.

It surely was a daring venture to run that craft, freighted as she was, across the ocean, and sail her for days along the coast of Ireland. The lecturer gave the following account of her voyagings:—

The craft made three landings in Ireland, and one in England, and they were very near being captured several times. At no time were they over twelve miles from a British man-of-war, a frigate, ram, or gun-boat, and were continually annoyed by pilots. They were at sea 107 days; 38 days from America to Ireland, in which, they sailed 3,565 miles; 24 days round the coast of Ireland and England, 2,023 miles; 47 days from Ireland to America, 3,577 miles; making a grand total of 9,205 miles.

As regards the return voyage, the lecturer gave the following information:—

On the return trip they had, in starting from the coast of Ireland, one barrel sound bread, one barrel mouldy bread, one rice, pork 6 lbs., one box fish, one barrel of beef, one bushel of beans, two quarts of molasses, one-half lb. sugar, tea and coffee in sufficient quantities, one-third rations of water. They ran out of everything except bread and water before reaching the Banks of Newfoundland, where they received assistance from a fishing-smack, and again, off Boston, from a vessel bound to San Francisco. They succeeded in landing the entire cargo safely in America, and it is now in the hands of the Fenian Brotherhood.

It is a strange story altogether. The voyage of the vessel to and fro, and along the well-watched coast of Ireland, unchallenged by a British ship, is a fact of no small significance, even if it be not quite conclusive as regards the argument of the lecturer, that the Fenian Brotherhood of America can, when they please, land large supplies, men and arms, in Ireland. Then the interest of the narrative is greatly enhanced by some of its romantic incidents, more especially by the remarkable scene stated to have occurred on Easter Sunday morning.

News of the landing which had been effected near Dungarvan was quickly spread amongst the coastguards and the police, and a few hours afterwards some

twenty-seven men were under arrest, charged with having come into the country under suspicious circumstances. Amongst them were two whose trials for having formed part of an armed expedition destined to aid a rebellion in Ireland, have since been had at the Commission which opened in Dublin on the 28th of November, 1867, and whose spirited defence of themselves in the dock it is our purpose to record in these pages. They were Colonel John Warren, of the American army, and Augustine E. Costello.

The trial of the first-named of those gentlemen is likely, owing to the spirited and statesmanlike course which he adopted on the occasion, to become memorable for all time, and to have a prominent place in the histories of two great nations, England and America. One of its results, now actually in progress, is an alteration in the law of America, on a point of great importance to both countries; and this alteration will necessitate a corresponding change, if not in the law, at least in the practice, of the English courts. From these changes will ensue consequences of the utmost gravity to England, but of unquestionable advantage to the Irish people, and the cause which they have at heart; for all which the name of Colonel Warren will long be held in honour and in grateful remembrance among his countrymen.

Colonel Warren

Colonel Warren, who is a native of the town of Clonakilty, in the county of Cork, and of respectable parentage, emigrated to the United States some twelve years ago, and in due course of time, like most of his countrymen who transfer their domicile to that free and great country, he took out papers of naturalization, and became one of its adopted citizens. That act of naturalization is the declaration of a contract between the American government, on the one hand, and the new-made citizen on the other, whereby the latter formally and solemnly transfers his allegiance to that government, and withdraws it from any other which might previously have had a claim on it; and whereby the government, on its part, in exchange for that allegiance, engages to extend to him all the liberties and rights possessed by its native-born subjects—the benefit of its laws, the full scope of its franchises, the protection of its flag. In this way many hundreds of thousands of men, hunted by British law and British policy out of Ireland, have, during recent years, been added to the number of brave and devoted citizens possessed by the United States. But yet, it seems, the law of England affords no recognition to this transfer of allegiance, expressly denies the legality of any such act, and claims as subjects of the British crown, not only all persons born within British jurisdiction, but also their sons and grandsons, wherever their domicile and their place of birth may be. Between the British law on the subject of allegiance and the American system of naturalization, there is, therefore, an irreconcilable discrepancy; and the course taken by Colonel Warren, on his trial, was to bring this question of law between the two governments to a direct issue. He took his stand on his American citizenship; he claimed to be tried as an alien, and, on the bench refusing to accede to his demand, he abandoned all legal defence, directed his counsel to withdraw from the case, and put it upon his government to maintain the honour and vindicate the laws of America, by affording him the protection to which he was entitled.

Other Irishmen, naturalized citizens of America, had previously been tried and sentenced for Fenian practices, including acts done and words spoken by them in America, which would not have come within the cognizance of the court had they been tried otherwise than as British subjects; and in their addresses to the court they had made reference, proudly and hopefully, to the fact that they were

adopted sons of that great country; but none of them had struck upon a course so well calculated as that taken by Colonel Warren to raise the international question, and necessitate a distinct and speedy solution of it. He had a good case to go before the jury, had he allowed himself to be legally defended, and he was perfectly aware of that fact; but he clearly perceived that, by taking the other course, whatever might be the consequences to himself, he would be able to render better service, both to his adopted country and his native land. He took that course, and it is, therefore, that he is to-day in a British convict prison, far away from his home and friends, from his wife and his children, subject to all the restraints and indignities imposed by England on the vilest and meanest of her criminals, and with a term of fifteen years of such treatment decreed to him. Let us be able to say at least, that his countrymen are not unmindful of the sacrifice.

In the course of the trial, which was had before Chief Baron Pigot and Mr. Justice Keogh, in the Commission Court, Dublin, Colonel Warren offered some few remarks on the evidence, and put some questions to the witnesses, all of which showed considerable acumen on his part, and were thoroughly *ad rem*. He complained particularly of the manner in which his identification was obtained. Gallagher, who had piloted the "Erin's Hope" around the west coast of Ireland, swore to his identity as one of the party who were on board; but the prisoner contended that Gallagher's knowledge of him was acquired, not on board that vessel, but in Kilmainham gaol, where Gallagher had been his fellow-prisoner for some weeks, during which time he had abundant opportunities of learning his, Colonel Warren's, name, and the charge against him. But it was a vain thing, as far as the jury were concerned, to indulge in such criticisms of the evidence. There were times in Irish and in English history, when juries could rise above the panic of the hour, and refuse to minister to the passion of the government, but we have fallen upon other times, and, now-a-days, to be accused of a political crime means to be convicted.

A verdict of "guilty" against Colonel Warren was returned as a matter of course. On Saturday, November the 16th, he, with two other prisoners, was brought up for sentence. On the usual interrogatory being put to him, the following proceedings took place:—

I claim the privilege established by precedent. I have had no opportunity of making any remarks on my case, and I would now wish to say a few words.

THE CHIEF BARON—Just state what you have to say; we are ready to hear you.

WARREN—I desire, in the first place, to explain, while ignoring the jurisdiction of this court to sentence me, and while assuming my original position, my reasons for interfering in this case at all. I can see beyond my present position, the importance of this case, and I was desirous to instruct the jury, either directly or indirectly, of the importance of their decision, while never for a moment deviating from the position which I assumed. I submit that I effectually did that. They incautiously, and foolishly for themselves and the country of which they claim to be subjects, have raised an issue which has to be settled by a higher tribunal than this court.

PRISONER—I propose to show that the verdict is contrary to evidence.

THE CHIEF BARON—I must again tell you that you are not at liberty to do that.

PRISONER—I propose to answer briefly the question why the sentence of the court should not be pronounced upon me. Do I understand you to refuse me that privilege?

THE CHIEF BARON—Certainly not; but I am bound in point of law to refuse to hear you upon any matter respecting the verdict. We are bound by that verdict just as much as you are. That is the law.

PRISONER—What position do I stand in now, my lord? I have been indicted with a number of parties, one of whom had been identified in America. I have been tried and convicted. What position do I stand in now? Am I convicted on the evidence of Corydon, who swears that I belonged to the Fenian Brotherhood in 1863? Does that prove that I belonged to it in 1867?

The Chief Baron then explained that what he left to the jury was, that if they believed upon the evidence that on the 5th of March the prisoner belonged to the Fenian confederacy, having for its object the deposition of the Queen, he would be answerable for the acts done by his confederates, whether he was present or absent at the time.

PRISONER—You instructed the jury, at the same time, that the fact of my

holding the position of a colonel in '63 was sufficient corroboration of the evidence that I belonged to it in 1867.

THE CHIEF BARON—I told the jury that holding the rank of colonel was evidence for their consideration, upon which to determine whether you previously belonged to the Fenian confederacy. I told them they were at liberty to consider whether you would have got that rank if you then joined for the first time.

PRISONER—Precisely the same thing, but in different phraseology. Am I to understand that I have not liberty to address the court as to why sentence should not be pronounced upon me?

THE CHIEF BARON—You are not so to consider. You are at liberty to address the court, but you are not at liberty to comment upon the evidence to show that the verdict was wrong.

PRISONER—What can I speak on? To what can I speak, if not to something connected with my case? I am not here to refer to a church matter or any political question.

THE CHIEF BARON—I have informed you what we are bound to rule.

PRISONER—Then I state, my lord, that as an American citizen, I protest against the whole jurisdiction of this court, from the commencement of my arraignment down to the end of my trial. I protest against being brought here forcibly, and against my being convicted on the evidence of a man whom you yourselves designated a man of the most odious character. You instructed the jury pointedly on one occasion, and subsequently you said that no respectable jury could act on his evidence, and that it was a calamity for any government, to have to resort to the evidence of such a man. I do not wish to say anything disrespectful to this court, but I think I may say that if I stand here as a convicted felon, the privilege should be accorded to me that has been accorded to every other person who stood here before me in a similar position. There is a portion of the trial to which I particularly wish to refer. That is, in reference to the oath which it was stated the pilot was forced to take on board the vessel. Much importance was attached to this matter, and therefore I wish to ask you and others in this court to look and to inquire if there is any man here who could suppose that I am

scoundrel enough and ignorant enough to take an ignorant man, put a pistol to his face, and force him to take an oath I ask you, in the first place, not to believe that I am such a scoundrel, and in the second that I am not such an idiot. If I were at this moment going to my grave, I could say that I never saw that man Gallagher till I saw him in Kilmainham prison. These men, although they have been, day after day, studying lessons under able masters, contradicted each other on the trial, and have been perjuring themselves. Gallagher, in his evidence, swore that his first and second informations were false, and that he knew them to be false. It is contrary to all precedent to convict a man on the evidence of a witness who admits that he swore what was false. In America I have seen judges, hundreds of times, sentencing men who were taken off the table, put into the dock, and sent to prison. In this case, this poor, ignorant man was brought into Kilmainham gaol on the 1st of July. He knew my name, heard it called several times, knew of the act of which I was suspected, and, on the 2nd of August he was taken away. On the 12th of October he is brought back, and out of a party of forty or fifty he identifies only three. If that man came on board the vessel, he did so in his ordinary capacity as a pilot. He did his duty, got his pay, and left. His subsequent evidence was additions. With respect to the vessel, I submit that there was not a shadow of evidence to prove that there was any intention of a hostile landing, and that the evidence as to the identity of the vessel would not stand for a moment where either law or justice would be regarded. Now, as to the Flying Dutchman which it is said appeared on the coast of Sligo and on the coast of Dungarvan, in Gallagher's information nothing is said about the dimensions of the vessel. Neither length, breadth, or tonnage is given, but in making his second information he revised the first.

The prisoner then proceeded to argue that there was nothing to show that the vessel which had appeared in Sligo harbour was the same with that which had appeared off Dungarvan, except the testimony of the informer, Buckley, of which there was no corroboration. He also denied the truth of Corydon's evidence, in several particulars, and then went on to say—

As to the position in which I am now placed by British law, I have to repeat that I am an American citizen, and owe allegiance to the government of the United States. I am a soldier, and have belonged to the National Militia of America. Now, if war had broken out between the two countries, and that I had been taken prisoner, the English government, according to English law,

would hold me guilty of high treason. I would not be treated as an ordinary prisoner of war, but would be liable to be strung up at the yard arm. See then the position of England towards the United States. The Crown should not be in such haste to act thus. It was hardly a judicious policy. Andrew Johnson was the grandson of an Irishman; Mr. Seward was the son of an Irishwoman; General Jackson was the son of an Irishman; General Washington and Benjamin Franklin lived and died British subjects, if this law be correct. There is another point to which I wish to refer—it is to the manner in which my government has acted in this matter—

THE CHIEF BARON—We cannot allow you to enter into remarks on the conduct of any government. We have simply to sit here to administer the law which we are called upon to discharge.

THE PRISONER—I wish simply to call your attention to one point. On the 3rd of August I wrote to my government—

THE CHIEF BARON—I cannot allow you to refer to that.

THE PRISONER—The President of the United States, on a report submitted to him—

THE CHIEF BARON—I cannot allow you to proceed with any reference to what has been done by any government. We have nothing to do with the conduct of any government. We are only here to administer the law which we are sworn to administer.

THE PRISONER—I was simply going to state that while the vile officials of your government—

THE CHIEF BARON—We have nothing to do with the conduct of any government. We are here to dispense justice according to law, and whatever the officials of our government or of the American government have done cannot have the slightest influence upon our judgment. It can neither affect us favourably or unfavourably to the prisoner or to the Crown. We stand indifferently between both.

THE PRISONER—I beg simply to call your lordship's attention to the correspondence—

THE CHIEF BARON—We cannot allow you to do so. We cannot allow you to refer to the correspondence between the officials of one government and the officials of another.

THE PRISONER—If America does not resent England's conduct towards me, and protect that allegiance to her government which I proudly own is the only allegiance I ever acknowledged, I shall call on thirteen millions of Irishmen—

THE CHIEF BARON—I cannot allow you to use the position in which you stand there as the arena for those observations.

PRISONER—I must then state, in conclusion, that while I protest against the jurisdiction, I am confident that the position which I take will be sustained. I know that the verdict of the jury will be reversed, and while returning you, my lord, thanks for your kindness during the trial, I must say you have taken from me the privilege I am entitled to get. I am sure that I shall live longer than the British Constitution.

AUGUSTINE E. COSTELLO.

After the verdict had been returned against Colonel Warren, Augustine E. Costello was put on his trial, charged with the same offence—that of having formed one of the invading party who landed from the "Erin's Hope," in the neighbourhood of Dungarvan. He, too, was an adopted citizen of the United States, and he declared that he was anxious to follow the course that had been taken by his friend, Colonel Warren, in reference to his trial; but, deferring to the strongly-expressed wish of his counsel, he would leave his case in their hands. An able defence was made for him by Messrs. Heron and Molloy, Q.C., instructed by Mr. Scallan, Solicitor; but it was all in vain. When he was called on to say why sentence should not be pronounced on him, he delivered the following address in a loud tone of voice, his fresh young face glowing with emotion as he spoke, and his manner showing deep excitement, but withal a fearless and noble spirit:—

In answer to the question put to me by the Clerk of the Court, I will speak a few words. I don't intend to say much, and I will trespass on foibidden ground but as little as possible. I am perfectly satisfied that there has not

been one fact established or proved that would justify a conscientious and impartial jury in finding me guilty of treason-felony. There is an extreme paucity of evidence against me;—that everyone who has been here while this case has been proceeded with will admit frankly and candidly. We need no stronger proof of this fact than that the first jury that was empanelled to try me had, after a long and patient hearing of the case, to be discharged without having found me guilty of treason-felony. Ah! there were a few honest men on that jury. They knew that Augustine E. Costello was not guilty of the crime trumped up against him. They knew I was not guilty. Mr. Anderson, sitting there, knows that I am not a felon, but that I am an honest man; that as such I stand here in this dock, where Robert Emmett stood, where Robert Emmett spoke from; and the actions and the words of that Emmett have immortalized him, and he now lies embalmed in the hearts of the world.

The LORD CHIEF BARON—I cannot allow you to proceed in that strain.

COSTELLO—I can say to those assembled here, and who are now listening to me, that I stand here, branded, as I am, a felon, but with a clear conscience. No one can point the finger of scorn against me, and say I have sold my brother and committed perjury. Can every man in this court house lay his hand on his heart and say the same? Answer me, Mr. Anderson. Answer me, Governor Price.

The LORD CHIEF BARON—You are again transgressing. You had better stop for a moment or two; you seem to be excited.

COSTELLO—My lord, as you truly remark. I have allowed my feelings to run away with my discretion; but it is hard for a man to stand here, satisfied as I am of innocence, knowing full well that I have committed no wrong; it is hard for a man in the bloom of youth, when the world looks fair and prosperous to him—when all he loves is in that world—it is hard that a man should be torn from it, and incarcerated in a living tomb. My lords, I am an humble individual; I claim no rights but the rights that emanated from a Godhead—the rights that were given to me at the hour of my birth. That right is my inalienable liberty, and that no government, no people, has a right to take from me. I am perfectly satisfied to stand before a British tribunal to answer for acts or words of mine, if I break any of the laws of the country; but, my lords, you must admit that I have transgressed no law.

His lordship, Judge Keogh—I must now candidly admit that I have heard a great deal about that gentle nan that was not at all complimentary to him—but I say for myself that his lordship, Judge Keogh has dealt with me in the fairest manner he could have done. I have nothing to say against the administration of the law, as laid down by you; but I say a people who boast of their freedom—hold up their magnanimous doings to the world for approval and praise—I say those people are the veriest slaves in existence to allow laws to exist for a moment which deprive a man of liberty.

The LORD CHIEF BARON—It is impossible for a Court administering the law, to allow you to speak in such terms against such law.

[Augustine E. Costello.](#)

Augustine E. Costello.

COSTELLO—I speak under correction, my lord. You must, if you please, be assured that I do not attribute any wrong to your lordships—far be it from me; I acknowledge and again reiterate that. So far as the law is concerned, I have had a dose that has almost killed me; but if there was a little—a very little—justice mixed in that law, I would not be now addressing your lordships. Of the law I have had sufficient, but I have come to the conclusion that justice is not to be found inside a British courthouse. My lords, I complain, and grievously, of what my friend Colonel Warren and my friend General Halpin complained of—of being tried in this Court as a British subject; and I think your lordships will not reprimand me much for that expression. I left the shores of my native land—Ireland is the land of my birth, and I am proud to own it. I am proud to say that I am an Irishman, but I am also proud and happy to state that I am an adopted citizen of the United States; and while true to the land of my birth, I can never be false to the land of my adoption. That is not an original phrase, but it expresses the idea which I mean to convey. Now, my lords, my learned and very able counsel, who have conducted my case with the greatest ability and zeal, and of whom I cannot speak in terms of sufficient praise, demanded for me a jury half alien. I was refused it. I was born in this country, and I was, while breath remained in my body, a British subject. In God's name—if I may mention His holy name without sufficient reasons—

what affection should I have for England? You cannot stamp out the instincts that are in the breast of man—man will be man to the end of time—the very worm you tread upon will turn upon your feet. If I remained in this country till I descended to the grave, I would remain in obscurity and poverty. I left Ireland, not because I disliked the country—I love Ireland as I love myself—I left Ireland for the very good and cogent reason that I could not live in Ireland. But why could I not live here? I must not say; that would be trespassing. I must not mention why I was forced to leave Ireland—why I am now placed in this dock. Think you, my lords, that I would injure a living being—that I would, of my own free accord, willingly touch a hair upon the head of any man? No, my lords; far would it be from me; but that government which has left our people in misery—

The LORD CHIEF BARON—I cannot allow you to trespass on political grievances.

COSTELLO—I am afraid I am occupying the time of the court too much, but really a man placed in such a position as I now occupy, finds it necessary to make a few observations. I know it savours of a great deal that is bad and foul to be mixed up with Fenian rebels, assassins, and cut-throats. It is very bad; it is not a very good recommendation for a young man. Even were that fact proved home to me—that I were a Fenian—no act of mine has ever thrown dishonour on the name. I know not what Fenian means. I am an Irishman, and that is all-sufficient.

The prisoner then proceeded to criticise the evidence against him at considerable length. He declared emphatically that one of the documents sworn to be in his handwriting was not written by him. He thus continued:—

Your lordships are well aware that there are many contradictions in the informers' testimony, and now here is a matter which I am going to mention for the first time. Corydon, in his first information at Kilmainham, swears that he never knew me until he saw me at a Fenian pic-nic, and this he modifies afterwards by the remark, that any man would be allowed into these pic-nics on the payment of a certain sum. I did not pay much attention to what the fellow was saying about me, as I thought it did not affect me in the least; but this I can distinctly remember, that Mr. Anderson, jun.—and he is there to say if I am saying anything false—said that the evidence of Corydon did not affect any one of the six prisoners put in this dock but

another and myself. It is very strange if that was said by Mr. Anderson. He knew that there was nothing more to be got out of Corydon, the informer—that he had told everything he knew in his information, but on pressure there was found to be a little left in the sponge. They refreshed his memory a little, and he comes to think that he saw Costello at a meeting in 814 Broadway I think he gives it. And here is a singular occurrence—that Devany, who never swore an information against me, comes on the table and swears that he also saw me at 814 Broadway Here is one informer striving to corroborate the other. It is a well-known fact that these informers speak to each other, go over the evidence, and what is more likely thin that they should make their evidence to agree—say, "I will corroborate your story, you corroborate mine." By this means was it that the overt acts of the 5th of March, which took place at Stepside, Glencullen, and Tallaght, were brought home to Costello—a man who was 4,000 miles away, and living—and I say it on the word of a man, a Christian man—peaceably, not belonging to that confederation. I did not belong to the Fenian Brotherhood for twelve months before I left America, if I did belong to it at any other time, so help me God! God witnesses what I say, and he records my words above. It is a painful position to be placed in. I know I am a little excited. Were I to speak of this matter under other circumstances, I would be more cool and collected. Were I conscious of guilt—did I know that I merited this punishment, I would not speak a word, but say that I deserved and well merited the punishment about to be inflicted upon me. But, my lords, there never was a man convicted in this court more innocent of the charges made against him than Costello. The overt acts committed in the county of Dublin, admitting that the law of England is as it was laid down by your lordship, that a man, a member of this confederacy, if he lived in China, was responsible for the acts of his confederates—admitting that to be law, I am still an innocent man. Admitting and conceding that England has a right to try me as a British subject, I still am an innocent man. Why do I make these assertions? I know full well they cannot have any effect in lessening the term of my sentence. Can I speak for the sake of having an audience here to listen to me? Do I speak for the satisfaction of hearing my own feeble voice? I am not actuated by such motives. I speak because I wish to let you know that I believe myself innocent; and he would be a hard-hearted man, indeed, who would grudge me those few sentences. Now, my lord, I have observed I did not belong to the Fenian confederacy in March of this present year. I did not belong to the Fenian confederacy anterior to the period that Corydon and Devany allege that they saw me act as centre and

secretary to Fenian meetings; that, anterior to that period, I never took act or part in the Fenian conspiracy up to the period of my leaving America. Does it do me any good to make these statements? I ask favours, as Halpin said, from no man. I ask nothing but justice—stern justice—even-handed justice. If I am guilty—if I have striven to overthrow the government of this country, if I have striven to revolutionize this country, I consider myself enough of a soldier to bare my breast to the consequences, no matter whether that consequence may reach me on the battle-field or in the cells of Pentonville. I am not afraid of punishment. I have moral courage to bear all that can be heaped upon me in Pentonville, Portland, or Kilmainham, designated by one of us as the modern Bastile. I cannot be worse treated, no matter where you send me to. There never was a more infernal dungeon on God's earth than Kilmainham. It is not much to the point, my lord. I will not say another word about it. I believe I saw in some of the weekly papers that it would be well to appoint a commission to inquire—

The LORD CHIEF BARON—I cannot allow you to proceed with that subject.

COSTELLO—I will not say another word. I will conclude now. There is much I could say, yet a man in my position cannot help speaking. There are a thousand and one points affecting me here, affecting my character as a man, affecting my life and well-being, and he would be a hard-hearted man who could blame me for speaking in strong terms. I feel that I have within me the seeds of a disease that will soon put me into an early grave, and I have within my breast the seeds of a disease which will never allow me to see the expiration of my imprisonment. It is, my lord, a disease, and I hope you will allow me to speak on this subject, which has resulted from the treatment I have been subjected to. I will pass over it as rapidly as I can, because it is a nasty subject—Kilmainham. But the treatment that I have received at Kilmainham—I will not particularize any man, or the conduct of any man—has been most severe, most harsh, not fit for a beast, much less a human being. I was brought to Kilmainham, so far as I know, without any warrant from the Lord Lieutenant. I was brought on a charge the most visionary and airy. No man knew what I was. No one could tell me or specify to me the charge on which I was detained. I asked the magistrates at Dungarvan to advise me of these charges. They would not tell me. At last I drove them into such a corner as I might call it, that one of them rose up and said, with much force, "You are a Fenian." Now, my lords, that is a very

accommodating word. If a man only breaks a window now he is a Fenian. If I could bring, or if I had only the means of bringing, witnesses from America, I would have established my innocence here without a probability of doubt. I would have brought a host of witnesses to prove that Costello was not the centre of a circle in 1866. I would have brought a host of witnesses to prove that he was not the secretary of a circle—never in all his life. My lords, I speak calmly, and weigh well, and understand every word that I say. If I speak wrong, time will bring the truth to the surface, and I would sooner have fifteen years added to my sentence than that any man might say I spoke from this dock, which I regard as a holy place, where stood those whom I revere as much as I do any of our saints—

The LORD CHIEF BARON—I cannot suffer you to proceed thus.

COSTELLO—I would not speak one word from this dock which I knew to be other than truth. I admit there is a great deal of suspicion, but beyond that there are no facts proved to bring home the charge against me. What I have stated are facts, every one of them. Now, my lords, is it any wonder that I should speak at random and appear a little bit excited. I am not excited in the least. I would be excited in a degree were I expressing myself on any ordinary topic to any ordinary audience. It is my manner, your lordships will admit, and you have instructed the jury not to find me guilty, but to discharge me from the dock, if they were not positive that I was a Fenian on the 5th March. I believe these are the instructions that his lordship, Justice Keogh, gave to the jury—if I were not a Fenian on the 5th March, I was entitled to an acquittal. Well I was not a Fenian at that time. I say so as I have to answer to God. Now, to conclude. I have not said much about being an American citizen. For why? I am not permitted to speak on that subject. Now, as Colonel Warren remarked, if I am not an American citizen, I am not to be held responsible, but to the American Government. I did not press myself on that government. They extended to me those rights and those privileges; they said to me, "Come forward, young man; enrol yourself under our banner, under our flag; we extend to you our rights and privileges—we admit you to the franchise." I came not before I was asked. The invitation was extended to me. I had no love then, and never will have, towards England, and I accepted the invitation. I did forswear allegiance to all foreign potentates, and more particularly I forswore all allegiance to the Crown of Great Britain. Your lordships say that the law of the land rules that I had no right to do anything of the kind. That is a question for the

governments to settle. America is guilty of a great fraud if I am in the wrong.

The LORD CHIEF BARON—I cannot allow you to proceed in that line of argument.

COSTELLO—I will take up no more of your time. If I am still a British subject, America is guilty.

The LORD CHIEF BARON—I cannot allow you to refer either to the American people or to the American government.

COSTELLO—Would you allow me to state they enticed me from my allegiance to England; therefore she (America) is guilty of high treason?

The LORD CHIEF BARON—We cannot allow you to speak on that subject.

COSTELLO—I will conclude, then. I have nothing to say further than to thank your lordships for the latitude you have given me in these few remarks, and also to thank your lordships for your kindness during my trial. I know you have done me every justice; you did not strain the law against me; you did everything that was consistent with your duty to do, and I have nothing to complain of there. I must again thank my learned and able counsel for the able, zealous, and eloquent manner in which they defended me. I am at a loss for words to express the gratitude I owe to each and every one of those gentlemen who have so ably conducted my case. Now, my lords, I will receive that sentence which is impending. I am prepared for the worst. I am prepared to be torn from my friends, from my relations, from my home. I am prepared to spend the bloom of my youth in a tomb more dark and horrible than the tomb wherein the dead rest. But there is one consolation that I will bring into exile, if I may so call that house of misery—a clear conscience, a heart whose still small voice tells me that I have done no wrong to upbraid myself with. This is the consolation that I have,—that my conscience is clear. I know it appears somewhat egotistical for me to speak thus, but it is a source of consolation for me that I have nothing to upbraid myself with, and I will now say in conclusion, that if my sufferings can ameliorate the wrongs or the sufferings of Ireland. I am willing to be offered up as a sacrifice for the good of old Erin.

GENERAL W. HALPIN.

At the same Commission, before the same judges who had tried the cases of Colonel Warren and Augustine E. Costello, General William Halpin was put on his trial for treason-felony. It was alleged that he was one of the military officers of the Fenian organization, and, had been appointed to take command, in the Dublin district, in the rising which had taken place on the 5th of March; and this it was sought to prove by the evidence of the informers, Massey, Corydon, Devany, and others.

General Halpin employed no counsel, and undertook the conduct of his case himself. The considerations that had induced him to take this course he thus explained to the jury:—

Two reasons operated on my mind, and induced me to forego the advantage I would derive from having some of the able and learned counsel that plead at this bar. The first reason is, that if you, gentlemen, are a jury selected by the Crown, as juries are known to be selected heretofore in political cases— if you are, in fact, a jury selected with the express purpose of finding a verdict for the Crown—then, gentlemen, all the talent and ability that I could employ would avail me nothing. If, on the other hand, by any chance the Attorney-General permitted honest men to find their way into the box, then, gentlemen, lawyers were equally unnecessary for me.

Not an inaccurate view of the case, perhaps; the experience of the Fenian trials, from first to last, certainly goes to support it.

The general set about his work of defending himself with infinite coolness and self-possession. He was supplied with a chair, a small table, and writing materials in the dock. When he had any notes to make, he sat down, cleaned and adjusted his spectacles, and wrote out what he wanted. When he wished to cross-examine a witness, he removed his glasses, came to the front of the dock, and put his questions steadily and quietly, without a trace of excitement in his manner, but always with a close application to the subject in hand. One could almost refuse to believe, while listening to him, that he had not been educated and trained for the bar; and undoubtedly many of those who wear wigs and gowns in her Majesty's courts, are far from exhibiting the same degree of aptitude for the profession. But it was in his address to the jury that the

remarkable talents of the man were most brilliantly revealed. It was an extraordinary piece of argument and eloquence, seasoned occasionally with much quiet humour, and enriched with many passages that showed a high and courageous spirit. His scathing denunciations of the system of brutality practised towards the political prisoners in Kilmainham gaol, and his picture of Mr. Governor Price as "the old gorilla," will long be remembered. One portion of his remarks ran as follows:—

The whole conduct of the Crown, since my arrest, has been such as to warrant me in asserting that I have been treated more like a beast of prey than a human being. If I had been permitted to examine witnesses, I would have shown how the case had been got up by the Crown. I would have shown them how the Crown Solicitor, the gaolers, the head gaoler and the deputy gaolers of Kilmainham, and the Protestant chaplain of that institution, had gone in, day and night, to all the witnesses—to the cells of the prisoners—with a bribe in one hand and a halter in the other. I would have shown how political cases were got up by the Crown in Ireland. I would have shown how there existed, under the authority of the Castle, a triumvirate of the basest wretches that ever conspired to take away the lives and liberties of men. One of these represented the law, another the gibbet in front of the gaol, and another was supposed to represent the Church militant.

Here the Chief Baron interposed; but the prisoner soon after reverted to the subject, and said that every opportunity was taken in that gaol to wrong and torture the men incarcerated there on political charges. Every petty breach of discipline was availed of to punish them, by sending them down to work the crank, and reducing their scanty rations. For the crime of not saluting Mr. Governor Price, they were placed upon a dietary of seven ounces of what was called brown bread and a pint of Anna Liffey, in the twenty-four hours. Brown, indeed, the article was, but whether it deserved the name of bread, was quite another question. The turf-mould taken from the Bog of Allen was the nearest resemblance to it that he could think of. For his own part, he did not mean to complain of his rations—he could take either rough or smooth as well as most men; but what he would complain of was, the system of petty insults and indignities offered by Mr. Price and his warders to men of finer feelings than their own, and whom they knew to be their superiors. He concluded his address in the following terms:—

I ask you if I have not thoroughly and sufficiently explained away the terror, if I may use the term, of these papers, which were taken from walls and other places, to be brought against me here. I ask you, gentlemen, us reasonable men, if there be a shadow of a case against me? I ask you if I have been connected by an untainted witness with any act, in America or Ireland, that would warrant you in deciding that I was guilty of the charge with which I stand accused? Is there one single overt act proved against me; or have I violated any law for the violation of which I can be made amenable in this court? I ask you if, in these letters which have been brought up against me—one found in Thomas-street, another in the pocket of a fellow-prisoner—there is anything that can affect me? Recollect, gentlemen of the jury, that I speak to you now as men imbued with a spirit of justice. I speak to you, gentlemen, believing that you are honest, recognising your intelligence, and confident that you will give in a verdict in accordance with the dictates of your conscience. If you are the jury that the Attorney-General hopes you are, gentlemen of the jury, I am wasting time in speaking to you. If you are, gentlemen, that jury which the Attorney-General hopes to make the stepping-stone to the bench—for; gentlemen, I do not accuse the Attorney-General of wishing to prosecute me for the purpose of having me punished; I believe he is above any paltry consideration of that sort—but, gentlemen, all men are influenced by one motive or another, and the Attorney-General, though he is the first law officer of the Crown in Ireland, is human like ourselves; he is not above all human frailty, but like other men, doubtless, likes office, and likes the emolument which office brings. But, gentlemen of the jury, it will be your fault if you make your shoulders the stepping-stone for the Attorney-General to spring upon the bench. I say these words to you in sober, solemn earnestness. You are now trying a man who has lived all his life-time in a country where freedom is venerated and adored. You may believe, gentlemen, that you have the speech of freedom here; but I claim, gentlemen, that the real spirit of freedom has fled these shores many a century ago—has sped across the Atlantic, and perched upon American soil; and, gentlemen, it ought to be your wish and desire—as I am sure it is, for I am unwilling to believe that you are the men the Attorney-General deems you to be—to do me justice, and to prove that Dublin juries do not on all occasions bring in a verdict at the dictation of the Crown. Gentlemen, the principle of freedom is at stake. Every man that is born into this world has a right to freedom, unless he forfeits that right by his own misdemeanour. Perhaps you have read the Declaration of American

Independence. In that declaration, drawn up by one Thomas Jefferson, it is stated that every man born into this world is born free and equal; that he has the right—the inalienable right—to live in liberty and the pursuit of happiness. These are the cardinal principles of liberty. I claim these rights, unless I have forfeited them by my own misconduct. I claim there is not one particle, one scintilla, of evidence to warrant you in finding a verdict for the Crown. I have not conspired with General Roberts or any of these other generals. There is no evidence to show you anything about any such conspiracy, as far as I am concerned. With these facts before you, I ask you, as reasonable men, is there one particle of evidence to show that I am guilty of the charges preferred against me? I shall simply conclude by repeating the words with which I commenced—that I leave it between your conscience and your God to find a verdict according to the evidence and, the truth. I leave it to you in the name of that sacred justice which we all profess to venerate, and I ask you not to allow your passion or your prejudices to cloud your judgments—not to allow the country to say that the Dublin juries are in the breeches-pocket of the Attorney-General. Never let it be said that a prisoner, forced into your country, carried off from the steamer which was bearing him away from yours to his own, has been found guilty on the evidence of perjured witnesses. Never let the world say that a Dublin jury are not as honest as any other. Do not allow those acrimonious feelings which unfortunately in this country difference of sect engenders, to have anything to do with your verdict. As far as I am concerned, I ask no favour from you. I ask no favour from any man that lives in the world. I have always, gentlemen, adhered to my own principles, and will do so while I am able. If you consent to send me for my life to a penitentiary you will not make the slightest impression on me. I am pleading for life and liberty—I am pleading in the cause of justice, and I leave it in your hands. I demand that you should exercise your best judgement to render a verdict before the Omnipotent Creator of the universe, who is looking into your hearts as well as mine—to render a verdict for which you will be sorry—to render a verdict that your countrymen will cheer—to render a verdict that will make you venerated and admired in the land of your birth while you live on this earth.

The jury, however, found not for the prisoner, but for the Crown.

When General Halpin took his place in the dock with, his fellow "convicts," Colonel Warren and Augustine E. Costello, to receive his sentence, he appeared

calm and unimpassioned as ever. The question why sentence should not be passed on him having been put—

The Prisoner said that before he spoke to the question put him by the Clerk of the Crown, he wished to say a few words on another topic. The day before yesterday he was handed by the governor of Kilmainham a letter which had come from America, and enclosed a draft. The draft the governor refused to give up, and also refused to state what disposition he intended to make of it. The deputy governor had other moneys of his, and he requested that those, as well as the draft, should be restored to him.

The Attorney-General, in an undertone, having addressed some observations to the bench.

The Lord Chief Baron said that the prisoner, having been convicted of felony, his property was at the disposal of the authorities, and that any representation he had to make on the subject should be made to the government.

Halpin said he wished that the money might be transferred to the governor of whatever gaol he was to be imprisoned in, so that he might have the use of it to purchase necessaries should he require them.

LORD CHIEF BARON—If you desire to make any representation it must be through the government.

PRISONER—I don't wish to make any representation to the government on the subject. I will permit the government to add robbery to perjury.

The Prisoner, in reply to a question asked by the Clerk of the Crown, said that justice had not been dealt out to him as he thought it might have been. He had been prevented by the Crown from getting witnesses for his defence, and from seeing his witnesses, while the Crown had taken four months to get their witnesses properly trained, and to ransack all the Orange lodges of Dublin for jurors. He complained of the rules of the gaol, and of the law that permitted them to be in force, and said:—

I deny the jurisdiction of this court in common with Colonel Warren. I owe no allegiance to this country, and were I a free man to-morrow I would sooner swear allegiance to the King of Abyssinia than give half-an-hour's

allegiance to the government of this country—a government that has blasted the hopes of half the world and disgusted it all. I am not, I suppose, permitted to speak of the verdict given against me by the jury. It was entirely unnecessary for the Crown to produce one single witness against me. The jury had their lesson before they came to the box.

THE CHIEF BARON—It is impossible for me to allow you to proceed with this line of observation.

HALPIN—I wish to simply say that the jury exhibited an extreme anxiety to find a verdict against me before I had even said a word to them. I saw their anxiety. I knew from the moment they were put into the box that a verdict of guilty would be returned against me. I knew it from looking at the conduct of the jury in the box.—I knew it from the way the jury were empanelled, and I knew the Attorney-General relied upon the jury for a verdict when he set three citizens aside. I therefore conclude, and rightly, that all the eloquent talent that ever pleaded at this bar would be entirely useless to me whilst such a jury was in the box. The Crown, in order to give some colour to the proceedings, thought proper to produce several witnesses against me. Eleven witnesses were examined, and out of these no less than nine committed absolute, diabolical, and egregious perjury.

THE CHIEF BARON—You are transcending the limit within which the law confines you.

HALPIN—I do not blame you for enforcing the law as it stands. By no means. I have to thank your lordship for your kindness during the progress of my trial. I do not blame you, because the law stands as it does, but what I say is—that the law is absurd in taking me and trying me as a British subject whilst I am a citizen of the United States, without a particle of evidence to show that I was born under the jurisdiction of the British Crown. I must say that I look to another place, another government, and another people to see that justice shall be done me.

THE CHIEF BARON—Here again you are transcending the limits which the law allows. We could not deal with any consideration connected with what any government will do.

HALPIN—I am aware that it is not within your province to deal with the

acts of another government, but I may be permitted to say this—that the outrages offered me and those gentlemen who claim, like me, to be citizens of the United States will be gladly submitted to if they only have the effect of making the sword of Brother Jonathan spring from its scabbard.

THE CHIEF BARON—I cannot suffer you to proceed with this line of observation. I cannot suffer to make this a place of appeal to persons in this country or in America.

HALPIN—I am not making any appeal to any man. Although I was found guilty by a jury of this court I deem my conduct above reproach. I know how I have been convicted, and will still assert that the first gun fired in anger between this country and America will be a knell of comfort to my ears.

THE CHIEF BARON—I will be compelled to remove you from where you are now if you proceed with this line of observation.

HALPIN—Well, then, if I am not permitted to say that,—

CHIEF BARON—You are not permitted to make any observation upon what any government of any country may do.

HALPIN—I think the reference has not anything to do with any government or any country. It refers to a fact that will come to pass, and when I shall hear the death-knell of this infamous government.

The CHIEF BARON—I will not allow you to proceed.

HALPIN—Well, I cannot be prevented thinking it. Now, I will refer to a subject which I may be allowed to speak upon. You will recollect that I had addressed a letter to Mr. Price, asking him to furnish me, at my own expense, with two of the morning papers—the *Irish Times* and *Freeman's Journal*. I believe they are both loyal papers; at least they claim to be loyal, and I have no doubt they are of the admitted character of loyalty registered in the principles of Dublin Castle. The reason why I wanted these papers was, that I believed that the best reports of the trials since the opening of the Commission, would be found in them. I said to Mr. Price that it was important that I should see all the evidence given by the informers who were to be produced against me, to enable me to make up my defence. I

was denied, even at my own expense, to be furnished with these papers, and that I complain of as a wanton outrage. Perhaps Mr. Price was governed by some rule of Kilmainham, for it appears that the rules of Kilmainham are often as far outside the law of the country as I have been said to be by the Attorney-General. In fact, Mr. Price stated when giving his testimony, that he was not governed by any law or rule, but that he was governed solely and entirely by his own imperial will.

CHIEF BARON—That I cannot allow to be said without at once setting it right. Mr. Price said no such thing. He said that with respect to one particular matter—namely, the reading of prisoners' correspondence, he was bound to exercise his own discretion as to what he would send out of the gaol, and what he would hold. This is the only matter in which Mr. Price said he would exercise his own discretion.

PRISONER.—I think, my lord, you will allow your memory to go back to the cross-examination of Mr. Price, and you will find that when I asked him by what authority he gave the letters he suppressed into the hands of the Crown to be produced here, he stated he had no other authority than his own will for so doing.

CHIEF BARON—You are quite right with respect to the correspondence.

PRISONER—I say he violated the law of the land in so doing, and I claim that he had no right to use those letters written by me in my private capacity to friends in America, asking for advice and assistance, and the very first letter that he read was a letter written to a man named Byrne. That, you may recollect, was put into the hands of the Attorney-General—kept by him for four months. That was the first intimation I had of its suppression or of its production here by the Crown. Now, the letter was addressed to a friend in New York, asking him to look after my trunk, which had been taken away without my consent by the captain of the vessel in which I was arrested. Mr. Price never told me he suppressed that letter, and I was three months waiting for a reply, which, of course, I did not receive, as the letter never went. Mr. Price suppressed another letter yesterday. It was written to a friend of mine in Washington, in relation to my trial and conviction, and asking him to present my case to the President of the United States, detailing the case as it proceeded in this court. Mr. Price thought proper to suppress that letter, and I ask that he be compelled to produce it, so that, if

your lordships think fit, it may be read in court.

THE CHIEF BARON—I cannot do that. I cannot have a letter of that character read in open court.

HALPIN—Am I entitled to get the letter to have it destroyed, or is Price to have it, to do with it as he pleases?

THE CHIEF BARON—I can make no order in the matter.

HALPIN—Then Price is something like Robinson Crusoe—"Monarch of all he surveys;" monarch of Kilmainham; and when I ask if he is to be controlled, I find there is no law to govern him.

THE CHIEF BARON—you have now no property in these letters, being a convict.

THE PRISONER—I will very soon be told I have no property in myself. I claim to have been arrested on the high seas, and there was then no case against me, and the Crown had to wait four months to pick up papers and get men from Stepside, and arrange plans between Mr. Price and his warders to fill up any gap that might be wanted. I was arrested out of the *habeas corpus* jurisdiction, without authority, and detained four months in gaol until the Crown could trump up a case against me. Have I not a right to complain that I should be consigned to a dungeon for life in consequence of a trumped-up case? I am satisfied that your lordships have stated the case as it stands, but I am not satisfied that I have been convicted under any law. I have been four months in durance vile, and vile durance it has been. The preachers tell us that hell is a very bad place, and the devil a very bad boy, but he could not hold a candle to old Price.

THE CHIEF BARON—You are trespassing very much upon a very large indulgence. I must adopt a more decisive course if you persevere.

HALPIN (laughing)—Well, my lord, I will say no more about the old gorilla. The Crown officers have laid much stress upon the fact that I have travelled under different names, and therefore I was guilty of a great crime. I have precedent for it when I read in the papers that some continental monarchs travel under an assumed name, and I hear that the Prince of Wales does so also when he thinks proper to go the London brothels.

At this point the Court cut short his address, and Chief Baron Pigot proceeded to pass sentence on the three prisoners.

THE SENTENCES.

After some share of preliminary remarks, the Chief Baron announced the sentence of the court. It was for

John Warren, 15 years' penal servitude.

William Halpin, 15 years' penal servitude.

Augustine E. Costello, 12 years' penal servitude.

The prisoners heard the announcement without manifesting any emotion. General Halpin remarked that he would take fifteen years more any day for Ireland. Colonel Warren informed the Court that he did not think a lease of the British Empire worth thirty-seven-and-a-half cents; and then all three, followed by a *posse* of warders, disappeared from the dock.

And thus were three men of education and ability added to the hundreds who are now rotting their lives away in British dungeons, because of the love they bore to their country, and their hatred of the misrule which makes her the most afflicted and miserable land on earth. It is hard for Ireland to see such men stricken down and torn from her upon such an accusation; yet, looking at the noble bearing of that long list of devoted men when confronted with the worst terrors to which their enemies could subject them, she has something which may well cause the light of pride to glisten in her eyes, even while the tears of love and pity are falling from them. And we would say to her in the noble words of a French writer, one of the many generous-hearted foreigners, whose affectionate admiration has been won by her sufferings and her constancy, the Rev. Adolphe Perraud, Priest of the Oratory, Paris:—

"Take heart! your trials will not last for ever; the works of iniquity are passing and perishable: 'Vidi impium super exaltatum et elevatum sicut cedros Libani, et ecce non erat!' (Ps. cxvii.) Patience, then, even still! Do not imagine that you are forsaken: God forsakes not those that believe in Him. The day of retribution will come—to teach men that no struggle against right is rightful, that probation

is not abandonment; that God and conscience have unimagined resources against brutal spoliation and the triumphs of injustice; and that if men are often immoral in their designs and actions, there is still in the general course of history a sovereign morality, and judgments the forerunners of the infallible judgment of God."

FINIS.

END OF THE PROJECT GUTENBERG EBOOK THE DOCK AND THE SCAFFOLD

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