

The Wearing of the Green eBook

The Wearing of the Green by A M Sullivan

The following sections of this BookRags Literature Study Guide is offprint from Gale's For Students Series: Presenting Analysis, Context, and Criticism on Commonly Studied Works: Introduction, Author Biography, Plot Summary, Characters, Themes, Style, Historical Context, Critical Overview, Criticism and Critical Essays, Media Adaptations, Topics for Further Study, Compare & Contrast, What Do I Read Next?, For Further Study, and Sources.

(c)1998-2002; (c)2002 by Gale. Gale is an imprint of The Gale Group, Inc., a division of Thomson Learning, Inc. Gale and Design and Thomson Learning are trademarks used herein under license.

The following sections, if they exist, are offprint from Beacham's Encyclopedia of Popular Fiction: "Social Concerns", "Thematic Overview", "Techniques", "Literary Precedents", "Key Questions", "Related Titles", "Adaptations", "Related Web Sites". (c)1994-2005, by Walton Beacham.

The following sections, if they exist, are offprint from Beacham's Guide to Literature for Young Adults: "About the Author", "Overview", "Setting", "Literary Qualities", "Social Sensitivity", "Topics for Discussion", "Ideas for Reports and Papers". (c)1994-2005, by Walton Beacham.

All other sections in this Literature Study Guide are owned and copyrighted by BookRags, Inc.

Contents

The Wearing of the Green eBook.....	1
Contents.....	2
Table of Contents.....	6
Page 1.....	7
Page 2.....	9
Page 3.....	10
Page 4.....	11
Page 5.....	13
Page 6.....	14
Page 7.....	15
Page 8.....	16
Page 9.....	17
Page 10.....	18
Page 11.....	19
Page 12.....	20
Page 13.....	21
Page 14.....	22
Page 15.....	23
Page 16.....	24
Page 17.....	25
Page 18.....	26
Page 19.....	27
Page 20.....	28
Page 21.....	29
Page 22.....	30

Page 23.....	31
Page 24.....	33
Page 25.....	35
Page 26.....	37
Page 27.....	39
Page 28.....	41
Page 29.....	43
Page 30.....	45
Page 31.....	46
Page 32.....	47
Page 33.....	48
Page 34.....	49
Page 35.....	50
Page 36.....	51
Page 37.....	52
Page 38.....	54
Page 39.....	55
Page 40.....	56
Page 41.....	57
Page 42.....	58
Page 43.....	59
Page 44.....	60
Page 45.....	62
Page 46.....	64
Page 47.....	65
Page 48.....	66

Page 49.....	67
Page 50.....	68
Page 51.....	69
Page 52.....	70
Page 53.....	71
Page 54.....	72
Page 55.....	73
Page 56.....	74
Page 57.....	75
Page 58.....	76
Page 59.....	77
Page 60.....	78
Page 61.....	79
Page 62.....	80
Page 63.....	81
Page 64.....	82
Page 65.....	83
Page 66.....	84
Page 67.....	85
Page 68.....	86
Page 69.....	87
Page 70.....	88
Page 71.....	89
Page 72.....	90
Page 73.....	91
Page 74.....	92

Page 75.....	93
Page 76.....	94
Page 77.....	95
Page 78.....	96
Page 79.....	98

Table of Contents

Section	Table of Contents	Page
Start of eBook		1
THE		1
THE		1

Page 1

THE

"Wearing of the green,"

OR

The prosecuted funeral procession.

* * * * *

Let the echoes fall unbroken;
Let our tears in silence flow;
For each word thus nobly spoken,
Let us yield a nation's woe;
Yet, while weeping, sternly keeping
Wary watch upon the foe.

Poem in the "Nation."

Dublin:

A.M. Sullivan, Abbey street.

1868.

THE

Prosecuted funeral procession.

* * * * *

The news of the Manchester executions on the morning of Saturday, 23rd November, 1867, fell upon Ireland with sudden and dismal disillusion.

In time to come, when the generation now living shall have passed away, men will probably find it difficult to fully realize or understand the state of stupor and amazement which ensued in this country on the first tidings of that event; seeing, as it may be said, that the victims had lain for weeks under sentence of death, to be executed on this date. Yet surprise indubitably was the first and most overpowering emotion; for, in truth, no one up to that hour had really credited that England would take the lives of those three men on a verdict already publicly admitted and proclaimed to have been a blunder. Now, however, came the news that all was over—that the deed was done—and soon there was seen such an upheaving of national emotion as had not been

witnessed in Ireland for a century. The public conscience, utterly shocked, revolted against the dreadful act perpetrated in the outraged name of justice. A great billow of grief rose and surged from end to end of the land. Political distinctions disappeared or were forgotten. The Manchester Victims—the Manchester Martyrs, they were already called—belonged to the Fenian organization; a conspiracy which the wisest and truest patriots of Ireland had condemned and resisted; yet men who had been prominent in withstanding, on national grounds, that hopeless and disastrous scheme—priests and laymen—were now amongst the foremost and the boldest in denouncing at every peril the savage act of vengeance perpetrated at Manchester. The Catholic clergy were the first to give articulate expression to the national emotion. The executions took place on Saturday; before night the telegraph had spread the news through the island; and on the next morning, being Sunday, from a thousand altars the sad event was announced to the assembled worshippers, and prayers were publicly offered for the souls of the victims. When the news was announced, a moan of sorrowful surprise burst from the congregation, followed by the wailing and sobbing of women; and when the priest, his own voice broken with emotion, asked all to join with him in praying the Merciful God to grant those young victims a place beside His throne, the assemblage with one voice responded, praying and weeping aloud!

Page 2

The manner in which the national feeling was demonstrated on this occasion was one peculiarly characteristic of a nation in which the sentiments of religion and patriotism are so closely blended. No stormy “indignation meetings” were held; no tumult, no violence, no cries for vengeance arose. In all probability—nay, to a certainty—all this would have happened, and these ebullitions of popular passion would have been heard, had the victims not passed into eternity. But now, they were gone where prayer alone could follow; and in the presence of this solemn fact the religious sentiment overbore all others with the Irish people. Cries of anger, imprecations, and threats of vengeance, could not avail the dead; but happily religion gave a vent to the pent-up feelings of the living. By prayer and mourning they could at once, most fitly and most successfully, demonstrate their horror of the guilty deed, and their sympathy with the innocent victims.

Requiem Masses forthwith were announced and celebrated in several churches; and were attended by crowds everywhere too vast for the sacred edifices to contain. The churches in several instances were draped with black, and the ceremonies conducted with more than ordinary solemnity. In every case, however, the authorities of the Catholic church were careful to ensure that the sacred functions were sought and attended for spiritual considerations, not used merely for illegitimate political purposes; and wherever it was apprehended that the holy rites were in danger of such use, the masses were said privately.

And soon public feeling found yet another vent; a mode of manifesting itself scarcely less edifying than the Requiem Masses; namely, funeral processions. The brutal vengeance of the law consigned the bodies of Allen, Larkin, and O’Brien to dishonoured graves; and forbade the presence of sympathising friend or sorrowing relative who might drop a tear above their mutilated remains. Their countrymen now, however, determined that ample atonement should be made to the memory of the dead for this denial of the decencies of sepulture. On Sunday, 1st December, in Cork. Manchester, Mitchelstown, Middleton, Limerick, and Skibbereen, funeral processions, at which thousands of persons attended, were held; that in Cork being admittedly the most imposing, not only in point of numbers, but in the character of the demonstration and the demeanour of the people.

For more than twenty years Cork city has held an advanced position in the Irish national struggle. In truth, it has been one of the great strongholds of the national cause since 1848. Nowhere else did the national spirit keep its hold so tenaciously and so extensively amidst the people. In 1848 Cork city contained probably the most formidable organization in the country; formidable, not merely in numbers, but in the superior intelligence, earnestness, and determination of the men; and even in the Fenian conspiracy, it is unquestionable

Page 3

that the southern capital contributed to that movement men—chiefly belonging to the mercantile and commercial classes—who, in personal worth and standing, as well as in courage, intelligence, and patriotism, were the flower of the organization. Finally, it must be said, that it was Cork city by its funeral demonstration of the 1st December, that struck the first great blow at the Manchester verdict, and set all Ireland in motion.

[Footnote: It may be truly said set the Irish race all over the world in motion. There is probably no parallel in history for the singular circumstance of these funeral processions being held by the dispersed Irish in lands remote, apart, as pole from pole—in the old hemisphere and in the new—in Europe, in America, in Australia; prosecutions being set on foot by the English government to punish them at both ends of the world—in Ireland and in New Zealand! In Hokatika the Irish settlers—most patriotic of Ireland's exiles—organized a highly impressive funeral demonstration. The government seized and prosecuted its leaders, the Rev. Father Larkin, a Catholic clergyman, and Mr. Wm. Manning, editor of the *Hokatika Celt*. A jury, terrified by Fenian panic, brought them in “guilty,” and the patriot priest and journalist were consigned to a dungeon for the crime of mourning for the dead and protesting against judicial murder.]

Meanwhile the Irish capital had moved, and was organizing a demonstration destined to surpass all that had yet been witnessed. Early in the second week of December, a committee was formed for the purpose of organizing a funeral procession in Dublin, worthy of the national metropolis. Dublin would have come forward sooner, but the question of the *legality* of the processions that were announced to come off the previous week in Cork and other places, had been the subject of fierce discussion in the government press; and the national leaders were determined to avoid the slightest infringement of the law or the least inroad on the public peace. It was only when, on the 3rd of December, Lord Derby, the Prime Minister, replying in the House of Lords to Lord Dufferin, declared the opinion of the crown that the projected processions were not illegal, that the national party in Dublin decided to form a committee and organize a procession. The following were Lord Derby's words:—

“He could assure the noble lord that the government would continue to carry out the law with firmness and impartiality. The Party Processions Act, however, did not meet the case of the funeral processions, the parties engaged in them having, by not displaying banners or other emblems, kept within the law as far as his information went.”

Still more strong assurance was contained in the reply of the Irish Chief Secretary, Lord Mayo, to a question put by Sir P. O'Brien in the House of Commons. Lord Mayo publicly announced and promised that if any new opinion as to the legality of the processions should be arrived at—that is, should the crown see in them anything of illegality—*due and timely notice would be given* by proclamation, so that no one might offend through ignorance. Here are his words:—

Page 4

“It is the wish of the government to act strictly in accordance with the law; *and of course ample notice will be given either by proclamation or otherwise.*”

The Dublin funeral committee thereupon at once issued the following announcement, by placard and advertisement:—

God save Ireland!
A public funeral procession

In honour of the Irish Patriots
Executed at Manchester, 23rd November,
Will take place in Dublin
On Sunday next, the 8th inst.

* * * * *

The procession will assemble in Beresford-place, near the Custom House, and will start from thence at the hour of twelve o'clock noon.

* * * * *

No flags, banners, or party emblems will be allowed.

* * * * *

Irishmen

Assemble in your thousands, and show by your numbers and your orderly demeanour your sympathy with the fate of the executed patriots.

* * * * *

Irishwomen

You are requested to lend the dignity of your presence to this important National Demonstration.

By Order of the Committee.

John Martin, Chairman.
J.C. Waters, Hon. Secretary.
James Scanlan, Hon. Secretary.
J.J. Lalor, Hon. Secretary.
Donal Sullivan, Up. Buckingham-street, Treasurer.

The appearance of the “funeral procession placards” all over the city on Thursday, 5th December, increased the public excitement. No other topic was discussed in any place of public resort, but the event forthcoming on Sunday. The first evidence of what it was about to be, was the appearance of the drapery establishments in the city on Saturday morning; the windows, exteriorly and interiorly, being one mass of crape and green ribbon—funeral knots, badges, scarfs, hat-bands, neckties, &c., exposed for sale. Before noon most of the retail, and several of the wholesale houses had their entire stock of green ribbon and crape exhausted, it being computed that *nearly one hundred thousand yards* had been sold up to midnight of Saturday! Meantime the committee sat *en permanance*, zealously pushing their arrangements for the orderly and successful carrying out of their great undertaking—appointing stewards, marshals, &c.—in a word, completing the numerous details on the perfection of which it greatly depended whether Sunday was to witness a successful demonstration or a scene of disastrous disorder. On this, as upon every occasion when a national demonstration was to be organized, the trades of Dublin, Kingstown, and Dalkey, exhibited that spirit of patriotism for which they have been proverbial in our generation. From their ranks came the most efficient aids in every

Page 5

department of the preparations. On Saturday evening the carpenters, in a body, immediately after their day's work was over, instead of seeking home and rest, refreshment or recreation after their week of toil, turned into the *Nation* office machine rooms, which they quickly improvised into a vast workshop, and there, as volunteers, laboured away till near midnight, manufacturing "wands" for the stewards of next morning's procession.

Sunday, 8th December, 1867, dawned through watery skies. From shortly after day-break, rain, or rather half-melted sleet, continued to fall; and many persons concluded that there would be no attempt to hold the procession under such inclement weather. This circumstance was, no doubt, a grievous discouragement, or rather a discomfort and an inconvenience; but so far from preventing the procession, it was destined to add a hundred-fold to the significance and importance of the demonstration. Had the day been fine, tens of thousands of persons who eventually only lined the streets, wearing the funeral emblems, would have marched in the procession as they had originally intended; but hostile critics would in this case have said that the fineness of the day and the excitement of the pageant had merely caused a hundred thousand persons to come out for a holiday. Now, however, the depth, reality, and intensity of the popular feeling was about to be keenly tested. The subjoined account of this memorable demonstration is summarised from the Dublin daily papers of the next ensuing publication, the report of the *Freeman's Journal* being chiefly used:—

As early as ten o'clock crowds began to gather in Beresford-place, and in an hour about ten thousand men were present. The morning had succeeded to the hopeless humidity of the night, and the drizzling rain fell with almost dispiteous persistence. The early trains from Kingstown and Dalkey, and all the citerior townlands, brought large numbers into Dublin; and Westland-row, Brunswick, D'Olier, and Sackville-streets, streamed with masses of humanity. A great number of the processionists met in Earlsfort-terrace, all round the Exhibition, and at twelve o'clock some thousands had collected. It was not easy to learn the object of this gathering; it may have been a mistake, and most probably it was, as they fell in with the great body in the course of half an hour. The space from the quays, including the great sweep in front of the Custom-house, was swarming with men, and women, and small children, and the big ungainly crowd bulged out in Gardiner-street, and the broad space leading up Talbot-street. The ranks began to be formed at eleven o'clock amid a down-pour of cold rain. The mud was deep and aqueous, and great pools ran through the streets almost level with the paths. Some of the more prominent of the men, and several of the committee, rode about directing and organizing the crowd, which presented a most extraordinary appearance.

Page 6

A couple of thousand young children stood quietly in the rain and slush for over an hour; while behind them, in close-packed numbers, were over two thousand young women. Not the least blame can be attached to those who managed the affairs of the day, inasmuch as the throng must have far exceeded even their most sanguine expectations. Every moment some overwhelming accession rolled down Abbey-street or Eden-quay, and swelled the already surging multitude waiting for the start. Long before twelve o'clock, the streets converging on the square were packed with spectators or intending processionists. Cabs struggled hopelessly to yield up the large number of highly respectable and well-attired ladies who had come to walk. Those who had hired vehicles for the day to join the procession were convinced of the impracticable character of their intention; and many delicate old men who would not give up the design, braved the terrors of asthma and bronchitis, and joined the rain-defying throng. Right across the spacious ground was one unmoving mass, constantly being enlarged by ever-coming crowds. All the windows in Beresford-place were filled with spectators, and the rain and cold seemed to have no saddening effect on the numerous multitude. The various bands of the trade were being disposed in their respective positions, and the hearses were a long way off and altogether in the back-ground, when, at a quarter to twelve, the first rank of men moved forward. Almost every one had an umbrella, but they were thoroughly saturated with the never-ceasing down-pour. As the steady, well-kept, twelve-deep ranks moved slowly out, some ease was given to those pent up behind; and it was really wonderful to see the facility with which the people adapted themselves to the orders of their directors. Every chance of falling in was seized, and soon the procession was in motion. The first five hundred men were of the artisan class. They were dressed very respectably, and each man wore upon his left shoulder a green rosette, and on his left arm a band of crape. Numbers had hat-bands depending to the shoulder; others had close crape intertwined carefully with green ribbon around their hats; and the great majority of the better sort adhered to this plan, which was executed with a skill unmistakably feminine. Here and there at intervals a man appeared with a broad green scarf around his shoulders, some embroidered with shamrocks, and others decorated with harps. There was not a man throughout the procession but was conspicuous by some emblem of nationality. Appointed officers walked at the sides with wands in their hands and gently kept back the curious and interested crowd whose sympathy was certainly demonstrative. Behind the five hundred men came a couple of thousand young children. These excited, perhaps, the most considerable interest amongst the bystanders, whether sympathetic, neutral, or opposite. Of tender age and innocent of opinions on any subject, they were being marshalled

Page 7

by their parents in a demonstration which will probably give a tone to their career hereafter; and seeds in the juvenile mind ever bear fruit in due season. The presence of these shivering little ones gave a serious significance to the procession—they were hostages to the party who had organized the demonstration. Earnestness must indeed have been strong in the mind of the parent who directed his little son or daughter to walk in saturating rain and painful cold through five or six miles of mud and water, and all this merely to say “I and my children were there.” It portends something more than sentiment. It is national education with a vengeance. Comment on this remarkable constituent was very frequent throughout the day, and when toward evening this band of boys sang out with lusty unanimity a popular Yankee air, spectators were satisfied of their culture and training. After the children came about one hundred young women who had been unable to gain their proper position, and accepted the place which chance assigned them. They were succeeded by a band dressed very respectably, with crape and green ribbons round their caps. These were followed by a number of rather elderly men, probably the parents of the children far ahead. At this portion of the procession, a mile from the point, they marched four deep, there having been a gradual decline from the front. Next came the bricklayers’ band all dressed in green caps, a very superior-looking body of men. Then followed a very imposing well-kept line, composed of young men of the better class, well attired and respectable looking. These wore crape hat-bands, and green rosettes with harps in the centre. Several had broad green body scarfs, with gold tinsel shamrocks and harps intertwined. As this portion of the procession marched they attracted very considerable attention by their orderly, measured tread, and the almost soldierly precision with which they maintained the line. They numbered about four or five thousand, and there were few who were not young, sinewy, stalwart fellows. When they had reached the further end of Abbey-street, the ground about Beresford-place was gradually becoming clear, and the spectator had some opportunity afforded of glancing more closely at the component parts of the great crowd. All round the Custom-house was still packed a dense throng, and large streams were flowing from the northern districts, Clontarf, the Strand, and the quays. The shipping was gaily decorated, and many of the masts were filled with young tars, wearing green bands on their hats. At half-past twelve o’clock, the most interesting portion of the procession left the Custom-house. About two thousand young women, who in attire, demeanour, and general appearance, certainly justified their title to be called ladies walked in six-deep ranks. The general public kept pace with them for a great distance. The green was most demonstrative, every lady having shawl, bonnet, veil, dress, or mantle

Page 8

of the national hue. The mud made sad havoc of their attire, but notwithstanding all mishaps they maintained good order and regularity. They stretched for over half a-mile, and added very notably to the imposing appearance, of the procession. So great was the pressure in Abbey-street, that for a very long time there were no less than three processions walking side-by-side. These halted at the end of the street, and followed as they were afforded opportunity. One of the bands was about to play near the Abbey-street Wesleyan House, but when a policeman told them of the proximity of the place of worship, they immediately desisted. The first was a very long way back in the line, and the foremost men must have been near the Ormond-quays, when the four horses moved into Abbey-street. They were draped with black cloths, and white plumes were at their heads. The hearse also had white plumes, and was covered with black palls. On the side was "William P. Allen." A number of men followed, and then came a band. In the earlier portion of the day there were seen but two hearses, the second one bearing Larkin's name. It was succeeded by four mourning coaches, drawn by two horses each. A large number of young men from the monster houses followed in admirable order. In this throng were very many men of business, large employers, and members of the professions. Several of the trades were in great force. It had been arranged to have the trade banners carried in front of the artisans of every calling, but at the suggestion of the chairman this design was abandoned. The men walked, however, in considerable strength. They marched from their various committee-rooms to the Custom-house. The quay porters were present to the number of 500, and presented a very orderly, cleanly appearance. They were comfortably dressed, and walked close after the hearse bearing Larkin's name. Around this bier were a number of men bearing in their hands long and waving palms—emblems of martyrdom. The trades came next, and were led off by the various branches of the association known as the Amalgamated Trades. The plasterers made about 300, the painters 350, the boot and shoemakers mustered 1,000, the bricklayers 500, the carpenters 300, the slaters 450, the sawyers 200, and the skimmers, coopers, tailors, bakers, and the other trades, made a very respectable show, both as to numbers and appearance. Each of these had representatives in the front of the procession, amongst the fine body of men who marched eight deep. The whole ground near the starting place was clear at half-past one, and by that time the demonstration was seen to a greater advantage than previously. All down Abbey-streets, and in fact throughout the procession, the pathways were crowded by persons who were practically of it, though not in it. Very many young girls naturally enough preferred to stand on the pathways rather than to be saturated with mud and water. But it may truly be said that every second man and woman of the crowds in

Page 9

almost every street were of the procession. Cabs filled with ladies and gentlemen remained at the waysides all day watching the march. The horses' heads were gaily decorated with green ribbons, while every Jehu in the city wore a rosette or a crape band. Nothing of special note occurred until the procession turned into Dame-street. The appearance of the demonstration was here far greater than at any other portion of the city. Both sides of the street, and as far as Carlisle-bridge, were lined with cabs and carriages filled with spectators who were prevented by the bitter inclemency of the day from taking an active part in the proceedings. The procession was here grandly imposing, and after Larkin's hearse were no less than nine carriages, and several cabs. It is stated that Mrs. Luby and Miss Mulcahy occupied one of the vehicles, and relatives of others now in confinement were alleged to have been present. One circumstance, which was generally remarked as having great significance, was the presence in one line of ten soldiers of the 86th Regiment. They were dressed in their great overcoats, which they wore open so as to show the scarlet tunic. These men may have been on leave, inasmuch as the great military force were confined to barracks, and kept under arms from six o'clock, a.m. The cavalry were in readiness for action, if necessary. Mounted military and police orderlies were stationed at various points of the city to convey any requisite intelligence to the authorities, and the constabulary at the depot, Phoenix Park, were also prepared, if their services should be required. At the police stations throughout the city large numbers of men were kept all day under arms. It is pleasant to state that no interference was necessary, as the great demonstration terminated without the slightest disturbance. The public houses generally remained closed until five o'clock, and the sobriety of the crowds was the subject of the general comment. From an early hour in the morning every possible position along the quays that afforded a good view of the procession was taken advantage of, and, despite the inclemency of the weather, the parapets of the various bridges, commencing at Capel-street, were crowded with adventurous youths, who seemed to think nothing of the risks they ran in comparison with the opportunities they had of seeing the great sight in all its splendour. From eleven until twelve o'clock the greatest efforts were made to secure good places. The side walks were crowded and impassable. The lower windows of the houses were made the most of by men who clutched the shutters and bars, whilst the upper windows were, as a general rule, filled with the fair sex, and it is almost unnecessary to add that almost every man, woman, and child displayed some emblem suitable to the occasion. Indeed, the originality of the designs was a striking feature. The women wore green ribbons and veils, and many entire dresses of the favourite colour. The numerous windows

Page 10

of the Four Courts accommodated hundreds of ladies, and we may mention that within the building were two pieces of artillery, a plentiful supply of rockets, and a number of policemen. It was arranged that the rockets should be fired from the roof in case military assistance was required. Contrary to the general expectation, the head of the procession appeared at Essex-bridge shortly before twelve o'clock. As it was expected to leave Beresford-place about that time, and as such gigantic arrangements are seldom carried out punctually, the thousands of people who congregated in this locality were pleasantly disappointed when a society band turned the corner of Mary-street and came towards the quays, with the processionists marching in slow and regular time. The order that prevailed was almost marvellous—not a sound was heard but the mournful strains of the music, and the prevalent feeling was expressed, no doubt, by one or two of the processionists, who said in answer to an inquiry, "We will be our own police to-day." They certainly were their own police, for those who carried white wands did not spare themselves in their endeavours to maintain order in the ranks. As we have mentioned already, the first part of the procession reached Capel-street shortly before twelve o'clock, and some idea of the extent of the demonstration may be formed from the fact that the hearses did not come in view until a quarter-past one o'clock. They appeared at intervals of a quarter of an hour, and were received by a general cry of "hush." The number of fine, well-dressed young women in the procession here was the subject of general remark, whilst the assemblage of boys astonished all who witnessed it on account of its extent. The variety of the tokens of mourning, too, was remarkable. Numbers of the women carried laurel branches in addition to green ribbons and veils, and many of the men wore shamrocks in their hats. The procession passed along the quays as far as King's-bridge, and it there crossed and passed up Stevens'-lane. The windows of all the houses *en route* were crowded chiefly with women, and the railings at the Esplanade and at King's-bridge, were crowded with spectators. About one o'clock the head of the procession, which had been compressed into a dense mass in Stevens'-lane, burst like confined water when relieved of restraint, on entering James's-street, where every window and doorstep was crowded. Along the lines of footway extending at either side from the old fountain up to James's-gate, were literally tented over with umbrellas of every hue and shade, held up as protection against the cold rain that fell in drizzling showers and made the streetway on which the vast numbers stood ankle deep in the slushy mud. The music of the "Dead March in Saul," heard in the distance, caused the people to break from the lines in which they had partially stood awaiting the arrival of the procession, which now, for the first time, began to assume its

Page 11

full proportions. As it moved along the quays at the north side of the river, every street, bridge, and laneway served to obstruct to a considerable extent its progress and its order, owing to interruption from carriage traffic and from the crowds that poured into it and swelled it in its onward course. In the vast multitudes that lined this great western artery of the city, the greatest order and propriety were observed, and all seemed to be impressed with the one solemn and all-pervading idea that they were assembled to express their deep sympathy with the fate of three men whom they believed had been condemned and had suffered death unjustly. Even amongst the young there was not to be recognised the slightest approach to levity, and the old characteristics of a great Irish gathering were not to be perceived anywhere. The wrong, whether real or imaginary, done to Allen, O'Brien, and Larkin, made their memory sacred with the thousands that stood for hours in the December wet and cold of yesterday, to testify by their presence their feelings and their sympathies. The horsemen wearing green rosettes, trimmed with crape, who rode in advance of the procession, kept back the crowds at either side that encroached on the space in the centre of the street required for the vast coming mass to move through. On it came, the advance with measured tread, to the music of the band in front, and notwithstanding the mire which had to be waded through, the line went on at quiet pace, and with admirable order, but there was no effort at anything like semi-military swagger or pompous demonstration. Every window along the route of the procession was fully occupied by male and female spectators, all wearing green ribbons and crape, and in front of several of the houses black drapery was suspended. The tide of men, women, and children continued to roll on in the drenching rain, but nearly all the fair processionists carried umbrellas. It was not till the head of the vast moving throng had reached James's-gate that anything like a just conception could be formed of its magnitude, as it was only now that it was beginning to get into regular shape and find room to extend itself. The persons whose duty it was to keep the several parts of the procession well together had no easy part to play, as the line had to be repeatedly broken to permit the ordinary carriage traffic of the streets to go on with as little delay as possible. The *cortege* at this point looked grand and solemn in the extreme because of its vastness, and also because of all present appearing to be impressed with the one idea. The gloomy, wet, and cheerless weather was quite in keeping with the funeral march of 35,000 people. The bands were placed at such proper distances that the playing of one did not interfere with the other. After passing James's-gate the band in front ceased to perform, and on passing the house 151 Thomas-street every head was uncovered in honour of Lord Edward Fitzgerald, who was arrested

Page 12

and mortally wounded by Major Sirr and his assistants in the front bedroom of the second floor of that house. Such was the length of the procession, that an hour had elapsed from the time its head entered James's-street before the first hearse turned the corner of Stevens'-lane. In the neighbourhood of St. Catherine's church a vast crowd of spectators had settled down, and every available elevation was taken possession of. At this point a large portion of the streetway was broken up for the purpose of laying down water-pipes, and on the lifting-crane and the heaps of earth the people wedged and packed themselves, which showed at once that this was a great centre of attraction—and it was, for here was executed the young and enthusiastic Robert Emmet sixty-four years ago. When Allen, O'Brien, and Larkin were condemned to death as political offenders, some of the highest and the noblest in the land warned the government to pause before the extreme penalty pronounced on the condemned men would be carried into effect, but all remonstrance was in vain, and on last Saturday fortnight, three comparatively unknown men in their death passed into the ranks of heroes and martyrs, because it was believed, and believed generally, that their lives were sacrificed to expediency, and not to satisfy justice. The spot where Robert Emmet closed his young life on a bloody scaffold was yesterday regarded by thousands upon thousands of his countrymen and women as a holy place, and all looked upon his fate as similar to that of the three men whose memory they had assembled to honour, and whose death they pronounced to be unjust. It would be hard to give a just conception of the scene here, as the procession advanced and divided, as it were, into two great channels, owing to the breaking up of the streetway. On the advance of the *cortege* reaching the top of Bridgefoot-street every head was uncovered, and nothing was to be heard but the measured tread of the vast mass, but as if by some secret and uncontrollable impulse a mighty, ringing, and enthusiastic cheer, broke from the moving throng as the angle of the footway at the eastern end of St. Catherine's church, where the scaffold on which Emmet was executed stood, was passed. In that cheer there appeared to be no fiction, as it evidently came straight from the hearts of thousands, who waved their hats and handkerchiefs, as did also the groups that clustered in the windows of the houses in the neighbourhood. As the procession moved on from every part of it the cheers rose again and again, men holding up their children, and pointing out the place where one who loved Ireland, "not wisely but too well," rendered up his life. When the hearse with white plumes came up bearing on the side draperies the words "William P. Allen," all the enthusiasm and excitement ceased, and along the lines of spectators prayers for the repose of the soul of the departed man passed from mouth to mouth; and a sense of deep sadness seemed to settle down on the swaying

Page 13

multitude as the procession rolled along on its way. After this hearse came large numbers of females walking on bravely, apparently heedless of the muddy streets and the unceasing rain that came down without a moment's intermission. When the second hearse, bearing white plumes and the name of "Michael O'Brien" on the side pendants, came up, again all heads were uncovered, and prayers recited by the people for the everlasting rest of the departed. Still onward rolled the mighty mass, young and old, and in the entire assemblage was not to be observed a single person under the influence of drink, or requiring the slightest interference on the part of the police, whose exertions were altogether confined to keeping the general thoroughfare clear of obstruction. Indeed, justly speaking, the people required no supervision, as they seemed to feel that they had a solemn duty to discharge. Fathers were to be seen bearing in their arms children dressed in white and decorated with green ribbons, and here, as elsewhere, was observed unmistakable evidence of the deep sympathy of the people with the executed men. This was, perhaps, more strikingly illustrated as the third hearse, with sable plumes, came up bearing at either side the name of "Michael Larkin;" prayers for his soul's welfare were mingled with expressions of commiseration for his widow and children. At the entrance to Cornmarket, where the streetway narrows, the crushing became very great, but still the procession kept its onward course. On passing the shop of Hayburne, who, it will be remembered, was convicted of being connected with the Fenian conspiracy, a large number of persons in the procession uncovered and cheered. In the house of Roantree, in High-street, who was also convicted of treason-felony, a harp was displayed in one of the drawingroom windows by a lady dressed in deep mourning, and the procession loudly cheered as it passed on its route. Standing at the corner of Christchurch-place, a fine view could be had of the procession as it approached Winetavern-street from High-street. The compact mass moved on at a regular pace, while from the windows on either side of the streets the well-dressed citizens, who preferred to witness the demonstration from an elevated position rather than undergo the fatigues and unpleasantness of a walk through the city in such weather, eagerly watched the approach of the procession. Under the guidance of the horsemen and those whose wands showed it was their duty to marshal the immense throng, the procession moved at an orderly pace down Winetavern-street, which, spacious as it is, was in a few minutes absolutely filled with the vast crowds. The procession again reached the quays, and moved along Wood-quay and Essex-quay, and into Parliament-street, which it reached at twenty minutes to two o'clock. Passing down Parliament-street, and approaching the O'Connell statue, a number of persons began to cheer, but this was promptly suppressed by

Page 14

the leaders, who galloped in advance for some distance with a view to the preservation of the mournful silence that had prevailed. This was strictly enjoined, and the instruction was generally observed by the processionists. The reverential manner in which the many thousands of the people passed the statue of the Liberator was very observable. A rather heavy rain was falling at the time, yet there were thousands who uncovered their heads as they looked up to the statue which expressed the noble attitude and features of O'Connell. As the procession moved along through Dame-street the footways became blocked up, and lines of cabs took up places in the middle of the carriageway, and the police exercised a wise discretion in preventing vehicles from the surrounding streets driving in amongst the crowds. By this means the danger of serious accident was prevented without any public inconvenience being occasioned, as a line parallel to that which the procession was taking was kept clear for all horse conveyances. Owing to the hour growing late, and a considerable distance still to be gone over, the procession moved at a quick pace. In anticipation of its arrival great crowds collected in the vicinity of the Bank of Ireland and Trinity College, where the *cortege* was kept well together, notwithstanding the difficulty of such a vast mass passing on through the heart of the city filled at this point with immense masses of spectators. Oil passing the old Parliament-house numbers of men in the procession took off their hats, but the disposition to cheer was suppressed, as it was at several other points along the route. Turning down Westmoreland-street, the procession, marshalled by Dr. Waters on horseback, passed slowly along between the thick files of people on each side, most of whom displayed the mourning and national symbols, black and green. The spacious thoroughfare in a few minutes was filled with the dense array, which in close compact ranks pressed on, the women, youths, and children, bearing bravely the privations of the day, the bands preceding and following the hearses playing the Dead March, the solemn notes filling the air with mournful cadence. The windows of the houses on each side of the street were filled with groups of spectators of the strange and significant spectacle below. With the dark masses of men, broken at intervals by the groups of females and children, still stretched lengthily in the rere, the first section of the procession crossed Carlisle-bridge, the footways and parapets of which were thronged with people, nearly all of whom wore the usual tokens of sympathy. Passing the bridge, a glance to the right, down the river, revealed the fact that the ships, almost without exception, had their flags flying half mast high, and that the rigging of several were filled with seamen, who chose this elevated position to get a glimpse of the procession as it emerged into Sackville-street. Here the sight was imposing. A throng of spectators lined

Page 15

each side of the magnificent thoroughfare, and the lofty houses had their windows on each side occupied with spectators. Pressing onwards with measured, steady pace, regardless of the heavy rain, the cold wind, and the gloomy sky, the procession soon filled Sackville-street from end to end with its dense dark mass, which stretching away over Carlisle-bridge, seemed motionless in the distance. The procession defiled to the left of the site of the O'Connell monument at the head of the street, and the national associations connected with this spot was acknowledged by the large numbers of the processionists, who, with uncovered heads, marched past, some expressing their feelings with a subdued cheer. The foremost ranks were nearing Glasnevin when the first of the hearses entered Sackville-street, which, at this moment, held a numberless throng of people, processionists, and spectators, the latter, as at all the other points of the route, exhibiting prominently the sable and green emblems, which evidenced their approval of the demonstration. The hearses slowly passed along, followed by the mourning carriages, the bands playing alternately "Adeste Fidelis" and the "Dead March," and then followed the deep column of the processionists, still marching onwards with unflagging spirit, thousands seeming to be thoroughly soaked with the rain, which was falling all the morning. Sackville-street was perhaps the best point from which to get a correct notion of the enormous length of the procession, and of the great numbers that accompanied it on its way without actually entering the ranks. The base of the Nelson monument was covered with spectators, and at the corners of Earl-street and Henry-street there were stationary crowds, who chose these positions to get a good view of the great display as it progressed towards Cavendish-row. Through this comparatively narrow thoroughfare the procession passed along into North Frederick-street and Blessington-street, and thence by Upper Berkeley-street to the Circular-road. Along this part of the route there were crowds of spectators, male and female, most of whom wore the crape, and green ribbons, all hurrying forward to the cemetery, the last stage of the long and fatiguing journey of the procession. As the first part of the array passed the Mater Misericordiae Hospital, and came in sight of the Mountjoy Prison, they gave a cheer, which was caught up by those behind, and as file after file passed the prison the cheers were repeated. With unbroken and undiminished ranks the procession pressed on towards Glasnevin; but when the head had reached the cemetery, the closing section must have been far away in the city. The first part of the procession halted outside the gate of the cemetery, the spacious area in front of which was in a few moments completely filled by the dense masses who came up. A move then became necessary, and accordingly the procession recommenced its journey by passing through the open gates of the cemetery down the pathways leading

Page 16

to the M'Manus grave, followed by some of the bands playing the "Adeste Fidelis." As fast as the files passed through others marched up, and when, after some time the carriage containing Mr. John Martin arrived, the open ground fronting the cemetery was one enormous mass of the processionists, while behind on the road leading up to this point thousands were to be seen moving slowly forward to the strains of the "Dead March," given out by the bands immediately in front of the hearses.

MR. MARTIN'S ADDRESS.

On the arrival of the procession at the cemetery Mr. Martin was hailed with loud applause. It being understood he would make some observations, the multitude gathered together to hear him. He addressed the vast multitude from the window of a house overlooking the great open space in front of the cemetery. On presenting himself he was received with enthusiastic cheering. When silence was obtained he said:—"Fellow-countrymen—This is a strange kind of funeral procession in which we are engaged to-day. We are here, a vast multitude of men, women, and children in a very inclement season of the year, under rain and through mud. We are here escorting three empty hearses to the consecrated last resting place of those who die in the Lord (cheers). The three bodies that we would tenderly bear to the churchyard, and would bury in consecrated ground with all the solemn rites of religion, are not here. They are away in a foreign and hostile land (hear, hear), where they have been thrown into unconsecrated ground, branded by the triumphant hatred of our enemies as the vile remains of murderers (cries of 'no murderers,' and cheers). Those three men whose memories we are here to-day to honour—Allen, O'Brien, and Larkin—they were not murderers (great cheering). [A Voice—Lord have mercy on them.] Mr. Martin—These men were pious men, virtuous men—they were men who feared God and loved their country. They sorrowed for the sorrows of the dear old native land of their love (hear, hear). They wished, if possible, to save her, and for that love and for that wish they were doomed to an ignominious death at the hands of the British hangman (hear, hear). It was as Irish patriots that these men were doomed to death (cheers). And it was as Irish patriots that they met their death (cheers). For these reasons, my countrymen, we here to-day have joined in this solemn procession to honour their memories (cheers). For that reason we say from our hearts, 'May their souls rest in peace' (cries of Amen, and cheers). For that reason, my countrymen, we join in their last prayer, 'God save Ireland' (enthusiastic cheering). The death of these three men was an act of English policy. [Here there was some interruption caused by the fresh arrivals and the pushing forward.] I beg of all within reach of my voice to end this demonstration as we have carried it through to the present time, with admirable patience, in the best

Page 17

spirit, with respect, silence and solemnity, to the end (cheers, and cries of 'we will'). I say the death of these men was a legal murder, and that legal murder was an act of English policy (cheers)—of the policy of that nation which through jealousy and hatred of our nation, destroyed by fraud and force our just government sixty-seven years ago (cheers). They have been sixty-seven sad years of insult and robbery—of impoverishment—of extermination—of suffering beyond what any other subject people but ours have ever endured from the malignity of foreign masters (cheers). Nearly through all these years the Irish people continued to pray for the restoration of their Irish national rule. They offered their forgiveness to England. They offered even their friendship to England if she would only give up her usurped power to tyrannise over us, and leave us to live in peace, and as honourable neighbours. But in vain. England felt herself strong enough to continue to insult and rob us, and she was too greedy and too insolent to cease from robbing and insulting us (cheers). Now it has come to pass as a consequence of that malignant policy pursued for so many long years—it has come to pass that the great body of the Irish people despair of obtaining peaceful restitution of our national rights (cheers). And it has also come to pass that vast numbers of Irishmen, whom the oppression of English rule forbade to live by honest industry in their own country, have in America learned to become soldiers (cheers). And those Irish soldiers seem resolved to make war against England (cheers). And England is in a panic of rage and fear in consequence of this (loud cheers). And being in a panic about Fenianism, she hopes to strike terror into her Irish malcontents by a legal murder (loud cheers). England wanted to show that she was not afraid of Fenianism—[A Voice—'She will be.'] And she has only shown that she is not afraid to do injustice in the face of Heaven and of man. Many a wicked statute she has framed—many a jury she has packed, in order to dispose of her Irish political offenders—but in the case of Allen, O'Brien, and Larkin, she has committed such an outrage on justice and decency as to make even many Englishmen stand aghast. I shall not detain you with entering into details with which you are all well acquainted as to the shameful scenes of the handcuffing of the untried prisoners—as to the shameful scenes of the trial up to the last moment, when the three men—our dearly beloved Irish brethren, were forced to give up their innocent lives as a sacrifice for the cause of Ireland (loud cheers); and, fellow-countrymen, these three humble Irishmen who represented Ireland on that sad occasion demeaned themselves as Christians, as patriots, modestly, courageously, piously, nobly (loud cheers). We need not blush for them. They bore themselves all through with a courage worthy of the greatest heroes that ever obtained glory upon earth. They behaved through all the trying scenes I referred

Page 18

to with Christian patience—with resignation to the will of God—(hear, hear)—with modest, yet proud and firm adherence to principle (cheers). They showed their love to Ireland and their fear of God from the first to the last (cheers). It is vain for me to attempt to detain you with many words upon this matter. I will say this, that all who are here do not approve of the schemes for the relief of Ireland that these men were supposed to have contemplated; but all who love Ireland, all generous, Christian men, and women, and children of Ireland—all the children growing up to be men and women of Ireland (hear, hear)—all those feel an intense sympathy, an intense love for the memories of these three men whom England has murdered in form of law by way of striking terror into her Irish subjects. Fellow-countrymen, it is idle almost for me to persist in addressing weak words of mine to you—for your presence here to-day—your demeanour all through—the solemn conduct of the vast multitude assembled directly under the terrorism of a hostile government—say more than the words of the greatest orator—more than the words of a Meagher could say for you (cheers). You have behaved yourselves all through this day with most admirable spirit as good Irishmen and women—as good boys and girls of holy Ireland ought to be (cheers), and I am sure you will behave so to the end (cries of yes, yes). This demonstration is mainly one of mourning for the fate of these three good Irishmen (cheers), but fellow-countrymen, and women, and boys, and girls, it is also one of protest and indignation against the conduct of our rulers (hear, hear, and cheers) Your attendance here to-day is a sufficient protest. Your orderly behaviour—your good temper all through this wretched weather—your attendance here in such vast numbers for such a purpose—avowedly and in the face of the terrorism of the government, which falls most directly upon the metropolis—that is enough for protest. You in your multitudes, men, women, and children, have to-day made that protest. Your conduct has been admirable for patience, for good nature, for fine spirit, for solemn sense of that great duty you were resolved to do. You will return home with the same good order and inoffensiveness. You will join with me now in repeating the prayer of the three martyrs whom we mourn—'God save Ireland!' And all of you, men, women, and boys and girls that are to be men and women of holy Ireland, will ever keep the sentiment of that prayer in your heart of hearts." Mr. Martin concluded amid enthusiastic cheering. At the conclusion of his address, Mr. Martin, accompanied by a large body of the processionists, proceeded to the cemetery, where Mr. Martin visited the grave of Terence Bellew M'Manus. The crowds walked around the grave as a mark of respect for the memory of M'Manus. Mr. Martin left the cemetery soon after, and went to his carriage; the people gathered about him and thanked him,

Page 19

and cheered him loudly. The vast assemblage dispersed in the most orderly and peaceful manner, and returned to their homes. They had suffered much from the severity of the day, but they exhibited to the end the most creditable endurance and patience. In the course of an hour the roads were cleared and the city soon resumed its wonted quiet aspect.[Footnote: In consequence of some vile misstatements in the government press, which represented the crowd to have not only behaved recklessly, but to have done considerable damaged to the graves, tombs, shrubs, and fences in the cemetery, Mr. Coyle, secretary to the Cemetery Board, published in the *Freeman* an official contradiction, stating that not one sixpence worth of damage had been done. It is furthermore worthy of note, that at the city police offices next morning not one case arising out of the procession was before the magistrates, and the charges for drunkenness were one-fourth below the average on Mondays!]

Of the numbers in the procession "An Eye-witness," writing in the *Freeman*, says:—

The procession took one hour and forty minutes to pass the Four Courts. Let us assume that as the average time in which it would pass any given point, and deduct ten minutes for delays during that time. If, then, it moved at the rate of two and a-half miles per hour, we find that its length, with those suppositions, would be three and three-quarters miles. From this deduct a quarter of a mile for breaks or discrepancies, for we find the length of the column, if it moved in a continuous line, to be three and a-half miles. We may now suppose the ranks to be three feet apart, and consisting of ten in each, at an average. The total number is therefore easily obtained by dividing the product of 3-1/2 and 5,280 by 3, and multiplying the quotient by 10. This will give as a result 61,600 which, I think, is a fair approximation to the number of people in the procession alone.

Even in the columns of the *Irish Times* a letter appeared giving an honest estimate of the numbers in the procession. It was signed "T.M.G.," and said:—

I believe there was not fewer than 60,000 persons taking part in the procession on Sunday. My point of observation was one of the best in the city, seeing, as I could, from the entrance to the Lower Castle Yard to the College Gates. I was as careful in my calculation as an almost quick march would allow. There were also a few horsemen, three hearses, and sixty-one hired carriages, cabs, and cars. A correspondent in your columns this morning speaks of rows of from four to nine deep; I saw very many of from ten to sixteen deep, especially among the boys. The procession, took exactly eighty minutes to pass this. There were several thousand onlookers within my view.

Of the ladies in the procession the *Freeman's Journal* bore the following testimony, not more generous than truthful:—

Page 20

The most important physical feature was not, however, the respectable dress, the manly bearing, the order, discipline, and solemnity of the men, but the large bodies of ladies who, in rich and costly attire, marched the whole length of the long route, often ankle deep in mud, utterly regardless of the incessant down-pour of rain which deluged their silks and satins, and melted the mourning crape till it seemed incorporated with the very substance of the velvet mantles or rich shawls in which so many of the fair processionists were enveloped. In vain did well-gloved hands hold thousands of green parasols and umbrellas over their heads as they walked four and five deep through the leading thoroughfares yesterday. The bonnets with their 'green and crape' were alone defensible, velvets and Paisleys, silks and satins, met one common fate—thorough saturation. Yet all this and more was borne without a murmur. These ladies, and there were many hundreds of them, mingled with thousands in less rich attire, went out to cooperate with their fathers, brothers, and sweethearts in honouring three men who died upon the ignominious gallows, and they never flinched before the torrents, or swerved for an instant from the ranks. There must be some deep and powerful influence underlying this movement that could induce thousands of matrons and girls of from eighteen to two and-twenty, full of the blushing modesty that distinguishes Irishwomen, to lay aside their retiring characteristics and march to the sound of martial music through every thoroughfare in the metropolis of this country decked in green and crape.

The Dublin correspondent of the *Tipperary Free Press* referred to the demonstration as follows:—

Arrived in Sackville-street we were obliged to leave our cab and endeavour, on foot, to force a way to our destination. This magnificent street was crowded to repletion, and the approaches to Beresford-place were 'black with people.' It was found necessary, owing to the overwhelming numbers that assembled, to start the procession before the hour named for its setting forth, and so it was commenced in wonderful order, considering the masses that had to be welded into shape. Marshals on foot and on horseback proceeded by the side of those in rank and file, and they certainly were successful in preserving regularity of procedure. Mourning coaches and cabs followed, and after each was a procession of women, at least a thousand in number. Young and old were there—all decked in some shape or other with green; many green dresses—some had green feathers in their hats, but all had green ribbons prominently displayed. The girls bore all the disagreeability of the long route with wonderful endurance; it was bitterly cold—a sleety rain fell during the entire day, and the roads were almost ankle deep in mud—yet when they passed me on the return route they were apparently as unwearied as when I saw them hours before. As the procession

Page 21

trooped by—thousand after thousand—there was not a drunken man to be seen—all were calm and orderly, and if they were, as many of them were—soaked through—wet to the skin—they endured the discomfiture resolutely. The numbers in the procession have been variously estimated, but in my opinion there could not have been less than 50,000. But the demonstration was not confined to the processionists alone; they walked through living walls, for along the entire route a mass of people lined the way, the great majority of whom wore some emblem of mourning, and every window of every house was thronged with ladies and children, nearly all of whom were decorated. All semblance of authority was withdrawn from sight, but every preparation had been made under the personal direction of Lord Strathnairn, the commander-in-chief, for the instant intervention of the military, had any disturbances taken place. The troops were confined to barracks since Saturday evening; they were kept in readiness to march at a moment's notice; the horses of the cavalry were saddled all day long, and those of the artillery were in harness. A battery of guns was in the rear yard of the Four Courts, and mounted orderlies were stationed at arranged points so as to convey orders to the different barracks as speedily as possible. But, thanks to Providence, all passed off quietly; the people seemed to feel the responsibility of their position, and accordingly not even an angry word was to be heard throughout the vast assemblage that for hours surged through the highways of the city.

The *Ulster Observer*, in the course of a beautiful and sympathetic article, touched on the great theme as follows:—

The main incidents of the singular and impressive event are worthy of reflection. On a cold December morning, wet and dreary as any morning in December might be, vast crowds assembled in the heart of Dublin to follow to consecrated ground the empty hearses which bore the names of the Irishmen whom England doomed to the gallows as murderers. The air was piercingly chill, the rain poured down in torrents, the streets were almost impassable from the accumulated pools of mingled water and mud, yet 80,000 people braved the inclemency of the weather, and unfalteringly carried out the programme so fervently adopted. Amongst the vast multitude there were not only stalwart men, capable of facing the difficulties of the day, but old men, who struggled through and defied them; and, strangest of all, 'young ladies, clothed in silk and velvet,' and women with tender children by their sides, all of whom continued to the last to form a part of the *cortege*, although the distance over which it passed must have taxed the strongest physical energy. What a unanimity of feeling, or rather what a naturalness of sentiment does not this wonderful demonstration exhibit? It seems as if the 'God save Ireland' of the humble successors of Emmet awoke in even

Page 22

the breast of infancy the thrill which must have vibrated sternly and strongly in the heart of manhood. Without exalting into classical grandeur the simple and affectionate devotion of a simple and unsophisticated people, we might compare this spectacle to that which ancient Rome witnessed, when the ashes of Germanicus were borne in solemn state within her portals. There were there the attendant crowd of female mourners, and the bowed heads and sorrowing hearts of strong men. If the Irish throngs had no hero to lament, who sustained their glory in the field, and gained for them fresh laurels of victory, theirs was at least a more disinterested tribute of grief, since it was paid to the unpretending merit which laid down, life with the simple prayer of 'God save Ireland!' Amidst all the numerous thousands who proceeded to Glasnevin, there was not, probably, one who would have sympathised with any criminal offence, much less with the hideous one of murder. And yet these thousands honoured and revered the memory of the men condemned in England as assassins, and ignominiously buried in felons' graves.

This mighty demonstration—at once so unique, so solemn, so impressive, so portentous—was an event which the rulers of Ireland felt to be of critical importance. Following upon the Requiem Masses and the other processions, it amounted to a great public verdict which changed beyond all resistance the moral character of the Manchester trial and execution. If the procession could only have been called a "Fenian" demonstration, then indeed the government might hope to detract from its significance and importance. The sympathy of "co-conspirators" with fallen companions could not well be claimed as an index of general *public opinion*. But here was a demonstration notoriously apart from Fenianism, and it showed that a moral, a peaceable, a virtuous, a religious people, moved by the most virtuous and religious instincts, felt themselves coerced to execrate as a cowardly and revolting crime the act of state policy consummated on the Manchester gibbet. In fine, the country was up in moral revolt against a deed which the perpetrators themselves already felt to be of evil character, and one which they fain would blot for ever from public recollection.

What was to be done? For the next ensuing Sunday similar demonstrations were announced in Killarney, Kilkenny, Drogheda, Ennis, Clonmel, Queenstown, Youghal, and Fermoy—the preparations in the first named town being under the direction of, and the procession about to be led by, a member of parliament, one of the most distinguished and influential of the Irish popular representatives—The O'Donoghue. What was to be done? Obviously, as the men had been hanged, there could be no halting halfway now. Having gone so far, the government seemed to feel that it must need go the whole way, and choke off, at all hazards, these inconvenient, these damnatory public protests. No man must be allowed to speak

Page 23

the Unutterable Words, which, like the handwriting on the wall in the banquetting hall of Belshazzar, seemed ever to be appearing before the affrighted consciences of Ireland's rulers. Be it right or be it wrong, be it justice or be it murder, the act must now be upheld—in fact, must not be alluded to. There must be *silence* by law, on what had been done beneath the Manchester gallows-tree.

But here there presented itself a difficulty. Before the government had any idea that the public revulsion would become so alarmingly extensive, the responsible ministers of the crown, specifically interrogated on the point, had, as we have seen, declared the funeral processions not to be illegal, and how, now, could the government interpose to prevent them? It certainly was a difficulty which there was no way of surmounting save by a proceeding which in any country constitutionally governed would cost its chief authors their lives on impeachment. The government, notwithstanding the words of its own responsible chiefs—*on the faith of which the Dublin procession was held, and numerous others were announced*—decided to treat as illegal the proceedings they had but a week before declared to be *not* illegal; decided to prosecute the processionists who had acted on the government declarations; and decided to prevent, by sabre and cannon—by slaughter if necessary—the further processions announced in Killarney, Clonmel, Kilkenny, and elsewhere!

On the evening of Thursday, the 12th December, Dublin city was flung into the most intense excitement by the issue of the following Government Proclamation:—

* * * * *

BY THE LORD LIEUTENANT AND COUNCIL OF IRELAND.

A PROCLAMATION.

ABERCORN.

Whereas it has been publicly announced that a meeting is to assemble in the city of *Kilkenny*, and that a procession is to take place there on Sunday, 15th day of December instant:

And whereas placards of the said intended meeting and procession have been printed and circulated, stating that the said intended procession is to take place in honour of certain men lately executed in Manchester for the crime of murder, and calling upon Irishmen to assemble in thousands for the said procession: And whereas meetings and processions of large numbers of persons have been already held and have taken place in different parts of the United Kingdom of Great Britain and Ireland under the like pretence, at some of which, and particularly at a meeting and procession in the city of

Dublin, language of a seditious and inflammatory character has been used, calculated to excite discontent and disaffection in the minds of her Majesty's subjects, and to create ill-will and animosity amongst them, and to bring into hatred and contempt the government and constitution of the country as by law established:

Page 24

And whereas the said intended meeting and procession, and the objects of the persons to be assembled, and take part therein, are not legal or constitutional, but are calculated to bring into hatred and contempt the government of the United Kingdom as by law established, and to impede the administration of justice by intimidation, and the demonstration of physical force. Now we, the Lord Lieutenant and General Governor of Ireland, by and with the advice of her Majesty's Privy Council in Ireland, being satisfied that such meetings and processions as aforesaid can only tend to serve the ends of factious, seditious, and traitorous persons, and to the violation of the public peace, do hereby caution and forewarn all persons whomsoever that they do abstain from assembling at any such meeting, and from joining or taking part in any such procession. And we do hereby order and enjoin all magistrates and officers entrusted with the preservation of the public peace, and others whom it may concern, to aid and assist the execution of the law, in preventing the said intended meeting and procession, and in the effectual suppression of the same.

Given at the Council Chamber in Dublin, this Twelfth day of December, 1807.

RICHARD C. DUBLIN.
A. BREWSTER, C.
MAYO.
STRATHNAIRN.
FRED. SHAW.
R. KEATINGE.
WILLIAM KEOGH.
JOHN E. WALSH.
HEDGES EYRE CHATTERTON.
ROBERT R. WARREN.

Everybody knew what this proclamation meant. It plainly enough announced that not only would the further demonstrations be prevented, but that the Dublin processionists were to feel "the vengeance of the law"—that is the vengeance of the Manchester executioners. Next day the city was beset with the wildest rumours as to the arrests to be made or the prosecutions to be commenced. Everyone seemed to conclude of course that Mr. John Martin, Mr. A.M. Sullivan, and the Honorary Secretaries of the Procession Committee, were on the crown prosecutor's list; but besides these the names of dozens of gentlemen who had been on the committee, or who had acted as stewards, marshals, &c., at the funeral, were likewise mentioned. On Saturday it became known that late on the previous evening crown summonses had been served on Mr. J.J. Lalor, Dr. J.C. Waters, and Mr. James Scanlan, requiring them to attend on the following Tuesday at the Head Police Office to answer informations sworn against them for taking part in an "illegal procession" and a "seditious assembly." A summons had been taken out also against Mr. Martin; but as he had left Dublin for home on

Friday, the police officers proceeded after him to Kilbroney, and “served” him there on Saturday evening.

Beside and behind this open move was a secret castle plot so utterly disreputable that, as we shall see, the Attorney-General, startled by the shout of universal execration which it elicited, sent his official representative into public court to repudiate it as far as *he* was concerned, and to offer a public apology to the gentlemen aggrieved by it. The history of that scandalous proceeding will appear in what follows.

Page 25

On Monday, 16th December, 1867, the Head Police Office, Exchange-court, Dublin, presented an excited scene. The daily papers of the day report the proceedings as follows:—

At one o'clock, the hour appointed by the summons, the defendants attended in court, accompanied by their professional advisers and a number of friends, including Alderman Plunkett, Mr. Butler, T.C.; the Rev. P. Langan, P.P., Ardcath; A.M. Sullivan, T.C.; T.D. Sullivan, J.J. Lalor, &c. Mr. Dix and Mr. Allen, divisional magistrates, presided. Mr. James Murphy, Q.C., instructed by Mr. Anderson, represented the crown. Mr. Heron, Q.C., and Mr. Molloy appeared for J.J. Lalor. Mr. Crean appeared for Dr. Waters. Mr. Scallan appeared as solicitor for J.J. Lalor and for Dr. Waters. It was generally understood, on arrival at the Head-office, that the cases would be heard in the usual court up stairs, and, accordingly, the defendants and the professional gentlemen waited in the court for a considerable time after one o'clock. It was then stated that the magistrates would sit in another court down stairs, and all the parties moved towards the door for the purpose of going there. Then another arrangement was made, that the change would not take place, and the parties concerned thereupon returned to their places. But in a few minutes it was again announced that the proceedings would be in the court down stairs. A general movement was made again by defendants, by counsel, by solicitors, and others towards that court, but on arriving at the entrances they were guarded by detectives and police. The benches, which ought to have been reserved for the bar and solicitors, and also for the press, were occupied by detectives, and for a considerable time great difficulty was experienced in getting places.

Mr. George M'Dermott, barrister, applied to the magistrates to assign a place for the members of the bar.

Mr. Dix—I don't know that the bar, unless they are engaged in the cases, have any greater privilege than anyone else. We have a wretched court here.

Mr. M'Dermott said the bar was entitled to have room made for them when it could be done.

Mr. W.L. Hackett—All the seats should not be occupied by policemen to the exclusion of the bar.

Mr. Scallan, solicitor, who spoke from the end of the table, said—Your worships, I am solicitor for one of the traversers, and I cannot get near my counsel to communicate with him. The court is filled with detectives.

Mr. Molloy—My solicitor has a right to be here; I want my solicitor to be near me.

Mr. Dix—Certainly; how can men defend their clients if they are inconvenienced.

An appeal was then made to the detectives who occupied the side bar behind the counsel to make way.

Mr. Murphy, Q.C., said one was a policeman who was summoned. Mr. Dix—The police have no right to take seats.

Page 26

The detectives then yielded, and the professional gentlemen and the reporters were accommodated.

Mr. Dix then called the cases.

Mr. Molloy—I appear with Mr. Heron, Q.C., on behalf of J.J. Lalor.

Mr. Crean—I appear for Dr. Waters.

Mr. John Martin—I appear on behalf of myself.

Mr. Crean—I understand there is an impression that Dr. Waters has been summoned, but he has not.

Mr. Dix—If he appears that cures any defect.

Mr. Crean—I appear on his behalf, but I believe his personal attendance is necessary.

Mr. Dix—Does anyone appear for Mr. Scanlan?

There was no answer.

Mr. Murphy, Q.C.—I ask whether Dr. Waters and Mr. Lalor appear in court.

Mr. Molloy—My client Mr. Lalor, is in court.

Mr. Crean—I believe my client is not in court.

Mr. Murphy, Q.C.—I will prove the service of the summons against Dr. Waters. If there is any defect in the summons it can be remedied. I will not proceed against any person who does not appear.

Mr. Dix—Am I to take it there is no appearance for Dr. Waters or Mr. Scanlan?

Mr. Crean—I appear for Dr. Waters. I believe he is not in court. It was stated in the newspapers that he was summoned, but I am instructed he has not been summoned at all.

Mr. Murphy, Q.C., then proceeded in a careful and precise address to state the case for the crown. When he had concluded, and was about calling evidence, the following singular episode took place:—

Mr. Dix—You only proceed against two parties?

Mr. Murphy—I shall only proceed against the parties who attend—against those who do not attend I shall not give evidence.

Mr. John Martin—If I am in order I would say, to save the time of the court and to save the public money, that I would be very glad to offer every facility to the crown. I believe, Sir, you (to Mr. Murphy) are the crown?

Mr. Murphy—I represent the crown.

Mr. Martin—I will offer every facility to the crown for establishing the facts both as to my conduct and my words.

Mr. A.M. Sullivan—I also will help you to put up some one, as you seem scarce of the accused. I have been summoned myself—

Mr. Dix—Who are you?

Mr. Sullivan—My name is Alexander M. Sullivan, and, meaning no disrespect to either of the magistrates, I publicly refuse even to be sworn. I was present at the funeral procession—I participated in it openly, deliberately, heartily—and I denounce as a personal and public outrage the endeavour to degrade the national press of this country by attempting to place in the light of—

Mr. Dix—I cannot allow this. This is not a place for making speeches. I understand you are not summoned here at all.

Page 27

Mr. Murphy—He is only summoned as a witness.

Mr. Dix—When you (to Mr. Sullivan) are called on will be the time to hear you, not now.

Mr. Sullivan—I ask your worship, with your usual courtesy, to hear me while I complain publicly of endeavouring to place the editor of a national journal on the list of crown witnesses in this court as a public and personal indignity—and as an endeavour to destroy the influence of that national press, whose power they feel and fear, but which they dare not prosecute. I personally complain—

Mr. Murphy—I don't know that this should be permitted.

Mr. Sullivan—Don't interrupt me for a moment.

Mr. Dix—Mr. Sullivan wants to have himself included in the summons and charge.

Mr. Murphy—That cannot be done at present.

Mr. Sullivan—With one sentence I will conclude.

Mr. Murphy—I don't intend to have you called as a witness—

Mr. Sullivan—It is an endeavour to accomplish my imprisonment for contempt, when the government “willing to wound, afraid to strike,” know that they dare not accuse me as a Fenian—

Mr. Dix—You are not here as a Fenian.

Mr. Sullivan—For a moment. Knowing well, your worship, that they could not get in all Ireland a jury to convict me, to secure my imprisonment openly and fairly, they do this. I now declare that I participated in that funeral, and I defy those who were guilty of such cowardice as to subpoena me as a crown witness (applause).

Mr. Crean—I perceive that my client, Dr. C. Waters, is now in court. In order to facilitate business, I shall offer no further objection; but, as a matter of fact, he was not summoned.

Then the case proceeded, the police giving their evidence on the whole very fairly, and testifying that the procession was one of the most peaceable, orderly, solemn, and impressive public demonstrations ever seen in Dublin. Against Mr. Martin it was testified that he marched at the head of the procession arm-in-arm with Mr. A.M. Sullivan and another gentleman; and that he delivered the memorable speech at the cemetery gate. Against Dr. Waters and Mr. Lalor it was advanced that they were

honorary secretaries of the funeral committee, and had moreover acted, the former as a marshal, the latter as a steward in the procession. It was found, however, that the case could not be closed that day; and accordingly, late in the evening, the magistrates intimated that they would adjourn over to next morning. Suddenly from the body of the court is heard a stentorian voice:—

Mr. Bracken—I am summoned here as a crown witness. My name is Thomas Bracken. I went, heart and soul into that procession (applause)—

Mr. Anderson, junior—I don't know this gentleman.

Mr. Bracken—I am very proud that neither you nor any one like you knows me (applause).

Page 28

Mr. Dix—I cannot hear you.

Mr. Bracken—I have been brought here as a crown witness away from my business, and losing my time here.

Mr. Donal Sullivan—I am another, and I avow myself in the same way.

Several voices—“So am I.”

Mr. Bracken—I want to know why I should be taken from my business, by which I have to support my family, and put me before the eyes of my countrymen as a crown witness (applause)? I went heart and soul into the procession, and I am ready to do the same to-morrow, and abide by the consequences (applause). It is curious that the government should point me out as a crown witness.

Mr. Murphy—I ask for an adjournment till to-morrow.

Mr. Dix—It is more convenient to adjourn now.

Mr. Martin—I don't want to make any insinuations against the gentlemen who represent the crown, nor against the police, but I mention the fact, in order that they may relieve themselves from the odium which would attach to them if they cannot explain it. This morning a paragraph appears in one of the principal Dublin daily papers, the *Irish Times*, in which it is said that I, John Martin, have absconded; I must presume that the information was supplied to that paper either by the crown representatives or by the police. Mr. Murphy, Q.C.—It is right to state, so far as I am informed, that an endeavour was made to serve Mr. Martin in Dublin. When the summonses were issued he was not in Dublin, but had gone down to the country, either to his own or the house of his brother, or—

Mr. Ross Todd, who sat beside Mr. Martin, here jumped up and said, “To his own house, sir, to his own house”—

Mr. Murphy—Very well. A constable was sent down there, and saw Mr. Martin, and he reported that Mr. Martin said he would attend forthwith.

Mr. Dix—And he has done so?

Mr. Murphy—I have no other knowledge. It was briefed to me that Mr. Martin said he would attend forthwith.

Mr. Martin—I am glad I have given the representatives of the crown an opportunity of making that statement. But I cannot understand how, when the representatives of the crown had the information, and when I told the constables I would attend—as I have

done at great inconvenience and expense to myself—I cannot understand how a newspaper should come to say I had absconded.

Mr. Murphy—I cannot understand it either; I can only tell the facts within my own knowledge.

Mr. Molloy said it seemed very extraordinary that witnesses should be summoned, and the crown say they were not.

Mr. Sullivan wished his summons to be examined. Did the magistrates sign it?

Mr. Dix—Unless I saw the original I could not say.

Mr. J.J. Lalor—Sir John Gray has been summoned as a witness, too. It is monstrous.

Page 29

Sir John Gray, M.P.—I wish to state to your worship the unpleasant circumstances under which I find myself placed. At an advanced hour on Saturday I learned that the crown intended to summon as witnesses for the prosecution some of the gentlemen connected with my establishment. I immediately communicated with the crown prosecutor, and said it was unfair towards these gentlemen to have them placed in such an odious position, and that their refusal to act as crown witnesses might subject them to serious personal consequences; I said it would not be right of me to allow any of the gentlemen of my establishment to subject themselves to the consequences of such refusal, as I knew well they would all refuse. I suggested, if any unpleasant consequences should follow, they should fall on the head of the establishment alone (applause). I said “summon me, and deal with me.” I am here now, sir, to show my respect for you personally and for this court; but I wish to state most distinctly that I will never consent to be examined as a crown witness (applause).

Mr. Anderson, jun., here interposed.

Sir John Gray—I beg your pardon. I am addressing the bench, and I hope I won't be interrupted. Some of my family are going to-night to England to spend the Christmas with my son. I intend to escort them. I will not be here to-morrow. I wish distinctly to state so. If I were here, my respect for you and the bench, would induce me to be present, but I would be present only to declare what I have already stated, that I would not consent to be sworn or to give any evidence whatever in this prosecution. I think it right to add that I attach no blame whatever to the police authorities in this transaction. They have, I am sure, performed their duty in this case with that propriety which has always characterised their conduct. Neither do I attach any blame to the crown prosecutor. I simply desire to state, with the most profound respect for the bench and the court, that I will not be a witness (loud applause). Mr. Anderson—We don't intend to examine Sir John Gray, but I wish to say that if the police believed any one could give important evidence, it is a new proposition to me that it is an indignity upon a man to summon him as a crown witness—

Mr. A.M. Sullivan—I say it is an indignity, and that the crown solicitor should not seek to shift the responsibility on the police, who only do what they are told.

Mr. Anderson—I am not trying to shift anything.

Mr. Sullivan—You are. You are trying to shift the responsibility of having committed a gross indignity upon a member of parliament, upon myself, and upon many honest men here.

Several persons holding up summonses said “hear, hear,” and “yes.”

Mr. Sullivan—This I charge to have been done by Mr. Anderson as his base revenge upon honest men who bade him defiance. Mr. Anderson must answer for this conduct. It is a vile conspiracy—a plot against honest men, who here now to his face tell him they scorn and defy him (applause).

Mr. Dix—I adjourn the case till one o'clock to-morrow.

Page 30

The proceedings were then adjourned.

So far have we quoted from the *Freeman's Journal*. Of the closing scene *Saunders's News-Letter*, grieving sorely over such a fiasco, gives the following account:—

The adjournment of the court was attended with a scene of tumult and disorder that was rarely, or never, witnessed in a police court, in presence of the magistrates and a large number of police—both inspectors and detectives. The crowd of unwilling witnesses who had been summoned to give evidence against the defendants, clamorously protested against being brought there as crown witnesses, avowed that they were present taking part in the procession, and loudly declared that they would not attend at any subsequent hearing of the case. The latter part of the case indeed was marked with frequent interruptions and declarations of a similar kind, often very vociferously uttered. The proceedings terminated amid the greatest and unchecked disorder.

In plain words, “Scene I, Act I,” in what was meant to be a most solemn, awe-inspiring government function, turned out an unmistakable farce, if not a disastrous break down. Even the government journals themselves, without waiting for “Scene II.,” (though coming off immediately) raised a shout of condemnation of the discreditable bungle, and demanded that it should be forthwith abandoned. Considering the course ultimately taken by the government, these utterances of the government organs themselves, have a serious meaning and are of peculiar importance. The ultra-orange *Evening Mail* (Tuesday, 17th December,) said:—

THE POLICE-COURT SCENE.

The scenes of yesterday in the Dublin police-court will cause an astonished public to put the question, is the government insane? They suppress the processions one day, and on the next proceed with deliberation to destroy all possible effect from such an act by inviting the magistrates' court to be used as a platform from whence a fresh roar of defiance may be uttered. The originators of the seditious demonstrations are charged with having brought the government of the kingdom into hatred and contempt; but what step taken, or word spoken or written, from the date of the first procession to the last, brought the government into anything like the “contempt” into which it plunged itself yesterday? The prosecutions now instituted are in themselves an act of utter weakness. We so declared when we imagined that they would be at least rationally conducted; but what is to be said now? It is literally impossible to give any sane explanation of the course taken in summoning as a crown witness one who must have been known to be prepared to boast of his participation in the procession. Mr. Sullivan boldly bearded the prosecutors of his brethren. It was a splendid opportunity for him. “I was present (he said) at that funeral procession. I participated in it, deliberately and heartily. I call this

Page 31

a personal and public outrage, to endeavour to drag the national press of this country—
“. Timid and ineffectual attempts were made by the magistrate to protect his court and position from insult, but Mr. Sullivan had the field, and would hold it. “He might help the crown to put some one else up,” he said, “as they are scarce, perhaps, in accused.” The summoning of him was, he resumed, an “attempt to destroy the national press, whose power the crown feels and fears, but which they dare not prosecute.” Mr. Sullivan was suffered to describe the conduct of the crown prosecutors at another stage as an “infamous plot.” The government desired “to accomplish his imprisonment; they were willing to wound but afraid to strike.” “They knew (he added) that they would not get a jury in all Ireland to agree to convict me; and I now characterise the conduct of the crown as base and cowardly.” Another witness, in a halting way, entered a like protest against being supposed to have sympathy with the crown in the case; and the net result was a very remarkable triumph for what Mr. Sullivan calls the “national press”—a title wholly misapplied and grossly abused. Are we to have a succession of these “scenes in court?”

Saunders’s News-Letter of the same date dealt with the subject as follows:—

The first step in what appears to be a very doubtful proceeding was taken yesterday by the law advisers of the crown. We refer to the prosecution instituted against the leaders and organisers of the Fenian procession which took place in this city on Sunday, the 8th instant, in honour of the memories of the men executed at Manchester for murder. As to the character of that demonstration we never entertained any doubt. But it must be remembered that similar demonstrations had taken place a week previously in London, in Manchester, and in Cork, and that not only did the authorities not interfere to prevent them, but that the prime minister declared in the House of Lords that they were not illegal. Lord Derby doubtless, intended to limit his observations to the violation of the Party Processions Act, without pronouncing any opinion as to the legality or illegality of the processions, viewed under another aspect, as seditious assemblies. But his language was calculated to mislead, and, as a matter of fact, was taken by the Fenian sympathisers as an admission that their mock funeral processions were not unlawful. It is not to be wondered at, therefore, however much to be deplored, that the disaffected portion of the population should have eagerly taken advantage of Lord Derby’s declaration to make a safe display of their sympathies and of their strength. They were encouraged to do so by the toleration already extended towards their fellows in England and in Cork, as well as by the statement of the prime minister. Under these circumstances the prosecution of persons who took part in the Dublin procession, even as organisers of

Page 32

that proceeding, appears to us to be a matter of doubtful policy. Mr. John Martin, the leader of the movement, stands in a different position from his companions. They confined themselves to walking in the procession; he delivered an inflammatory and seditious speech, for which he alone is responsible, and which might have been made the subject of a separate proceeding against him. To do Mr. Martin justice, he showed no desire to shirk the responsibility he has incurred. At the police-court, yesterday, he frankly avowed the part he had taken in the procession, and offered to acknowledge the speech which he delivered on that occasion. If, however, the policy which dictated the prosecution be questionable, there can be no doubt at all as to the objectionable manner in which some of the persons engaged in it have acted—assuming the statement to be true that Mr. Sullivan, proprietor and editor of the *Nation* newspaper, and Sir John Gray, proprietor of the *Freeman's Journal*, have been summoned as crown witnesses. Who is responsible for this extraordinary proceeding it is at present impossible to say. Mr. Murphy, Q.C., the counsel for the crown, declared that he did not intend to examine Mr. Sullivan; Mr. Anderson, the son of the crown solicitor, who appears to be entrusted with the management of these prosecutions, denied that he had directed the summonses to be served, and Mr. Dix, the magistrate, stated that he had not signed them. Tot Mr. Sullivan produced the summons requiring him to attend as a witness, and in the strongest manner denounced the proceeding as a base and cowardly attempt on the part of the government to imprison for contempt of court, a “national journalist” whom they dared not prosecute. Sir John Gray, ill less violent language, complained of an effort having been made to place some of the gentlemen in his employment in the “odious position of crown witnesses,” and stated that he himself had been subpoenaed, but would decline to give evidence. We have not concealed our opinion as to the proper way of dealing with Mr. Sullivan. As the weekly disseminator of most exciting and inflammatory articles, he is doing much to promote disaffection and encourage Fenianism. In no other country in the world would such writing be tolerated for a day; and, assuredly it ought not to be permitted in Ireland in perilous and exciting times like the present. But if Mr. Sullivan has offended against the law, let him be proceeded against boldly, openly, and fairly. He has, we think, a right to complain of being summoned as a witness for the crown; but the government have even more reason to complain of the conduct of their servants in exposing them by their blunders to ridicule and contempt. It is too bad that with a large and highly-paid staff of lawyers and attorneys the government prosecutions should be conducted in a loose and slovenly manner. When a state prosecution has been determined upon, every step ought to be carefully and anxiously considered, and subordinate officials should not be permitted by acts of officious zeal to compromise their superiors and bring discredit on the administration of the law.

The Liberal-Conservative *Irish Times* was still more outspoken:—

Page 33

While all commend the recent action of the government, and give the executive full credit for the repression by proclamation of processions avowedly intended to be protests against authority and law, it is generally regretted that prosecutions should have been instituted against some of those who had taken part in these processions. Had these menacing assemblages been held after the proclamations were issued, or in defiance of the authorities, the utmost power should have been exerted to put them down, and the terrors of the law would properly have been invoked to punish the guilty. But, bearing in mind the fact that these processions had been declared by the head of the government—expressing, no doubt, the opinion entertained at that time by the law officers of the crown, that these processions were “not illegal”—remembering, too, that similar processions had been already held without the slightest intimation of opposition on the part of government; and recollecting, also, that the proclamation was everywhere implicitly obeyed, and without the least wish to dispute it, we cannot avoid regretting that the government should have been advised, at the last hour, to institute prosecutions of such a nature. Once, however, it was determined to vindicate the law in this way, the utmost care should have been taken to maintain the dignity of the proceedings, and to avoid everything calculated to create annoyance, irritation, or offence. If we except the moderate and very able speech of Mr. Murphy, Q.C., there is no one part of the proceedings in the police-court which merits commendation. Some of the witnesses utterly broke down; opportunity was given for utterances not calculated to increase respect for the law; and disloyal sentiments were boldly expressed and cheered until the court rang again. Great and serious as was the mistake in not obtaining an accurate legal opinion respecting the character of these meetings at the first, and then prohibiting them, a far greater mistake is now, we think, committed in instituting *these retrospective prosecutions*. For this mistake the law officers of the crown must, we infer, be held responsible. Were they men of energy and vigour, with the necessary knowledge of the world, they would not have suffered the executive to permit processions first, and then prohibit them, and at the same time try men for participating in what had been pronounced not to be illegal. We exonerate the attorney-general from the error of summoning to give evidence persons who openly gloried in the part they had taken in these meetings. To command the presence of such witnesses was of the nature of an offence. There was no ground, for instance, for supposing that Mr. Sullivan would have played the informer against the friends who had walked with him in the procession—such is not his character, his feeling, or his sense of honour. The summoning of those who had moved with, and as part of, the multitude, to give

Page 34

evidence against their fellows, was not only a most injudicious, but a futile expedient, and naturally has caused very great dissatisfaction and annoyance. The circumstance, however, proves that the prosecutions was instituted without that exact care and minute attention to all particulars which are necessary in a case of this kind.

Even the *Daily Express*, the, all-but subsidised, if not the secretly subsidised, organ of the ultra-orange section of the Irish administration, had to own the discomfiture of its patrons:—

Are our police offices to become a kind of national journals court? Is the “national press of Ireland” then and there to bid for the support immediately of the gallery, and more remotely of that portion of the population which is humourously called the Irish Nation? These speculations are suggested by a curious scene which took place at the inquiry at the police office yesterday, and which will be found detailed in another column. Mr. Sullivan, the editor of the *Nation*, seized the opportunity of being summoned as a witness, to denounce the government for not including him in the prosecution. He complained “of endeavouring to place the editor of a national journal on the list of crown witnesses in this court as a public and personal indignity,” and as an endeavour to destroy the influence of the national press. It is certainly an open avowal to declare that the mere placing of the name of the editor of a “national” journal upon the list of crown witnesses is an unparalleled wrong. But Sir John Gray was still more instructive. From him we learn that a witness summoned to assist the crown in the prosecution of sedition is placed in an “odious position.” Odious it may be, but in the eyes of whom? Surely not of any loyal subject? A paid informer, or professional spy, may be personally odious in the eyes of those who make use of his services. But we have yet to learn how a subject who is summoned to come forward to assist the government fills an odious position in the opinion of his loyal fellow-subjects. We should rather have supposed him to be entitled to their gratitude. However that may be, Sir John Gray came gallantly to the rescue of several “gentlemen connected with his establishment,” whom, he was informed, the government intended to summon as witnesses. This, he knew, they would all refuse. “I suggested, if any unpleasant consequences should follow, that they should fall on the head of the establishment alone.” He called upon the authorities to summon him. We do complain of our police-courts being made the scenes of open avowals of determination to thwart, or, at least, not to assist the government in their endeavours to prosecute treason and sedition. We can imagine no principle on which a subject could object to assisting the crown as a witness, which, if followed to its logical consequences, would not justify open rebellion. It is certainly a dangerous doctrine to preach that it is allowable,

Page 35

may, even praiseworthy in a subject to refuse to give evidence when called upon to do so by the crown. There is a disposition too prevalent in this country to regard the law as an enemy, and opposition to it, either by passive obstruction or active rebellion, as a praiseworthy and patriotic act. Can we wonder at this when we hear opposition to constituted authority openly preached by the instructors of “the nation,” and witness the eagerness of the “national press” to free itself from the terrible suspicion of coming to the assistance, even involuntarily, of the government in its struggle with sedition and treason?

It was amidst such an outburst of vexation and indignation as this, even from the government journals themselves, that the curtain rose next morning on Act II. in the Head Police Office. A very unique episode commenced the proceedings on this day also. At the resumption of the case, Mr. Murphy, Q.C., on behalf of the crown, said:—

Mr. Sullivan and some other gentlemen complained yesterday of having been served with summonses to give evidence in those cases. I am directed by the attorney-general to state that he regrets it, and that it was done without his authority. He never gave any directions to have those persons summoned, nor was it done by anyone acting under his directions. It occurred in this way. General directions were given to the police to summon parties to give evidence in order to establish the charge against those four gentlemen who are summoned for taking an active part in the procession. The police, in the exercise of their discretion thought it might be necessary to summon parties who took part in the procession, but there was no intention on the part of those aiding on behalf of the crown to summon parties to give evidence who themselves took part in the procession, and I am sorry it occurred.

Mr. Dix—I may mention that a magistrate when signing a summons knows nothing of the witnesses. If they were all living in Jamaica he merely signs it as a matter of form.

Mr. A.M. Sullivan—I thank your worship and Mr. Murphy, and I think it will be seen that had your worship not allowed me yesterday to make the protest I did, the attorney-general would not have the opportunity of making the disclaimer which it became the dignity of the government to make. The aspect of the case yesterday was very adverse towards Sir John Gray, myself, and other gentlemen. Although my brother signed his name to the notice, he was not summoned as principal but as a witness, but if necessary, he was determined to stand side by side in the dock with Mr. Martin.

Mr. Allen—I am very glad of the explanation, because I was blamed for allowing persons making speeches here yesterday. I think if a man has any ground of complaint the sooner it is set right the better.

Mr. Sullivan—I have to thank the bench.

Page 36

Mr. Allen—I am glad that a satisfactory arrangement has been come to by all parties, because there is an objection entertained by some persons to be brought into court as witnesses for the crown.

Mr. Sullivan—Especially a public journalist.

Mr. Allen—Quite so.

Mr. Heron then proceeded to cross-examine the witness.

It was elicited from the government reporter, that, by a process which he called “throwing in the vowels,” he was able to make Mr. Martin’s speech read sufficiently seditious. Mr. D.C. Heron, Q.C., then addressed the court on behalf of Mr. J.J. Lalor; and Mr. Michael Crean, barrister, on behalf of Dr. Waters. Mr. Martin, on his own behalf, then spoke as follows:—

I admit I attended the procession. I admit also that I spoke words which I consider very grave and serious words upon that occasion. For my acts on that occasion, for the sense and intention of the words I spoke on that occasion, I am perfectly willing to be put upon my country. Not only for all my acts on that occasion—not only for the words which I spoke on that occasion; but for all my acts or all the words I either spoke or wrote, publicly or privately, upon Irish politics, I am perfectly willing to be put upon my country. In any free country that has real constitutional institutions to guarantee the liberty of the subject—to guarantee the free trial of the subject charged with an offence against either the state or his neighbour, it would be quite absurd to expect a man could be put upon his country and convicted of a crime for doing that and using such words as the vast majority of his fellow-countrymen approve. In this case I believe that a vast majority of my fellow-countrymen do not disapprove of the acts I acknowledge on that occasion, and that they sympathise in the sentiment of the words I then spoke.

Therefore the mere fact that a prosecution is preferred against me for that act, and for those words, is the expression of an opinion on my part that this country does not at present enjoy real constitutional institutions, guaranteeing a free trial—guaranteeing that the man accused shall be really put upon his country. Therefore it is absurd to think that any twelve honest men, my neighbours, put upon their oaths, would declare that to be a crime which it is probable that, at least, four-fifths of them believe to be right—right both constitutionally and morally. I am aware—we are all aware—that the gentlemen who represent the crown in this country, have very powerful means at their disposal for obtaining convictions in the form of law and in the form of justice, of any person they think proper to accuse; and without meaning either to sneer or to joke in this matter, I acknowledge the moderation of the gentlemen who represent the government, since they chose to trouble themselves with me at all. I acknowledge their moderation in proposing to indict me now for sedition, for

Page 37

the language which they say I used, because it is possible for them, with the means at their disposal, to have me convicted for murder, or burglary, or bigamy (laughter). I am sorry to say what seems like a sneer, but I use the words in deep and solemn seriousness, and I say no more than I am perfectly ready to be tried fairly or foully (applause in court).

The magistrates reserved their decision till next day; so that there might be decent and seemly pause for the purpose of looking up and pondering the legal precedents, as the legal fiction would have it; and on next day, they announced that they would send all the accused for trial to the next Commission at Green-street, to open on the 10th February, 1868. The several traversers, however, were required to enter merely into their own recognizances in L500 each to appear for trial.

In this police court proceeding the government, confessedly, were morally worsted—utterly humiliated, in fact. So far from creating awe or striking terror, the prosecution had evoked general contempt, scorn, and indignation. To such an extent was this fact recognised, that the government journals themselves, as we have seen, were amongst the loudest in censuring the whole proceeding, and in supporting the general expectation that there was an end of the prosecution.

Not so however was it to be. The very bitterness of the mortification inflicted upon them by their “roll in the dust” on their first legal encounter with the processionists, seemed to render the crown officials more and more vindictive. It was too galling to lie under the public challenge hurled at them by Mr. Bracken, Mr. O’Reilly, and Mr. Sullivan. After twelve days’ cogitation, government made up its mind to strike.

On Saturday, 28th December, 1867—just as everyone in Ireland seemed to have concluded that, as the Conservative journals said, there was “an end of” the foolish and ill-advised funeral prosecutions—Mr. Sullivan, Mr. Bracken (one of the funeral stewards), Mr. Jennings, of Kingstown (one of the best known and most trusted of the nationalists of “Dunleary” district). Mr. O’Reilly, (one of the mounted marshals at the procession), and some others, were served with citations to appear on Monday the 30th, at the Head Police Office, to answer charges identical with those preferred on the 16th against Mr. Martin, Dr. Waters, and Mr. Lalor.

Preliminary prosecution No. 2 very much resembled No. 1. Mr. Murphy, Q.C. stated the crown case with fairness and moderation; and the police, as before, gave their evidence like men who felt “duty” and “conscience” in sore disagreement on such an occasion. Mr. Jennings and Mr. O’Reilly were defended, respectively, by Mr. Molloy and Mr. Crean; two advocates whose selection from the junior bar for these critical and important public cases was triumphantly vindicated by their conduct from the first to the last scene of the drama. Mr. Sullivan, Mr. Bracken, and the other accused, were not

represented by counsel. On the first-named gentleman (Mr. Sullivan) being formally called on, he addressed the court at some length. He said:—

Page 38

Please your worship, had the officials of the crown adopted towards me, in the first instance, the course which they have taken upon the present occasion, and had they not adopted the singular course which they pursued in my regard when I last appeared in this court, I should trouble you with no observations. For, as one of the 50,000 persons who, on the 8th of December, in this city, publicly, lawfully, and peacefully demonstrated their protest against what they believed to have been a denial of law and an outrage on justice, I should certainly waste no public time in this preliminary investigation, but rather admit the facts as you perceive I have done to-day, and hasten the final decision on the issues really knit between us and the crown. What was the course adopted by the crown in the first instance against me? They had before them, on the 9th, just as well as on the 29th—it is in evidence that they had—the fact that I, openly and publicly, took part in that demonstration—that sorrowful and sad protest against injustice (applause). They had before them then as much as they had before them to-day, or as much as they will ever have affecting me. For, whatever course I take in public affairs in this country, I conceal nothing, I take it publicly, openly, and deliberately. If I err, I am satisfied to abide the consequences; and, whenever it may suit the weathercock judgment of Lord Mayo, and his vacillating law advisers, to characterise my acts or my opinion as illegal, seditious, heretical, idolatrous, or treasonable, I must, like every other subject, be content to take my chance of their being able to find a jury sufficiently facile or sufficiently stupid to carry out their behests against me. But they did not choose that course at first. They did not summon me as a principal, but they subpoenaed me as a witness—as a crown witness—against some of my dearest, personal, and public friends. The attorney-general, whose word I most fully and frankly accept in the matter—for I would not charge him with being wanting in personal truthfulness—denied having had any complicity in the course of conduct pursued towards me; but where does he lay the responsibility? On “the police.” What is the meaning of that phrase, “the police?” He surely does not mean that the members of the force, who parade our streets, exercise viceregal functions (laughter). Who was this person thus called the “police?” How many degrees above or below the attorney-general are we to look for this functionary described as “the police,” who has the authority to have a “seditious” man—that is the allegation—a seditious man—exempted from prosecution? The police cannot do that. Who, then? Who was he that could draw the line between John Martin and his friend A.M. Sullivan—exempt the one, prosecute the other—summon the former as a defendant and subpoena the latter as a crown witness? What was the object? It is plain. There are at this moment, I am

Page 39

convinced—who doubts it?—throughout Ireland, as yet unfound out, Talbots and Corridons in the pay of the crown acting as Fenian centres, who, next day, would receive from their employers directions to spread amongst my countrymen the intelligence that I had been here to betray my associate, John Martin (applause). But their plot recoiled—their device was exposed; public opinion expressed its reprobation of the unsuccessful trick; and now they come to mend their hand. The men who were exempted before are prosecuted to-day. Now, your worships, on this whole case—on this entire procedure—I deliberately charge that not we, but the government, have violated the law. I charge that the government are well aware that the law is against them—that they are irresistibly driven upon this attempt to strain and break the law against the constitutional right and liberty of the subject by their mere party exigencies and necessities.

He then reviewed at length the bearing of the Party Processions Act upon the present case; and next proceeded to deal with the subject of the Manchester executions; maintaining that the men were hanged, as were others before them, in like moments of national passion and frenzy, on a false evidence and a rotten verdict. Mr. Sullivan proceeded:—

It is because the people love justice and abhor injustice—because the real crime of those three victims is believed to have been devotion to native land—that the Catholic churches of Ireland resound with prayers and requiem hymns, and the public highways were lined with sympathising thousands, until the guilty fears of the executioners proclaimed it illegal to mourn. Think you, sir, if the crown view of this matter were the true one, would the Catholic clergy of Ireland—they who braved fierce and bitter unpopularity in reprehending the Fenian conspiracy at a time when Lord Mayo's organ was patting it on the back for its 'fine Sardinian spirit'—would these ministers of religion drape their churches for three common murderers? I repel as a calumnious and slanderous accusation against the Catholic clergy of Ireland this charge, that by their mourning for those three martyred Irishmen, they expressed sympathy, directly or indirectly, with murder or life-taking. If an act be seditious, it is not the less illegal in the church than in the graveyard, or on the road to the cemetery. Are we, then, to understand that our churches are to be invaded by bands of soldiery, and our priests dragged from the altars, for the seditious crime of proclaiming aloud their belief in the innocence of Allen, Larkin, and O'Brien? This, sir, is what depends on the decision in this case, here or elsewhere. All this and more. It is to be decided whether, in their capacity of Privy Councillors, the judges of the land shall put forth a proclamation the legality or binding force of which they will afterwards sit as judges to try. It is whether, there being no constitution now allowed to exist in the country,

Page 40

there is to be no law save what a Castle proclamation will construct, permit, or decree; no mourning save what the police will license; no demonstration of opinion save whatever accords with the government views. We hear much of the liberties enjoyed in this country. No doubt, we have fine constitutional rights and securities, until the very time they are most required. When we have no need to invoke them, they are permitted to us; but at the only time when they might be of substantial value, they are, as the phrase goes, “suspended.” Who, unless in times of governmental panic, need apprehend unwarranted arrest? When else is the *Habeas Corpus* Act of such considerable protection to the subject? When, unless when the crown seeks to invade public liberty, is the purity and integrity of trial by jury of such value and importance in political cases? Yet all the world knows that the British government, whenever such a conflict arises, juggles and packs the jury—Mr. Dix—I really cannot allow that language to be used in this court, Mr. Sullivan, with every disposition to accord you, as an accused person, the amplest limits in your observations. Such language goes beyond what I can permit—

Mr. Sullivan—I, at once, in respect for your worship, retract the word juggle. I will say the crown manipulates the jury.

Mr. Dix—I can’t at all allow this line of comment to be pursued—

Mr. Sullivan—With all respect for your worship, and while I am ready to use any phrase most suitable for utterance here, I will not give up my right to state and proclaim the fact, however unpalatable, when it is notoriously true. I stand upon my rights to say, that you have all the greater reason to pause, ere you send me, or any other citizen, for trial before a jury in a crown prosecution at a moment like the present, when trial by jury, as the theory of the constitution supposes it, does not exist in the land. I say there is now notoriously no fair trial by jury to be had in this country, as between the subject and the crown. Never yet, in an important political case, have the government in this country dared to allow twelve men indifferently chosen, to pass into the jury-box to try the issue between the subject and the crown. And now, sir, if you send the case for trial, and suppose the government succeed by the juries they are able to empanel here, with ‘Fenian’ ticketed on the backs of the accused by the real governors of the country—the Heygates and the Bruces—and if it is declared by you that in this land of mourning it has become at last criminal even to mourn—what a victory for the crown! Oh, sir, they have been for years winning such victories, and thereby manufacturing conspiracies—driving people from the open and legitimate expression of their sentiments into corners to conspire and to hide. I stand here as a man against whom some clamour has been raised for my efforts to save my countrymen

Page 41

from the courses into which the government conduct has been driving them, and I say that there is no more revolutionary agent in the land than that persecution of authority which says to the people, "When we strike you, we forbid you to weep." We meet the crown, foot to foot, on its case here. We say we have committed no offence, but that the prosecution against us has been instituted to subserve their party exigencies, and that the government is straining and violating the law. We challenge them to the issue, and even should they succeed in obtaining from a crown jury a verdict against us, we have a wider tribunal to appeal to—the decision of our own consciences and the judgment of humanity (applause).

Mr. Murphy, Q.C., briefly replied. He asked his worship not to decide that the procession was illegal, but that this case was one for a court of law and a jury.

On this occasion it was unnecessary for Mr. Dix to take any "time to consider his decision." All the accused were bound over in their own recognizances to stand their trials at the forthcoming Commission in Green-street court, on the 10th of February, 1868.

The plunge which the crown officials had shivered so long before attempting had now been taken, and they determined to go through with the work, *a l'outrance*. In the interval between the last police-court scene described above, and the opening of the Green-street Commission, in February, 1868, prosecutions were directly commenced against the *Irishman* and the *Weekly News* for seditious writing. In the case of the former journal the proprietor tried some skilfully-devised preparatory legal moves and manoeuvres, not one of which of course succeeded, though their justice and legality were apparent enough. In the case of the latter journal—the *Weekly News*—the proprietor raised no legal point whatsoever. The fact was that when he found the crown not content with *one* state prosecution against him (that for the funeral procession), coming upon him with a *second*, he knew his doom was sealed. He very correctly judged that legal moves would be all in vain—that his conviction, *per fas aut ne fas*, was to be obtained—that a jury would be packed against him—and that consequently the briefest and most dignified course for him would be to go straight to the conflict and meet it boldly.

On Monday, 10th February, 1868, the commission was opened in Green-street, Dublin, before Mr. Justice Fitzgerald and Baron Deasy. Soon a cunning and unworthy legal trick on the part of the crown was revealed. The prosecuted processionists and journalists had been indicted in the *city* venue, had been returned for trial to the *city* commission by a *city* jury. But the government at the last moment mistrusted a city jury in this instance—even a *packed* city jury—and without any notice to the traversers, sent the indictments before

Page 42

the *county* grand jury, so that they might be tried by a jury picked and packed from the anti-Irish oligarchy of the Pale. It was an act of gross illegality, hardship, and oppression. The illegality of such a course had been ruled and decided in the case of Mr. Gavan Duffy in 1848. But the point was raised vainly now. When Mr. Pigott, of the *Irishman*, was called to plead, his counsel (Mr. Heron, Q.C.) insisted that he, the traverser, was now in custody of the *city* sheriff in accordance with his recognizances, and could not without legal process be removed to the county venue. An exciting encounter ensued between Mr. Heron and the crown counsel, and the court took till next day to decide the point. Next morning it was decided in favour of the crown, and Mr. Pigott was about being arraigned, when, in order that he might not be prejudiced by having attended pending the decision, the attorney-general said, "he would shut his eyes to the fact that that gentleman was now in court," and would have him called immediately—an intimation that Mr. Pigott might, if advised, try the course of refusing to appear. He did so refuse. When next called, Mr. Pigott was not forthcoming, and on the police proceeding to his office and residence that gentleman was not to be found—having, as the attorney-general spitefully expressed it, "fled from justice." Mr. Sullivan's case, had, of necessity, then to be called; and this was exactly what the crown had desired to avoid, and what Mr. Heron had aimed to secure. It was the secret of all the skirmishing. A very general impression prevailed that the crown would fail in getting a jury to convict Mr. Sullivan on any indictment tintured even ever so faintly with "Fenianism;" and it was deemed of great importance to Mr. Pigott's case to force the crown to begin with the one in which failure was expected—Mr. Sullivan having intimated his perfect willingness to be either pushed to the front or kept to the last, according as might best promise to secure the discomfiture of the government. Mr. Heron had therefore so far out-manoeuvred the crown. Mr. Sullivan appeared in court and announced himself ready for trial, and the next morning was fixed for his arraignment. Up to this moment, that gentleman had expressed his determination not only to discard legal points, but to decline ordinary professional defence, and to address the jury in his own behalf. Now, however, deferring to considerations strongly pressed on him (set forth in his speech to the jury in the funeral procession case), he relinquished this resolution; and, late on the night preceding his trial, entrusted to Mr. Heron, Q.C., Mr. Crean, and Mr. Molloy, his defence on this first prosecution.

Next morning, Saturday, 15th February, 1868, the trial commenced; a jury was duly packed by the "stand-by" process, and notwithstanding a charge by Justice Fitzgerald, which was, on the whole one of the fairest heard in Ireland in a political case for many years, Mr. Sullivan was duly convicted of having, by pictures and writings in his journal the *Weekly News*, seditiously brought the crown and government into hatred and contempt.

Page 43

The government officials were jubilant. Mr. Pigott was next arraigned, and after an exceedingly able defence by Mr. Heron, was likewise convicted.

It was now very generally concluded that the government would be satisfied with these convictions, and would not proceed with the funeral procession cases. At all events, it was universally regarded as certain that Mr. Sullivan would not be arraigned on the second or funeral procession indictment, as he now stood convicted on the other—the press charge. But it was not to be so. Elate with their success, the crown officials thought they might even discard their doubts of a city jury; and on Thursday morning, 20th February, 1868, John Martin, Alexander M. Sullivan, Thomas Bracken, and J.J. Lalor,[A] were formally arraigned in the *city* venue. [Footnote A: Dr. Waters, in the interval since his committal on this charge, had been arrested, and was now imprisoned, under the Suspension of the *Habeas Corpus* Act. He was not brought to trial on the procession charge.]

It was a scene to be long remembered, that which was presented in the Green-street court-house on that Thursday morning. The dogged vindictiveness of the crown officials, in persisting with this second prosecution, seemed to have excited intense feeling throughout the city, and long before the proceedings opened the court was crowded in every part with anxious spectators. When Mr. Martin entered, accompanied by his brother-in-law, Dr. Simpson, and Mr. Ross Todd, and took his seat at the travelers' bar, a low murmur of respectful sympathy, amounting to applause, ran through the building. And surely it was a sight to move the heart to see this patriot—this man of pure and stainless life, this man of exalted character, of noble soul, and glorious principles—standing once more in that spot where twenty years before he stood confronting the same foe in the same righteous and holy cause—standing once more at that bar whence, twenty years before, he was led off manacled to a felon's doom for the crime of loving Ireland! Many changes had taken place in the interval, but over the stern integrity of *his* soul time had wrought no change. He himself seemed to recall at this moment his last “trial” scene on this spot, and, as he cast his gaze around, one could detect on his calm thoughtful face something of sadness, yet of pride, as memory doubtless pictured the spectacle of twenty years ago.

Mr. Sullivan, Mr. Bracken, and Mr. Lalor, arrived soon after, and immediately the judges appeared on the bench the proceedings began.

On their lordships, Mr. Justice Fitzgerald and Mr. Baron Deasy, taking their seats upon the bench,

Mr. Smartt (deputy clerk of the crown) called upon John Martin, Alexander M. Sullivan, John J. Lalor, and Thomas Bracken, to come and appear as they were bound to do in discharge of their recognizances.

All the traversers answered.

Page 44

Mr. Smartt then proceeded to arraign the traversers under an indictment charging in the first count—"That John Martin, John C. Waters, John J. Lalor, Alexander M. Sullivan, and Thomas Bracken, being malicious, seditious, and ill-disposed persons, and intending to disturb the peace and tranquillity of the realm, and to excite discontent and disaffection, and to excite the subjects of our Lady the Queen in Ireland to hatred and dislike of the government, the laws, and the administration of the laws of this realm, on the 8th day of December, in the year of our Lord, 1867, unlawfully did assemble and meet together with divers other persons, amounting to a large number—to wit, fifteen thousand persons—for the purpose of exciting discontent and disaffection, and for the purpose of exciting her Majesty's subjects in Ireland to hatred of her government and the laws of this realm, in contempt of our Lady the Queen, in open violation of the laws of this realm, and against the peace of our Lady the Queen, her crown and dignity." The second count charged that the defendants intended "to cause it to be believed that the three men who had been duly tried, found guilty, and sentenced, according to law, for murder, at Manchester, in England, had been illegally and unjustly executed; and to excite hatred, dislike, and disaffection against the administration of justice, and the laws of this realm, for and in respect of the execution of the said three men." A third count charged the publication at the unlawful assembly laid in the first and second counts of the false and seditious words contained in Mr. John Martin's speech. A fourth and last count was framed under the Party Processions' Act, and charged that the defendants "did unlawfully meet, assemble, and parade together, and were present at and did join in a procession with divers others, and did bear, wear, and have amongst them in said procession certain emblems and symbols, the display whereof was calculated to and did tend to provoke animosity between different classes of her Majesty's subjects, against the form of the statute in such case made and provided, and against the peace of our Lady the Queen, her crown and dignity."

The traversers severally pleaded not guilty.

The Attorney-General, the Solicitor-General, Dr. Ball, Q.C.; Mr. Charles Shaw, Q.C.; Mr. James Murphy, Q.C.; Mr. R.H. Owen, Q.C.; and Mr. Edward Beytagh, instructed by Mr. Anderson, Crown Solicitor, appeared to prosecute.

Mr. Martin, Mr. Sullivan, and Mr. Bracken were not professionally assisted.

Mr. Michael T. Crean, instructed by Mr. John T. Scallan, appeared for Mr. Lalor.

And now came the critical stage of the case. *Would the crown pack the jury?* The clerk of the crown began to call the panel, when—

John Keegan was called and ordered to stand by on the part of the crown.

Mr. Sullivan—My lord, have I any right to challenge?

Page 45

Mr. Justice Fitzgerald—You have Mr. Sullivan, for cause.

Mr. Sullivan—And can the crown order a juror to stand by without a cause assigned?

Mr. Justice Fitzgerald—The crown has a right to exercise that privilege.

Mr. Sullivan—Well, I will exercise no challenge, for cause or without cause. Let the crown select a jury now as it pleases.

Subsequently George M'Cartney was called, and directed to stand by.

Patrick Ryan was also ordered to stand by.

Mr. Martin—I protest against this manner of selecting a jury. I do so publicly.

J.J. Lalor—I also protest against it.

Thomas Bracken—And I also.

The sensation produced by this scene embarrassed the crown officials not a little. It dragged to light the true character of their proceeding. Eventually the following twelve gentlemen were suffered by the crown to pass into the box as a “jury”—[Footnote: Not one Catholic was allowed to pass into the box. Every Catholic who came to the box was ordered to “*Stand by.*”]

SAMUEL EAKINS, Foreman.
WILLIAM DOWNES GRIFFITH.
EDWARD GATCHELL.
THOMAS MAXWELL HUTTON.
MAURICE KERR.
WILLIAM LONGFIELD.
JOSEPH PURSER.
THOMAS PAUL.
JAMES REILLY.
JOHN GEORGE SHIELS.
WILLIAM O'BRIEN SMYTH.
GEORGE WALSH.

The Solicitor-General, Mr. Harrison, stated the case for the prosecution. Next the police repeated their evidence—their description of the procession—as given before the magistrates, and the government short-hand writer proved Mr. Martin's speech. The only witnesses now produced who had not testified at the preliminary stage were a

Manchester policeman named Seth Bromley, who had been one of the van escort on the day of the rescue, and the degraded and infamous crown spy, Corridon. The former—eager as a beagle on the scent to run down the prey before him—left the table amidst murmurs of derision and indignation evoked by his over-eagerness on his direct examination, and his “fencing” and evasion on cross-examination. The spy Corridon was produced “to prove the existence of the Fenian conspiracy.” Little notice was taken of him. Mr. Crean asked him barely a trivial question or two. Mr. Martin and Mr. Sullivan, when asked if they desired to cross-examine him, replied silently by gestures of loathing; and the wretch left the table—crawled from it—like a crippled murderer from the scene of his crime.

This closed the case for the crown, and Mr. Crean, counsel for Mr. Lalor, rose to address the jury on behalf of his client. His speech was argumentative, terse, forcible, and eloquent; and seemed to please and astonish not only the auditors but the judges themselves, who evidently had not looked for so much ability and vigour in the young advocate before them. Although the speeches of professional advocates do not come within the scope of this publication, Mr. Crean’s vindication of the national colour of Ireland—probably the most telling passage in his address—has an importance which warrants its quotation here:—

Page 46

Gentlemen, it is attempted in this case to make the traversers amenable under the Party Processions' Act, because those in the procession wore green ribbons. Gentlemen, this is the first time, in the history of Irish State Prosecutions which mark the periods of gloom and peril in this country, that the wearing of a green ribbon has been formally indicted; and I may say it is no good sign of the times that an offence which has been hitherto unknown to the law should now crop up for the first time in this year of grace, one thousand eight hundred and sixty-eight. Not even in the worst days of Lord Castlereagh's ill-omened regime was such an attempt as this made to degrade the green of Ireland into a party colour, and to make that which has long been regarded as a national emblem the symbol of a faction. Gentlemen, there is no right-minded or right-hearted man—looking back upon the ruinous dissensions and bitter conflicts which have been the curse and bane of this country—who will not reprobate any effort to revive and perpetuate them. There is no well-disposed man in the community who will not condemn and crush those persons—no matter on what side they may stand—who make religion, which should be the fountain and mother of all peace and blessings, the cause of rancour and animosity. We have had, unhappily, gentlemen, too much of this in Ireland. We have been too long the victims of that wayward fate of which the poet wrote, when he said:—

“Whilst our tyrants join in hate,
We never joined in love.”

But, gentlemen, I will ask of you if you ever before heard, until this time, that the green of Ireland was the peculiar colour of any particular sect, creed, or faction, or that any of the people of this country wore it as the peculiar emblem of their party, and for the purpose of giving annoyance and of offering insult to some other portion of their fellow-countrymen. I must say that I never heard before that Catholic or Protestant, or Quaker or Moravian, laid claim to this colour as a symbol of party. I thought all Irishmen, no matter what altar they bowed before, regarded the green as the national colour of Ireland. If it is illegal to wear the green, all I can say is that the Constabulary are guilty of a constant and continuing breach of the law. The Lord and Lady Lieutenant will probably appear on next Patrick's Day, decorated with large bunches of green shamrock. Many of the highest officials of the government will do the same; and is it to be thought for one moment that they, by wearing this green emblem of Ireland and of Irish nationality, are violating the law of the land. Gentlemen, it is perfectly absurd to think so. I hope this country has not yet so fallen as that it has become a crime to wear the green. I trust we have not yet come to that pass of national degradation, that a jury of Irishmen can be found so forgetful of their country's dignity and of their own as to brand with a mark

Page 47

of infamy a colour which is associated with so many recollections, not of party triumphs, but of national glories—not with any sect, or creed, or party, but with a nation and a race whose children, whether they were the exiled soldiers of a foreign state, or the soldiers of Great Britain—whether at Fontenoy or on the plains of Waterloo, or on the heights of Fredericksburgh, have nobly vindicated the chivalry and fame of Ireland! It is for them that the green has its true meaning. It is to the Irishman in a distant land this emblem is so dear, for it is entwined in his memory, not with any miserable faction, but with the home and the country which gave him birth. I do hope that Irishmen will never be ashamed in this country to wear the green, and I hope an attempt will never again be made in an Irish court of justice to punish Irishmen for wearing that which is a national colour, and of which every man who values his country should feel proud.

When Mr. Crean resumed his seat—which he did amidst strong manifestations of applause—it was past three o'clock in the afternoon. It was not expected that the case would have proceeded so far by that hour, and Mr. Martin and Mr. Sullivan, who intended each to speak in his own behalf, did not expect to rise for that purpose before next day, when it was arranged that Mr. Martin would speak first, and Mr. Sullivan follow him. Now, however, it was necessary some one of them should rise to his defence, and Mr. Martin urged that Mr. Sullivan should begin.

By this time the attendance in court, which, during the Solicitor-General's speech and the crown evidence, thinned down considerably, had once more grown too great for the fair capacity of the building. There was a crush within, and a crowd without. When Mr. Sullivan was seen to rise, after a moment's hurried consultation with Mr. Martin, who sat beside him, there was a buzz, followed by an anxious silence. For a moment the accused paused, almost overcome (as well he might have been) by a sense of the responsibility of this novel and dangerous course. But he quickly addressed himself to the critical task he had undertaken, and spoke as follows:—[Footnote: As Mr. Sullivan delivered this speech without even the ordinary assistance of written notes or memoranda, the report here quoted is that which was published in the newspapers of the time. Some few inaccuracies which he was precluded from correcting then (being a prisoner when this speech was first published), have been corrected for this publication.]

My lords and gentlemen of the jury—I rise to address you under circumstances of embarrassment which will, I hope, secure for me a little consideration and indulgence at your hands. I have to ask you at the outset to banish any prejudice that might arise in your minds against a man who adopts the singular course—who undertakes the serious responsibility—of pleading his own defence. Such a proceeding might be thought to be dictated

Page 48

either by disparagement of the ordinary legal advocacy, by some poor idea of personal vanity, or by way of reflection on the tribunal before which the defence is made. My conduct is dictated by neither of these considerations or influences. Last of all men living should I reflect upon the ability, zeal, and fidelity of the Bar of Ireland, represented as it has been in my own behalf within the past two days by a man whose heart and genius are, thank God, still left to the service of our country, and represented, too, as it has been here this day by that gifted young advocate, the echoes of whose eloquence still resound in this court, and place me at disadvantage in immediately following him. And assuredly I design no disrespect to this court; either to tribunal in the abstract, or to the individual judges who preside; from one of whom I heard two days ago delivered in my own case a charge of which I shall say—though followed by a verdict which already consigns me to a prison—that it was, judging it as a whole, the fairest, the clearest, the most just and impartial ever given to my knowledge, in a political case of this kind in Ireland between the subject and the crown. No; I stand here in my own defence to-day, because long since I formed the opinion that, on many grounds, in such a prosecution as this, such a course would be the most fair and most consistent for a man like me. That resolution I was, for the sake of others, induced to depart from on Saturday last, in the first prosecution against me. When it came to be seen that I was the first to be tried out of two journalists prosecuted, it was strongly urged on me that my course, and the result of my trial, might largely affect the case of the other journalist to be tried after, me; and that I ought to waive my individual views and feelings, and have the utmost legal ability brought to bear in behalf of the case of the national press at the first point of conflict. I did so. I was defended by a bar not to be surpassed in the kingdom for ability and earnest zeal; yet the result was what I anticipated. For I knew, as I had held all along, that in a case like this, where law and fact are left to the jury, legal ability is of no avail if the crown comes in with its arbitrary power of moulding the jury. In that case, as in this one, I openly, publicly, and distinctly announced that I for my part would challenge no one, whether with cause or without cause. Yet the crown—in the face of this fact—and in a case where they knew that at least the accused had no like power of peremptory challenge—did not venture to meet me on equal footing; did not venture to abstain from their practice of absolute challenge; in fine, did not dare to trust their case to twelve men “indifferently chosen,” as the constitution supposes a jury to be. Now, gentlemen, before I enter further upon this jury question, let me say that with me this is no complaint merely against “the Tories.” On this as well as on numerous other subjects, it

Page 49

is well known that it has been my unfortunate lot to arraign both Whigs and Tories. I say further, that I care not a jot whether the twelve men selected or permitted by the crown to try me, or rather to convict me, by twelve of my own co-religionists and political compatriots, or twelve Protestants, Conservatives, Tories, or “Orangemen.” Understand me clearly on this. My objection is not to the individuals comprising the jury. You may be all Catholics, or you may be all Protestants, for aught that affects my protest, which is against the mode by which you are selected—selected by the crown—their choice for their own ends—and not “indifferently chosen” between the crown and the accused. You may disappoint, or you may justify the calculations of the crown official, who has picked you out from the panel, by negative or positive choice (I being silent and powerless)—you may or may not be all he supposes—the outrage on the spirit of the constitution is the same. I say, by such a system of picking a jury by the crown, I am not put upon my country. Gentlemen, from the first moment these proceedings were commenced against me, I think it will be admitted that I endeavoured to meet them fairly and squarely, promptly and directly. I have never once turned to the right or to the left, but gone straight to the issue. I have from the outset declared my perfect readiness to meet the charges of the crown. I did not care when or where they tried me. I said I would avail of no technicality—that I would object to no juror—Catholic, Protestant, or Dissenter. All I asked—all I demanded—was to be “put upon my country,” in the real, fair, and full sense and spirit of the constitution. All I asked was that the crown would keep its hand off the panel, as I would keep off mine. I had lived fifteen years in this city; and I should have lived in vain, if, amongst the men that knew me in that time, whatever might be their political or religious creed, I feared to have my acts, my conduct, or principles tried. It is the first and most original condition of society that a man shall subordinate his public acts to the welfare of the community, or at least acknowledge the right of those amongst whom his lot is cast, to judge him on such an issue as this. Freely I acknowledge that right. Readily have I responded to the call to submit to the judgment of my country, the question whether, in demonstrating my sorrow and sympathy for misfortune, my admiration for fortitude, my vehement indignation against what I considered to be injustice, I had gone too far and invaded the rights of the community. Gentlemen, I desire in all that I have to say to keep or be kept within what is regular and seemly, and above all to utter nothing wanting in respect for the court; but I do say, and I do protest, that I have not got trial by jury according to the spirit and meaning of the constitution. It is as representatives of the general community, not as representatives of the crown officials, the constitution supposes

Page 50

you to sit in that box. If you do not fairly represent the community, and if you are not empanelled indifferently in that sense, you are no jury in the spirit of the constitution. I care not how the crown practice may be within the technical letter of the law, it violates the intent and meaning of the constitution, and it is not “trial by jury.” Let us suppose the scene removed, say, to France. A hundred names are returned on what is called a panel by a state functionary for the trial of a journalist charged with sedition. The accused is powerless to remove any name from the list unless for over-age or non-residence. But the imperial prosecutor has the arbitrary power of ordering as many as he pleases to “stand aside.” By this means he puts or allows on the jury only whomsoever he pleases. He can, beforehand, select the twelve, and, by wiping out, if it suits him, the eighty-eight other names, put the twelve of his own choosing into the box. Can this be called trial by jury? Would not it be the same thing, in a more straightforward way, to let the crown-solicitor send out a policeman and collect twelve well-accredited persons of his own mind and opinion? For my own part, I would prefer this plain-dealing, and consider far preferable the more rude but honest hostility of a drum-head court martial (applause in the court). Again I say, understand me well, I am objecting to the principle, the system, the practice, and not to the twelve gentlemen now before me as individuals. Personally, I am confident that being citizens of Dublin, whatever your views or opinions, you are honourable and conscientious men. You may have strong prejudices against me or my principles in public life—very likely you have; but I doubt not that though these may unconsciously tinge your judgment and influence your verdict, you will not consciously violate the obligations of your oath. And I care not whether the crown, in permitting you to be the twelve, ordered three, or thirteen, or thirty others to “stand by”—or whether those thus arbitrarily put aside were Catholics or Protestants, Liberals, Conservatives, or Nationalists—the moment the crown put its finger at all on the panel, in a case where the accused had no equal right, the essential character of the jury was changed, and the spirit of the constitution was outraged. And now, what is the charge against my fellow-traversers and myself? The solicitor-general put it very pithily awhile ago when he said our crime was “glorifying the cause of murder.” The story of the crown is a very terrible, a very startling one. It alleges a state of things which could hardly be supposed to exist amongst the Thugs of India. It depicts a population so hideously depraved that thirty thousand of them in one place, and tens of thousands in various other places, arrayed themselves publicly in procession to honour and glorify murder—to sympathise with murderers as murderers. Yes, gentlemen, that is the crown case, or they have

Page 51

no case at all—that the funeral procession in Dublin on the 8th December last was a demonstration of sympathy with murder as murder. For you will have noted that never once in his smart narration of the crown story, did Mr. Harrison allow even the faintest glimmer to appear of any other possible complexion or construction of our conduct. Why, I could have imagined it easy for him not merely to state his own case, but to state ours too, and show where we failed, and where his own side prevailed. I could easily imagine Mr. Harrison stating our view of the matter—and combatting it. But he never once dared to even mention our case. His whole aim was to hide it from you, and to fasten, as best such efforts of his could fasten, in your minds this one miserable refrain —“They glorified the cause of murder and assassination.” But this is no new trick. It is the old story of the maligners of our people. They call the Irish a turbulent, riotous, crime-loving, law-hating race. They are for ever pointing to the unhappy fact—for, gentlemen, it is a fact—that between the Irish people and the laws under which they now live there is little or no sympathy, but bitter estrangement and hostility of feeling or of action. Bear with me if I examine this charge, since an understanding of it is necessary in order to judge our conduct on the 8th December last. I am driven upon this extent of defence by the singular conduct of the solicitor-general, who, with a temerity which he will repent, actually opened the page of Irish history, going back upon it just so far as it served his own purpose, and no farther. Ah! fatal hour for my prosecutors when they appealed to history. For assuredly, that is the tribunal that will vindicate the Irish people, and confound those who malign them as sympathisers with assassination and glorifiers of murder—

Solicitor-General—My lord, I must really call upon you—I deny that I ever—

Mr. Justice Fitzgerald—Proceed, Mr. Sullivan.

Mr. Sullivan—My lord, I took down the solicitor-general’s words. I quote them accurately as he spoke them, and he cannot get rid of them now. “Glorifiers of the cause of murder” was his designation of my fellow-traversers and myself, and our fifty thousand fellow-mourners in the funeral procession; and before I sit down I will make him rue the utterance. Gentlemen of the jury, if British law be held in “disesteem”—as the crown prosecutors phrase it—here in Ireland, there is an explanation for that fact, other than that supplied by the solicitor-general; namely, the wickedness of seditious persons like myself, and the criminal sympathies of a people ever ready to “glorify the cause of murder.” Mournful, most mournful, is the lot of that land where the laws are not respected—nay, revered by the people. No greater curse could befall a country than to have the laws estranged from popular esteem, or in antagonism with the national

Page 52

sentiment. Everything goes wrong under such a state of things. The ivy will cling to the oak, and the tendrils of the vine reach forth towards strong support. But more anxiously and naturally still does the human heart instinctively seek an object of reverence and love, as well as of protection and support, in law, authority, sovereignty. At least, among a virtuous people like ours, there is ever a yearning for those relations which are, and ought to be, as natural between a people and their government as between the children and the parent. I say for myself, and I firmly believe I speak the sentiments of most Irishmen when I say, that so far from experiencing satisfaction, we experience pain in our present relations with the law and governing power; and we long for the day when happier relations may be restored between the laws and the national sentiment in Ireland. We Irish are no race of assassins or “glorifiers of murder.” From the most remote ages, in all centuries, it has been told of our people that they were pre-eminently a justice-loving people. Two hundred and fifty years ago the predecessor of the solicitor-general—an English attorney-general—it may be necessary to tell the learned gentleman that his name was Sir John Davis (for historical as well as geographical knowledge[B] seems to be rather scarce amongst the present law officers of the crown), (laughter)—held a very different opinion of them from that put forth to-day by the solicitor-general. Sir John Davis said no people in the world loved equal justice more than the Irish even where the decision was against themselves. That character the Irish have ever borne and bear still. But if you want the explanation of this “disesteem” and hostility for British law, you must trace effect to cause. It will not do to stand by the river side near where it flows into the sea, and wonder why the water continues to run by. Not I—not my fellow-traversers—not my fellow-countrymen—are accountable for the antagonism between law and popular sentiment in this country. Take up the sad story where you will—yesterday, last month, last year, last century—two centuries ago, three centuries, five centuries, six centuries—and what will you find? English law presenting itself to the Irish people in a guise forbidding sympathy or respect, and evoking fear and resentment. Take it at its birth in this country. Shake your minds free of legal theories and legal fictions, and deal with facts. This court where I now stand is the legal and political heir, descendant, and representative of the first law court of the Pale six or seven centuries ago. Within that Pale were a few thousand English settlers, and of them alone did the law take cognizance. The Irish nation—the millions outside the Pale—were known only as “the king’s Irish enemy.” The law classed them with the wild beasts of nature whom it was lawful to slay. Later on in our history we find the Irish near the Pale sometimes asking to be admitted to

Page 53

the benefits of English law, since they were forbidden to have any of their own; but their petitions were refused. Gentlemen, this was English law as it stood towards the Irish people for centuries; and wonder, if you will, that the Irish people held it in “disesteem: —[Footnote B: On Mr. Sullivan’s first trial the solicitor-general, until stopped and corrected by the court, was suggesting to the jury that there was no such place as Knockrochery, and that a Fenian proclamation which had been published in the *Weekly News* as having been posted at that place, was, in fact, composed in Mr. Sullivan’s Office. Mr. Justice Deasy, however, pointedly corrected and reproved this blunder on the part of Mr. Harrison.]“The Irish were denied the right of bringing actions in any of the English courts in Ireland for trespasses to their lands, or for assaults or batteries to their persons. Accordingly, it was answer enough to the action in such a case to say that the plaintiff was an Irishman, unless he could produce a special charter giving him the rights of an Englishman. If he sought damage against an Englishman for turning him out of his land, for the seduction of his daughter Nora, or for the beating of his wife Devorgil, or for the driving off of his cattle, it was a good defence to say he was a mere Irishman. And if an Englishman was indicted for manslaughter, if the man slain was an Irishman, he pleaded that the deceased was of the Irish nation, and that it was no felony to kill an Irishman. For this, however, there was a fine of five marks payable to the king; but mostly they killed us for nothing. If it happened that the man killed was a servant of an Englishman, he added to the plea of the deceased being an Irishman, that if the master should ever demand damages, he would be ready to satisfy him.”That was the egg of English law in Ireland. That was the seed—that was the plant—do you wonder if the tree is not now esteemed and loved? If you poison a stream at its source, will you marvel if down through all its courses the deadly element is present? Now trace from this, its birth, English law in Ireland—trace down to this hour—and examine when or where it ever set itself to a reconciliation with the Irish people. Observe the plain relevancy of this to my case. I, and men like me, are held accountable for bringing law into hatred and contempt in Ireland: and in presenting this charge against me the solicitor-general appealed to history. I retort the charge on my accusers; and I will trace down to our own day the relations of hostility which English law itself established between itself and the people of Ireland. Gentlemen, for four hundred years—down to 1607—the Irish people had no existence in the eye of the law; or rather much worse, were viewed by it as “the King’s Irish enemy.” But even within the Pale, how did it recommend itself to popular reverence and affection? Ah, gentlemen,

Page 54

I will show that in those days, just as there have been in our own, there were executions and scaffold-scenes which evoked popular horror and resentment—though they were all “according to law,” and not be questioned unless by “seditionists.” The scaffold streamed with the blood of those whom the people loved and revered—how could they love and revere the scaffold? Yet, ’twas all “according to law.” The sanctuary was profaned and rifled; the priest was slain or banished—’twas all “according to law,” no doubt, and to hold law in “disesteem” is “sedition.” Men were convicted and executed “according to law;” yet the people demonstrated sympathy for them, and resentment against their executioners—most perversely, as a solicitor-general, doubtless, would say. And, indeed, the State Papers contain accounts of those demonstrations written by crown officials which sound very like the solicitor-general’s speech to-day. Take, for instance, the execution—“according to law”—of the “Popish bishop” O’Hurley. Here is the letter of a state functionary on the subject:—“I could not before now so impart to her Majesty as to know her mind touching the same for your lordship’s direction. Wherefore, she having at length resolved, I have accordingly, by her commandment, to signify her Majesty’s pleasure unto you touching Hurley, which is this:—That the man being so notorious and ill a subject, as appeareth by all the circumstances of his cause he is, you proceed, if it may be, to his execution by ordinary trial of him for it. How be it, in case you shall find the effect of his course DOUBTFUL by reason of the affection of such as shall be on his jury, and by reason of the supposal conceived by the lawyers of that country, that he can hardly be found guilty for his treason committed in foreign parts against her Majesty. Then her pleasure is you take A SHORTER WAY WITH HIM, by martial law. So, as you may see, it is referred to your discretion, whether of those two ways your lordship will take with him, and the man being so resolute to reveal no more matter, it is thought best to have no FURTHER TORTURES used against him, but that you proceed FORTHWITH TO HIS EXECUTION in manner aforesaid. As for her Majesty’s good acceptance of your careful travail in this matter of Hurley, you need nothing to doubt, and for your better assurance thereof she has commanded me to let your lordship understand that, as well as in all others the like, as in the case of Hurley, she cannot but greatly allow and commend YOUR DOINGS.” Well, they put his feet into tin boots filled with oil, and then placed him standing in the fire. Eventually they cut off his head, tore out his bowels, and cut the limbs from his body. Gentlemen, ’twas all “according to law;” and to demonstrate sympathy for him and “disesteem” of that law was “sedition.” But do you wonder greatly that law of that complexion failed to secure popular sympathy and respect?

Page 55

One more illustration, gentlemen, taken from a period somewhat later on. It is the execution—"according to law," gentlemen; entirely "according to law"—of another Popish bishop named O'Devany. The account is that of a crown official of the time—some most worthy predecessor of the solicitor-general. I read it from the recently published work of the Rev. C.P. Meehaun. "On the 28th of January, the bishop and priest, being arraigned at the King's Bench, were each condemned of treason, and adjudged to be executed the Saturday following; which day being come, a priest, or two of the Pope's brood, with holy water and other holy stuffs"—(no sneer was that at all, gentlemen; no sneer at Catholic practices, for a crown official never sneers at Catholic practices)—"were sent to sanctify the gallows whereon they were to die. About two o'clock, p.m., the traitors were delivered to the sheriffs of Dublin, who placed them in a small car, which was followed by a great multitude. As the car progressed the spectators knelt down; but the bishop sitting still, like a block, would not vouchsafe them a word, or turn his head aside. The multitude, however, following the car, made such a dole and lamentation after him, as the heavens themselves resounded the echoes of their outcries." (Actually a seditious funeral procession—made up of the ancestors of those thirty-thousand men, women, and children, who, according to the solicitor-general, glorified the cause of murder on the 8th of last December.) "Being come to the gallows, whither they were followed by troops of the citizens, men and women of all classes, most of the best being present, the latter kept up such a shrieking, such a howling, and such a hallooing, as if St. Patrick himself had been gone to the gallows, could not have made greater signs of grief; but when they saw him turned from off the gallows, they raised the *whobub* with such a maine cry, as if the rebels had come to rifle the city. Being ready to mount the ladder, when he was pressed by some of the bystanders to speak, he repeated frequently *Sine me quaeso*. The executioner had no sooner taken off the bishop's head, but the townsmen of Dublin began to flock about him, some taking up the head with pitying aspect, accompanied with sobs and sighs; some kissed it with as religious an appetite as ever they kissed the Pax; some cut away all the hair from the head, which they preserved for a relic; some others were practisers to steal the head away, but the executioner gave notice to the sheriffs. Now, when he began to quarter the body, the women thronged about him, and happy was she that could get but her handkerchief dipped in the blood of the traitor; and the body being once dissevered in four quarters, they neither left, finger nor toe, but they cut them off and carried them away; and some others that could get no holy monuments that appertained to his person, with their knives they shaved off chips from the hallowed gallows; neither could they omit the halter wherewith

Page 56

he was hanged, but it was rescued for holy uses. The same night after the execution, a great crowd flocked about the gallows, and there spent the fore part of the night in heathenish howling, and performing many Popish ceremonies; and after midnight, being then Candlemas day, in the morning having their priests present in readiness, they had Mass after Mass till, daylight being come, they departed to their own houses.” There was “sympathy with sedition” for you, gentlemen. No wonder the crown official who tells the story—same worthy predecessor of Mr. Harrison—should be horrified at such a demonstration. I will sadden you with no further illustrations of English law, but I think it will be admitted that after centuries of such law, one need not wonder if the people hold it in “hatred and contempt.” With the opening of the seventeenth century, however, came a golden and glorious opportunity for ending that melancholy—that terrible state of things. In the reign of James I., English law, for the first time, extended to every corner of this kingdom. The Irish came into the new order of things frankly and in good faith; and if wise counsels prevailed then amongst our rulers, oh, what a blessed ending there might have been to the bloody feud of centuries. The Irish submitted to the Gaelic King, to whom had come in the English crown. In their eyes he was of a friendly, nay of a kindred race. He was of a line of Gaelic kings that had often befriended Ireland. Submitting to him was not yielding to the brutal Tudor. Yes, that was the hour, the blessed opportunity for laying the foundation of a real union between the three kingdoms; a union of equal national rights under the one crown. This was what the Irish expected; and in this sense they in that hour accepted the new dynasty. And it is remarkable that from that day to this, though England has seen bloody revolutions and violent changes of rulers, Ireland has ever held faithfully—too faithfully—to the sovereignty thus adopted. But how were they received? How were their expectations met? By persecution, proscription, and wholesale plunder, even by that miserable Stuart. His son came to the throne. Disaffection broke out in England and Scotland. Scottish Protestant Fenians, called “Covenanters,” took the field against him, because of the attempt to establish Episcopalian Protestantism as a state church. By armed rebellion against their lawful king, I regret to say it, they won rights which now most largely tend to make Scotland contented and loyal. I say it is to be regretted that those rights were thus won; for I say that even at best it is a good largely mixed with evil where rights are won by resorts of violence or revolution. His concessions to the Calvinist Fenians in Scotland did not save Charles. The English Fenians, under their Head Centre Cromwell, drove him from the throne and murdered him on a scaffold in London. How did the Irish meanwhile act? They stood true to their allegiance. They took the field for

Page 57

the King. What was the result? They were given over to slaughter and plunder by the brutal soldiery of the English Fenians. Their nobles and gentry were beggared and proscribed; their children were sold as white slaves to West Indian planters; and their gallant struggles for the king, their sympathy for the royalist cause, was actually denounced by the English Fenians as “sedition,” “rebellion,” “lawlessness,” “sympathy with crime.” Ah, gentlemen, the evils thus planted in our midst will survive, and work their influence; yet some men wonder that English law is held in “disesteem” in Ireland. Time went on, gentlemen; time went on. Another James sat on the throne; and again English Protestant Fenianism conspired for the overthrow of their sovereign. They invited “foreign emissaries” to come over from Holland and Sweden, to begin the revolution for them. They drove their legitimate king from the throne—never more to return. How did the Irish act in that hour? Alas! Ever too loyal—ever only too ready to stand by the throne and laws if only treated with justice or kindness—they took the field for the king, not against him. He landed on our shores; and had the English Fenians rested content with rebelling themselves, and allowed us to remain loyal as we desired to be, we might now be a neighbouring but friendly and independent kingdom under the ancient Stuart line. King James came here and opened his Irish parliament in person. Oh, who will say in that brief hour at least the Irish nation was not reconciled to the throne and laws? King, parliament, and people, were blended in one element of enthusiasm, joy, and hope, the first time for ages Ireland had known such a joy. Yes—

We, too, had our day—it was brief, it is ended—
When a King dwelt among us—no strange King—but OURS.
When the shout of a people delivered ascended,
And shook the green banner that hung on yon towers,
We saw it like leaves in the summer-time shiver;
We read the gold legend that blazoned it o’er—
“To-day—now or never; to-day and for ever”—
Oh, God! have we seen it to see it no more!

(Applause in court). Once more the Irish people bled and sacrificed for their loyalty to the throne and laws. Once more confiscation devastated the land, and the blood of the loyal and true was poured like rain. The English Fenians and the foreign emissaries triumphed, aided by the brave Protestant rebels of Ulster. King William came to the throne—a prince whose character is greatly misunderstood in Ireland: a brave, courageous soldier, and a tolerant man, could he have had his way. The Irish who had fought and lost, submitted on terms, and had law even now been just or tolerant, it was open to the revolutionary *regime* to have made the Irish good subjects. But what took place? The penal code came, in all its horror to fill the Irish heart with hatred and resistance. I will read for you what a Protestant historian—a man of learning

Page 58

and ability—who is now listening to me in this court—has written of that code. I quote “Godkin’s History,” published by Cassell of London:—“The eighteenth century,” says Mr. Godkin, “was the era of persecution, in which the law did the work of the sword more effectually and more safely. Then was established a code framed with almost diabolical ingenuity to extinguish natural affection—to foster perfidy and hypocrisy—to petrify conscience—to perpetuate brutal ignorance—to facilitate the work of tyranny—by rendering the vices of slavery inherent and natural in the Irish character, and to make Protestantism almost irredeemably odious as the monstrous incarnation of all moral perversions.”Gentlemen, in that fell spirit English law addressed itself to a dreadful purpose here in Ireland; and, mark you, that code prevailed down to our own time; down to this very generation. “Law” called on the son to sell his father; called on the flock to betray the pastor. “Law” forbade us to educate—forbid us to worship God in the faith of our fathers. “Law” made us outcasts—scourged us, trampled us, plundered us—do you marvel that, amongst the Irish people, law has been held in “disesteem?” Do you think this feeling arises from “sympathy with assassination or murder?” Yet, if we had been let alone, I doubt not that time would have fused the conquerors and the conquered, here in Ireland, as elsewhere. Even while the millions of the people were kept outside the constitution, the spirit of nationality began to appear; and under its blessed influence toleration touched the heart of the Irish-born Protestant. Yes—thank God—thank God, for the sake of our poor country, where sectarian bitterness has wrought such wrong—it was an Irish Protestant Parliament that struck off the first link of the penal chain. And lo! once more, for a bright brief day, Irish national sentiment was in warm sympathy and heartfelt accord with the laws. “Eighty-two” came. Irish Protestant patriotism, backed by the hearty sympathy of the Catholic millions, raised up Ireland to a proud and glorious position; lifted our country from the ground, where she lay prostrate under the sword of England—but what do I say? This is “sedition.” It has this week been decreed sedition to picture Ireland thus.[C] Well, then, they rescued her from what I will call the loving embrace of her dear sister Britannia, and enthroned her in her rightful place, a queen among the nations. Had the brightness of that era been prolonged—picture it, think of it—what a country would ours be now? Think of it! And contrast what we are with what we might be! Compare a population filled with burning memories—disaffected, sullen, hostile, vengeful—with a people loyal, devoted, happy, contented; and England, too, all the happier, the more secure, the more great and free. But sad is the story. Our independent national legislature was torn from us by means,

Page 59

the iniquity of which, even among English writers, is now proclaimed and execrated. By fraud and by force that outrage on law, on right, and justice, was consummated. In speaking thus I speak “sedition.” No one can write the facts of Irish history, without committing sedition. Yet every writer and speaker now will tell you that the overthrow of our national constitution, sixty-seven years ago, was an iniquitous and revolting scheme. But do you, then, marvel that the laws imposed on us by the power that perpetrated that deed are not revered, loved, and respected? Do you believe that that want of respect arises from the “seditions” of men like my fellow-traversers and myself? Is it wonderful to see estrangement between a people and laws imposed on them by the over-ruling influence of another nation? Look at the lessons—unhappy lessons—taught our people by that London legislature where their own will is overborne. Concessions refused and resisted as long as they durst be withheld; and when granted at all, granted only after passion has been aroused and the whole nation been embittered. The Irish people sought Emancipation. Their great leader was dogged at every step by hostile government proclamations and crown prosecutions. Coercion act over coercion act was rained upon us; yet O’Connell triumphed. But how and in what spirit was Emancipation granted? Ah there never was a speech more pregnant with mischief, with sedition, with revolutionary teaching—never words tended more to bring law and government into contempt—than the words of the English premier when he declared Emancipation must, sorely against his will, be granted if England would not face a civil war. That was a bad lesson to teach Irishmen. Worse still was taught them. O’Connell, the great constitutional leader, a man with whom loyalty and respect for the laws was a fundamental principle of action, led the people towards further liberation—the liberation, not of a creed, but a nation. What did he seek? To bring once more the laws and the national will into accord; to reconcile the people and the laws by restoring the constitution of queen, lords, and commons. How was he met by the government? By the nourish of the sword; by the drawn sabre and the shotted gun, in the market place and the highway. “Law” finally grasped him as a conspirator, and a picked jury gave the crown then, as now, such verdict as was required. The venerable apostle of constitutional doctrines was consigned to prison, while a sorrowing—aye, a maddened nation, wept for him outside. Do you marvel that they held in “disesteem” the law and government that acted thus? Do you marvel that to-day, in Ireland, as in every century of all those through which I have traced this state of things, the people and the law scowl upon each other? Gentlemen, do not misunderstand the purport of my argument. It is not for the purpose—it would be censurable—of merely opening the wounds of the past that I have gone back upon history

Page 60

somewhat farther than the solicitor-general found it advantageous to go. I have done it to demonstrate that there is a truer reason than that alleged by the crown in this case for the state of war—for unhappily that is what it is—which prevails between the people of Ireland and the laws under which they now live. And now apply all this to the present case, and judge you my guilt—judge you the guilt of those whose crime, indeed, is that they do not love and respect law and government as they are now administered in Ireland. Gentlemen, the present prosecution arises directly out of what is known as the Manchester tragedy. The solicitor-general gave you his version, his fanciful sketch of that sad affair; but it will be my duty to give you the true facts, which differ considerably from the crown story. The solicitor-general began with telling us about “the broad summer’s sun of the 18th September” (laughter). Gentlemen, it seems very clear that the summer goes far into the year for those who enjoy the sweets of office; nay, I am sure it is summer “all the year round” with the solicitor-general while the present ministry remain in. A goodly golden harvest he and his colleagues are making in this summer of prosecutions; and they seem very well inclined to get up enough of them (laughter). Well, gentlemen, I’m not complaining of that, but I will tell you who complain loudly—the “outs,” with whom it is midwinter, while the solicitor-general and his friends are enjoying this summer (renewed laughter). Well, gentlemen, some time last September two prominent leaders of the Fenian movement—alleged to be so at least—named Kelly and Deasy, were arrested in Manchester. In Manchester there is a considerable Irish population, and amongst them it was known those men had sympathisers. They were brought up at the police court—and now, gentlemen, pray attentively mark this. The Irish executive that morning telegraphed to the Manchester authorities a strong warning of an attempted rescue. The Manchester police had full notice—how did they treat the timely warning sent from Dublin; a warning which, if heeded, would have averted all this sad and terrible business which followed upon that day? Gentlemen, the Manchester police authorities scoffed at the warning. They derided it as a “Hirish” alarm. What! The idea of low “Hirish” hodmen or labourers rescuing prisoners from them, the valiant and the brave! Why, gentlemen, the Seth Bromleys of the “force” in Manchester waxed hilarious and derisive over the idea. They would not ask even a truncheon to put to flight even a thousand of those despised “Hirish;” and so, despite specific warning from Dublin, the van containing the two Fenian leaders, guarded by eleven police officers, set out from the police office to the jail. Now, gentlemen, I charge on the stolid vain gloriousness in the first instance, and the contemptible pusillanimity in the second instance, of the Manchester police—the valiant Seth Bromleys—all that followed. On

Page 61

the skirts of the city the van was attacked by some eighteen Irish youths, having three revolvers—three revolvers, gentlemen, and no more—amongst them. The valour of the Manchester eleven vanished at the sight of those three revolvers—some of them, it seems, loaded with blank cartridge! The Seth Bromleys took to their heels. They abandoned the van. Now, gentlemen, do not understand me to call those policemen cowards. It is hard to blame an unarmed man who runs away from a pointed revolver, which, whether loaded or unloaded, is a powerful persuasion to—depart. But I do say that I believe in my soul that if that had occurred here in Dublin, eleven men of our metropolitan police would have taken those three revolvers or perished in the attempt (applause). Oh, if eleven Irish policemen had run away like that from a few poor English lads with barely three revolvers, how the press of England would yell in fierce denunciation—why, they would trample to scorn the name of Irishman—(applause in the court, which the officials vainly tried to silence). [Footnote C: For publishing an illustration in the *Weekly News* thus picturing England's policy of coercion, Mr. Sullivan had been found guilty of seditious libel on the previous trial.]

Mr. Justice Fitzgerald—If these interruptions continue, the parties so offending must be removed.

Mr. Sullivan—I am sorry, my lord, for the interruption; though not sorry the people should endorse my estimate of the police. Well, gentlemen, the van was abandoned by its valiant guard; but there remained inside one brave and faithful fellow, Brett by name. I am now giving you the facts as I in my conscience and soul believe they occurred—and as millions of my countrymen—aye, and thousands of Englishmen, too—solemnly believe them to have occurred, though they differ in one item widely from the crown version. Brett refused to give up the key of the van, which he held; and the attacking party commenced various endeavours to break it open. At length one of them called out to fire a pistol into the lock, and thus burst it open. The unfortunate Brett at that moment was looking through the keyhole, endeavouring to get a view of the inexplicable scene outside, when he received the bullet and fell dead. Gentlemen, that may be the true, or it may be the mistaken version. You may hold to the other, or you may hold to this. But whether I be mistaken therein, or otherwise, I say here, as I would say if I stood now before my Eternal Judge on the Last Day, I solemnly believe the mournful episode to have happened thus—I solemnly believe that the man Brett was shot by accident, and not by design. But even suppose your view differs sincerely from mine, will you, can you, hold that I, thus conscientiously persuaded, sympathise with murder, because I sympathise with men hanged for that which I contend was accident, and not murder? That is exactly the issue in this case.

Page 62

Well, the rescued Fenian leaders got away; and then, when all was over—when the danger was passed—valour tremendous returned to the fleet of foot Manchester police. Oh, but they wreaked their vengeance that night on the houses of the poor Irish in Manchester! By a savage razzia they soon filled the jails with our poor countrymen seized on suspicion. And then broke forth all over England that shout of anger and passion which none of us will ever forget. The national pride had been sorely wounded; the national power had been openly and humiliatingly defied; the national fury was aroused. On all sides resounded the hoarse shout for vengeance, swift and strong. Then was seen a sight the most shameful of its kind that this century has exhibited—a sight at thought of which Englishmen yet will hang their heads for shame, and which the English historian will chronicle with reddened cheek—those poor and humble Irish youths led into the Manchester dock in chains! In chains! Yes; iron fetters festering wrist and ankle! Oh, gentlemen, it was a fearful sight; for no one can pretend that in the heart of powerful England there could be danger those poor Irish youths would overcome the authorities and capture Manchester. For what, then, were those chains put on untried prisoners? Gentlemen, it was at this point exactly that Irish sympathy came to the side of those prisoners. It was when we saw them thus used, and saw that, innocent or guilty, they would be immolated—sacrificed to glut the passion of the hour—that our feelings rose high and strong in their behalf. Even in England there were men—noble-hearted Englishmen, for England is never without such men—who saw that if tried in the midst of this national frenzy, those victims would be sacrificed; and accordingly efforts were made for a postponement of the trial. But the roar of passion carried its way. Not even till the ordinary assizes would the trial be postponed. A special commission was sped to do the work while Manchester jurors were in a white heat of panic, indignation, and fury. Then came the trial, which was just what might be expected. Witnesses swore ahead without compunction, and jurors believed them without hesitation. Five men arraigned together as principals—Allen, Larkin, O'Brien, Shore, and Maguire—were found guilty, and the judge concerning in the verdict, were sentenced to death. Five men—not three men, gentlemen—five men in the one verdict, not five separate verdicts. Five men by the same evidence and the same jury in the same verdict. Was that a just verdict? The case of the crown here to-day is that it was—that it is “sedition” to impeach that verdict. A copy of that conviction is handed in here as evidence to convict me of sedition for charging as I do that that was a wrong verdict, a bad verdict, a rotten and a false verdict. But what is the fact? That her Majesty's ministers themselves admit and proclaim that it was a wrong verdict, a false verdict. The very evening those men

Page 63

were sentenced, thirty newspaper reporters sent up to the Home Secretary a petition protesting that—the evidence of the witnesses and the verdict of the jury notwithstanding—there was at least one innocent man thus marked for execution. The government felt that the reporters were right and the jurors wrong. They pardoned Maguire as an innocent man—that same Maguire whose legal conviction is here put in as evidence that he and four others were truly murderers, to sympathise with whom is to commit sedition—nay, “to glorify the cause of murder.” Well, after that, our minds were easy. We considered it out of the question any man would be hanged on a verdict thus ruined, blasted, and abandoned; and believing those men innocent of murder, though guilty of another most serious legal crime—rescue with violence, and incidental, though not intentional loss of life—we rejoiced that a terrible mistake was, as we thought, averted. But now arose in redoubled fury the savage cry for blood. In vain good men, noble and humane men, in England tried to save the national honour by breasting this horrible outburst of passion. They were overborne. Petitioners for mercy were mobbed and hooted in the streets. We saw all this—we saw all this; and think you it did not sink into our hearts? Fancy if you can our feelings when we heard that yet another man out of five was respited—ah, he was an American, gentlemen—an American, not an Irishman—but that the three Irishmen, Allen, Larkin, and O’Brien, were to die—were to be put to death on a verdict and on evidence that would not hang a dog in England! We refused to the last to credit it; and thus incredulous, deemed it idle to make any effort to save their lives. But it was true; it was deadly true. And then, gentlemen, the doomed three appeared in a new character. Then they rose into the dignity and heroism of martyrs. The manner in which they bore themselves through the dreadful ordeal ennobled them for ever. It was then we all learned to love and revere them as patriots and Christians. Oh, gentlemen, it is only at this point I feel my difficulty in addressing you whose religious faith is not that which is mine. For it is only Catholics who can understand the emotions aroused in Catholic hearts by conduct such as theirs in that dreadful hour. Catholics alone can understand how the last solemn declarations of such men, after receiving the last sacraments of the Church, and about to meet their Great Judge face to face, can outweigh the reckless evidence of Manchester thieves and pickpockets. Yes; in that hour they told us they were innocent, but were ready to die; and we believed them. We believe them still. Aye, do we! They did not go to meet their God with a falsehood on their lips. On that night before their execution, oh, what a scene! What a picture did England present at the foot of the Manchester scaffold! The brutal populace thronged thither in tens of thousands. They danced; they sang; they blasphemed; they chorused

Page 64

“Rule Britannia,” and “God save the Queen,” by way of taunt and defiance of the men whose death agonies they had come to see! Their shouts and brutal cries disturbed the doomed victims inside the prison as in their cells they prepared in prayer and meditation to meet their Creator and their God. Twice the police had to remove the crowd from around that wing of the prison; so that our poor brothers might in peace go through their last preparations for eternity, undisturbed by the yells of the multitude outside. Oh, gentlemen, gentlemen—that scene! That scene in the grey cold morning when those innocent men were led out to die—to die an ignominious death before that wolfish mob! With blood on fire—with bursting hearts—we read the dreadful story here in Ireland. We knew that these men would never have been thus sacrificed had not their offence been political, and had it not been that in their own way they represented the old struggle of the Irish race. We felt that if time had but been permitted for English passion to cool down, English good feeling and right justice would have prevailed; and they never would have been put to death on such a verdict. All this we felt, yet we were silent till we heard the press that had hounded those men to death falsely declaring that our silence was acquiescence in the deed that consigned them to murderers’ graves. Of this I have personal knowledge, that, here in Dublin at least, nothing was done or intended, until the *Evening Mail* declared that popular feeling which had had ample time to declare itself, if it felt otherwise, quite recognised the justice of the execution. Then we resolved to make answer. Then Ireland made answer. For what monarch, the loftiest in the world, would such demonstrations be made, the voluntary offerings of a people’s grief! Think you it was “sympathy for murder” called us forth, or caused the priests of the Catholic Church to drape their churches? It is a libel to utter the base charge. No, no. With the acts of those men at that rescue we had nought to say. Of their innocence of murder we were convinced. Their patriotic feelings, their religious devotion, we saw proved in the noble, the edifying manner of their death. We believed them to have been unjustly sacrificed in a moment of national passion; and we resolved to rescue their memory from the foul stains of their maligners, and make it a proud one for ever with Irishmen. Sympathy with murder, indeed! What I am about to say will be believed; for I think I have shown no fear of consequences in standing by my acts and principles—I say for myself, and for the priests and people of Ireland, who are affected by this case, that sooner would we burn our right hands to cinders than express, directly or indirectly, sympathy with murder; and that our sympathy for Allen, Larkin, and O’Brien is based upon the conviction that they were innocent of any such crime. Gentlemen, having regard to all the circumstances of this sad business,

Page 65

having regard to the feelings under which we acted, think you is it a true charge that we had for our intent and object the bringing of the administration of justice into contempt? Does a man, by protesting, ever so vehemently, against an act of a not infallible tribunal, incur the charge of attempting its overthrow? What evidence can be shown to you that we uttered a word against the general character of the administration of justice in this country, while denouncing this particular proceeding, which we say was a fearful failure of justice—a horrible blunder, a terrible act of passion! None—none. I say, for myself, I sincerely believe that in this country of ours justice is administered by the judges of the Irish Bench with a purity and impartiality between man and man not to be surpassed in the universal world. Let me not be thought to cast reflection on this court, or the learned judges before whom I now stand, if I except in a certain sense, and on some occasions, political trials between the subject and the crown. Apart from this, I fearlessly say the bench of justice in Ireland fully enjoys and is worthy of respect and homage. I care not from what political party its members be drawn, I say that, with hardly an exception, when robed with the ermine, they become dead to the world of politics, and sink the politician in the loftier character of representative of Sacred Justice. Yet, gentlemen, holding those views, I would, nevertheless, protest against and denounce such a trial as that in Manchester, if it had taken place here in Ireland. For, what we contend is that the men in Manchester would never have been found guilty on such evidence, would never have been executed on such a verdict, if time had been given to let panic and passion pass away—time to let English good sense and calm reason and, sense of justice have sway. Now, gentlemen, judge ye me on this whole case; for I have done. I have spoken at great length, but I plead not merely my own cause but the cause of my country. For myself I care little. I stand before you here with the manacles, I might say, on my hands. Already a prison cell awaits me in Kilmainham. My doom, in any event, is sealed. Already a conviction has been obtained against me for my opinions on this same event; for it is not one arrow alone that has been shot from the crown office quiver at me—at my reputation, my property, my liberty. In a few hours more my voice will be silenced; but before the world is shut out from me for a term, I appeal to your verdict—to the verdict of my fellow-citizens—of my fellow-countrymen—to judge my life, my conduct, my acts, my principles and say am I a criminal. Sedition, in a rightly ordered community, is indeed a crime. But who is it that challenges me? Who is it that demands my loyalty? Who is it that calls out to me, “Oh, ingrate son, where is the filial affection, the respect, the obedience, the support, that is my due? Unnatural, seditious, and rebellious child, a dungeon shall punish your crime!”

Page 66

I look in the face of my accuser, who thus holds me to the duty of a son. I turn to see if there I can recognise the features of that mother, whom indeed I love, my own dear Ireland. I look into that accusing face, and there I see a scowl, and not a smile. I miss the soft, fond voice, the tender clasp, the loving word. I look upon the hands reached out to grasp me—to punish me; and lo, great stains, blood red, upon those hands; and my sad heart tells me it is the blood of my widowed mother, Ireland. Then I answer to my accuser—"You have no claim on me—on my love, my duty, my allegiance. You are not my mother. You sit indeed in the place where she should reign. You wear the regal garments torn from her limbs, while she now sits in the dust, uncrowned and overthrown, and bleeding, from many a wound. But my heart is with her still. Her claim alone is recognised by me. She still commands my love, my duty, my allegiance; and whatever the penalty may be, be it prison chains, be it exile or death, to her I will be true" (applause). But, gentlemen of the jury, what is that Irish nation to which my allegiance turns? Do I thereby mean a party, or a class, or creed? Do I mean only those who think and feel as I do on public questions? Oh, no. It is the whole people of this land—the nobles, the peasants, the clergy the merchants, the gentry, the traders, the professions—the Catholic, the Protestant, the Dissenter. Yes. I am loyal to all that a good and patriotic citizen should be loyal to; I am ready, not merely to obey, but to support with heartfelt allegiance, the constitution of my own country—the Queen as Queen of Ireland, and the free parliament of Ireland once more reconstituted in our national senate-house in College—green. And reconstituted once more it will be. In that hour the laws will again be reconciled with national feeling and popular reverence. In that hour there will be no more disesteem, or hatred, or contempt for the laws: for, howsoever a people may dislike and resent laws imposed upon them against their will by a subjugating power, no nation disesteems the laws of its own making. That day, that blessed day, of peace and reconciliation, and joy, and liberty, I hope to see. And when it comes, as come it will, in that hour it will be remembered for me that I stood here to face the trying ordeal, ready to suffer for my country—walking with bared feet over red hot ploughshares like the victims of old. Yes; in that day it will be remembered for me, though a prison awaits me now, that I was one of those journalists of the people who, through constant sacrifice and self-immolation, fought the battle of the people, and won every vestige of liberty remaining in the land. (As Mr. Sullivan resumed his seat, the entire audience burst into applause, again and again renewed, despite all efforts at repression.)

The effect of this speech certainly was very considerable. Mr. Sullivan spoke for upwards of two hours and forty

Page 67

minutes, or until nearly a quarter past six o'clock. During the delivery of his address, twilight had succeeded day-light; the court attendants, later still, with silent steps and taper in hand, stole around and lit the chandeliers, whose glare upon the thousand anxious faces below, seemed to lend a still more impressive aspect to the scene. The painful idea of the speaker's peril, which was all-apparent at first amongst the densely-packed audience, seemed to fade away by degrees, giving place to a feeling of triumph, as they listened to the historical narrative of British misrule in Ireland, by which Irish "disesteem" for British law was explained and justified, and later on to the story of the Manchester tragedy by which Irish sympathy with the martyrs was completely vindicated. Again and again in the course of the speech, they burst into applause, regardless of threatened penalties; and at the close gave vent to their feelings in a manner that for a time defied all repression.

When silence was restored, the court was formally adjourned to next day, Friday, at 10 o'clock, a.m.

The morning came, and with it another throng; for it was known Mr. Martin would now speak in his turn. In order, however, that his speech, which was sure to be an important one, might close the case against the crown, Mr. Bracken, on the court resuming, put in *his* defence very effectively as follows:—

My lords—I would say a word or two, but after Mr. Sullivan's grand and noble speech of last evening, I think it now needless on my part. I went to the procession of the 8th December, assured that it was right from reading a speech of the Earl of Derby in the newspapers. There was a sitting of the Privy Council in Dublin on the day before, and I sat in my shop that night till twelve o'clock, to see if the procession would be forbidden by government. They, however, permitted it to take place, and I attended it fully believing I was right. That is all I have to say.

This short speech—delivered in a clear musical and manly voice—put the whole case against the crown in a nut-shell. The appearance of the speaker too—a fine, handsome, robust, and well-built man, in the prime of life, with the unmistakable stamp of honest sincerity on his countenance and in his eye—gave his words greater effect with the audience; and it was very audibly murmured on all sides that he had given the government a home thrust in his brief but telling speech.

Then Mr. Martin rose. After leaving court the previous evening he had decided to commit to writing what he intended to say; and he now read from manuscript his address to the jury. The speech, however, lost nothing in effect by this; for any auditor out of view would have believed it to have been spoken, as he usually speaks, *extempore*, so admirably was it delivered. Mr. Martin said:—

Page 68

My lords and gentlemen of the jury—I am going to trouble this court with some reply to the charge made against me in this indictment. But I am sorry that I must begin by protesting that I do not consider myself as being now put upon my country to be tried as the constitution directs—as the spirit of the constitution requires—and, therefore, I do not address you for my legal defence, but for my vindication before the tribunal of conscience—a far more awful tribunal, to my mind, than this. Gentlemen, I regard you as twelve of my fellow-countrymen, known or believed by my prosecutors to be my political opponents, and selected for that reason for the purpose of obtaining a conviction against me in form of law. Gentlemen, I have not the smallest purpose of casting an imputation against your honesty or the honesty of my prosecutors who have selected you. This is a political trial, and in this country political trials are always conducted in this way. It is considered by the crown prosecutors to be their duty to exclude from the jury-box every juror known, or suspected, to hold or agree with the accused in political sentiment. Now, gentlemen, I have not the least objection to see men of the most opposite political sentiments to mine placed in the jury-box to try me, provided they be placed there as the constitution commands—provided they are twelve of my neighbours indifferently chosen. As a loyal citizen I am willing and desirous to be put upon my county, and fairly tried before any twelve of my countrymen, no matter what may happen to be the political sentiments of any of them. But I am sorry and indignant that this is not such a trial. This system by which over and over again loyal subjects of the Queen in Ireland are condemned in form of law for seeking, by such means as the constitution warrants, to restore her Majesty's kingdom of Ireland to the enjoyment of its national rights—this system, of selecting anti-Repealers and excluding Repealers from the jury box, when a Repealer like me is to be tried, is calculated to bring the administration of justice into disesteem, disrepute, and hatred. I here protest against it. My lords and gentlemen of the jury, before I offer any reply to the charges in this indictment, and the further development of those charges made yesterday by the learned gentleman whose official duty it was to argue the government's case against me, I wish to apologise to the court for declining to avail myself of the professional assistance of the bar upon this occasion. It is not through any want of respect for the noble profession of the bar that I decline that assistance. I regard the duties of a lawyer as among the most respectable that a citizen can undertake. His education has taught him to investigate the origin, and to understand principles of law, and the true nature of loyalty. He has had to consider how the interests of individual citizens may harmonise with the interests of the community, how justice

Page 69

and liberty may be united, how the state may have both order and contentment. The application of the knowledge which he has gained—viz., the study of law to the daily facts of human society—sharpens and strengthens all his faculties, clears his judgment, helps him to distinguish true from false, and right from wrong. It is no wonder, gentlemen, that an accomplished and virtuous lawyer holds a high place in the aristocracy of merit in every free country. Like all things human, the legal profession has its dark as well as its bright side, has in it germs of decay and rotten foulness as well as of health and beauty; but yet it is a noble profession, and one which I admire and respect. But, above all, I would desire to respect the bar of my own country, and the Irish bar—the bar made illustrious by such memories as those of Grattan and Flood, and the Emmets, and Curran, and Plunket, and Saurin, and Holmes, and Sheil, and O’Connell. I may add, too, of Burke and of Sheridan, for they were Irish in all that made them great. The bar of Ireland wants this day only the ennobling inspirations of national freedom to raise it to a level with the world. Under the Union very few lawyers have been produced whose names can rank in history with any of the great names I have mentioned. But still, even the present times of decay, and when the Union is preparing to carry away our superior courts, and the remains of our bar to Westminster, and to turn that beautiful building upon the quay into a barrack like the Linen Hall, or an English tax-gatherer’s office like the Custom House, there are many learned, accomplished, and respectable lawyers at the Irish bar, and far be it from me to doubt but that any Irish lawyer who might undertake my defence would loyally exert himself as the lofty idea of professional honour commands to save me from a conviction. But to this attack upon my character as a good citizen and upon my liberty, my lords and gentlemen, the only defence I could permit to be offered would be a full justification of my political conduct, morally, constitutionally, legally—a complete vindication of my acts and words alleged to be seditious and disloyal, and to retort against my accusers the charge of sedition and disloyalty. Not, indeed, that I would desire to prosecute these gentlemen upon that charge, if I could count upon convicting them and send them to the dungeon instead of myself. I don’t desire to silence them, or to hurt a hair of their wigs because their political opinions differed from mine. Gentlemen, this prosecution against me, like the prosecutions just accomplished against two national newspapers, is part of a scheme of the ministers of the crown for suppressing all voice of protest against the Union, for suppressing all public complaint against the deadly results of the Union, and all advocacy by act, speech, or writing for Repeal of the Union. Now I am a Repealer so long as I have been a politician at all—that is for at least twenty-four years past. Until

Page 70

the national self-government of my country be first restored, there appears to me to be no place, no *locus standi* (as lawyers say), for any other Irish political question, and I consider it to be my duty as a patriotic and loyal citizen, to endeavour by all honourable and prudent means to procure the Repeal of the Act of the Union, and the restoration of the independent Irish government, of which my country was (as I have said in my prosecuted speech), “by fraud and force,” and against the will of the vast majority of its people of every race, creed, and class, though under false form of law, deprived sixty-seven years ago. Certainly, I do not dispute the right of you, gentlemen, or of any man in this court, or in all Ireland, to approve of the Union, to praise it, if you think right, as being wise and beneficent, and to advocate its continuance openly by act, speech, and writing. But I naturally think that my convictions in this matter of the Union ought to be shared by you also, gentlemen, and by the learned judges, and the lawyers, both crown lawyers and all others, and by the policemen and soldiers, and all faithful subjects of her Majesty in Ireland. Now, gentlemen, such being my convictions, were I to entrust my defence in this court to a lawyer, he must speak as a Repealer, not only for me, but for himself, not only as a professional advocate, but as a man, and from the heart. I cannot doubt but that there are very many Irish lawyers who privately share my convictions about Repeal. Believing as I do in my heart and conscience, and with all the force of the mind that God has given me, that Repeal is the right and the only right policy for Ireland—for healing all the wounds of our community, all our sectarian feuds, all our national shame, suffering, and peril—for making our country peaceful, industrious, prosperous, respectable, and happy—I cannot doubt but that in the enlightened profession of the bar there must be very many Irishmen who, like me, consider Repeal to be right, and best, and necessary for the public good. But, gentlemen, ever since the Union, by fraud and force and against the will of the Irish people, was enacted—ever since that act of usurpation by the English parliament of the sovereign rights of the queen, lords, and commons of Ireland—ever since this country was thereby rendered the subject instead of the sister of England—ever since the Union, but especially for about twenty years past, it has been the policy of those who got possession of the sovereign rights of the Irish crown to appoint to all places of public trust, emolument, or honour in Ireland only such as would submit, whether by parole or by tacit understanding, to suppress all public utterance of their desire for the Repeal of the Union such as has been the persistent policy towards this country of those who command all the patronage of Irish offices, paid and unpaid—the policy of all English ministers, whether Whig or Tory, combined with the disposal of the public forces—such

Page 71

a policy is naturally very effective in not really reconciling, but in keeping Ireland quietly subject to the Union. It is a hard trial of men's patriotism to be debarred from all career of profitable and honourable distinction in the public service of their own country. I do not wonder that few Irish lawyers, in presence of the mighty power of England, dare to sacrifice personal ambition and interest to what may seem a vain protest against accomplished facts. I do not wish to attack or offend them—as this court expresses it, to impute improper motives to them—by thus simply stating the sad facts which are relevant to my own case in this prosecution, and explaining that I decline professional assistance, because few lawyers would be so rash as to adopt my political convictions, and vindicate my political conduct as their own, and because if any lawyer were so bold as to offer me his aid on my own terms, I am too generous to permit him to ruin his professional career for my sake. Such are the reasons, gentlemen of the jury and my lords, why I am now going through this trial, not *secundum artum*, but like an eccentric patient who won't be treated by the doctors but will quack himself. Perhaps I would be safer if I did not say a word about the legal character of the charge made against me in this indictment. There are legal matters as dangerous to handle as any drugs in the pharmacopoeia. Yet I shall trouble you for a short time longer, while I endeavour to show that I have not acted in a way unbecoming a good citizen. The charge against me in this indictment is that I took part in an illegal procession by the provisions of the statute entitled in the Party Processions' Act. His lordship enumerated seven conditions, the violation of some one of which is necessary to render an assembly illegal at common law. Those seven conditions are—1. That the persons forming the assembly met to carry out an unlawful purpose. 2. That the numbers in which the persons met endangered the public peace. 3. That the assembly caused alarm to the peaceful subjects of the Queen. 4. That the assembly created disaffection. 5. That the assembly incited her Majesty's Irish subjects to hate her Majesty's English subjects—his lordship did not say anything of the case of an assembly inciting the Queen's English subjects to hate the Queen's Irish subjects, but no such case is likely to be tried here. 6. That the assembly intended to asperse the right and constitutional administration of justice; and 7. That the assembly intended to impair the functions of justice and to bring the administration of justice into disrepute. I say that the procession of the 8th December did not violate any one of these conditions—1. In the first place the persons forming that procession did not meet to carry out any unlawful purpose—their purpose was peaceably to express their opinion upon a public act of the public servants of the crown. 2. In the second place the numbers in which

Page 72

those persons met did not endanger the public peace. None of those persons carried arms. Thousands of those persons were women and children. There was no injury or offence attempted to be committed against anybody, and no disturbance of the peace took place. 3. In the third place the assembly caused no alarm to the peaceable subjects of the Queen—there is not a tittle of evidence to that effect. 4. In the fourth place the assembly did not create disaffection, neither was it intended or calculated to create disaffection. On the contrary, the assembly served to give peaceful expression to the opinion entertained by vast numbers of her Majesty's peaceful subjects upon a public act of the servants of the crown, an act which vast numbers of the Queen's subjects regretted and condemned. And thus the assembly was calculated to prevent or remove disaffection, and such open and peaceful manifestations of the real opinions of the Queen's subjects upon public affairs is the proper, safe, and constitutional way in which they may aid to prevent disaffection. 5. In the fifth place the assembly did not incite the Irish subjects of the Queen to hate her Majesty's subjects. On the contrary, it was a proper constitutional way of bringing about a right understanding upon a transaction which, if not fairly and fully explained and set right, must produce hatred between the two peoples. That transaction was calculated to produce hatred. But those who protest peaceably against such a transaction are not the party to be blamed, but those responsible for the transaction. 6. In the sixth place the assembly had no purpose of aspersing the right and constitutional administration of justice. Its tendency was peaceably to point out faults in the conduct of the servants of the crown, charged with the administration of justice, which faults were calculated to bring the administration of justice into disrepute. 7. Nor, in the seventh place, did the assembly impair the functions of justice, or intend or tend to do so. Even my prosecutors do not allege that judicial tribunals are infallible. It would be too absurd to make such an allegation in plain words. It is admitted on all hands that judges have sometimes given wrong directions, that juries have given wrong verdicts, that courts of justice have wrongfully appreciated the whole matter for trial. When millions of the Queen's subjects think that such wrong has been done, is it sedition for them to say so peaceably and publicly? On the contrary, the constitutional way for good citizens to act in striving to keep the administration of justice pure and above suspicion of unfairness, is by such open and peaceable protests. Thus, and thus only, may the functions of justice be saved from being impaired. In this case wrong had been done. Five men had been tried together upon the same evidence, and convicted together upon that evidence, and while one of the five was acknowledged by the crown to be innocent, and the

Page 73

whole conviction was thus acknowledged to be wrong and invalid, three of the five men were hanged upon that conviction. My friend, Mr. Sullivan, in his eloquent and unanswerable speech of yesterday, has so clearly demonstrated the facts of that unhappy and disgraceful affair of Manchester, that I shall merely say of it that I adopt every word he spoke upon the subject for mine, and to justify the sentiment and purpose with which I engaged in the procession of the 8th December. I say the persons responsible for that transaction are fairly liable to the charge of acting so as to bring the administration of justice into contempt, unless, gentlemen, you hold those persons to be infallible and hold that they can do no wrong. But, gentlemen, the constitution does not say that the servants of the crown can do no wrong. According to the constitution the sovereign can do no wrong, but her servants may. In this case they have done wrong. And, gentlemen, you cannot right that wrong, nor save the administration of justice from the disreputation into which such proceedings are calculated to bring it, by giving a verdict to put my comrades and myself into jail for saying openly and peaceably that we believe the administration of justice in that unhappy affair did do wrong. But further, gentlemen, let us suppose that you twelve jurors, as well as the servants of the crown who are prosecuting me, and the two judges, consider me to be mistaken in my opinion upon that judicial proceeding, yet you have no right under the constitution to convict me of a misdemeanour for openly and peaceably expressing my opinion. You have no such right; and as to the wisdom of treating my differences of opinion and the peaceable expression of it as a penal offence—and the wisdom of a political act ought to be a serious question with all good and loyal citizens—consider that the opinion you are invited by the crown prosecutors to pronounce to be a penal offence is not mine alone, nor that of the five men herein indicted, but is the opinion of all the 30,000 persons estimated by the crown evidence to have taken part in the assembly of the 8th of December; is the opinion besides of the 90,000 or 100,000 others who, standing in the streets of this city, or at the open windows overlooking the streets traversed by the procession that day, manifested their sympathy with the objects of the procession; is the opinion, as you are morally certain, of some millions of your Irish fellow-subjects. By indicting me for the expression of that opinion the public prosecutors virtually indict some millions of the Queen's peaceable Irish subjects. It is only the convenience of this court—which could not hold the millions in one batch of traversers, and which would require daily sittings for several successive years to go through the proper formalities for duly trying all those millions; it is only the convenience of this court that can be pretended to relieve the crown prosecutors from the duty of trying

Page 74

and convicting all those millions if it is their duty to try and convict me. The right principles of law do not allow the servants of the crown to evade or neglect their duty of bringing to justice all offenders against the law. I suppose these gentlemen may allege that it is at their discretion what offenders against the law they will prosecute. I deny that the principles of the law allow them, or allow the Queen such discretion. The Queen, at her coronation services, swears to do justice to all her subjects according to the law. The Queen, certainly, has the right by the constitution to pardon any offenders against the law. She has the prerogative of mercy. But there can be no pardon, no mercy, till after an offence be proved in due course of law by accusation of the alleged offenders before the proper tribunals, followed by the plea of guilty or the jurors' verdict of guilty. And to select one man or six men for trial, condemnation, and punishment, out of, say, four millions who have really participated in the same alleged wicked, malicious, seditious, evil-disposed, and unlawful proceeding, is unfair to the six men, and unfair to the other 3,999,994 men—is a dereliction of duty on the part of the officers of the law, and is calculated to bring the administration of justice into disrepute. Equal justice is what the constitution demands. Under military authority an army may be decimated, and a few men may properly be punished, while the rest are left unpunished. But under a free constitution it is not so. Whoever breaks the law must be made amenable to punishment, or equal justice is not rendered to the subjects of the Queen. Is it not pertinent, therefore, gentlemen, for me to say to you this is an unwise proceeding which my prosecutors bid you to sanction by a verdict? I have heard it asked by a lawyer addressing this court as a question that must be answered in the negative—can you indict a whole nation? If such a proceeding as this prosecution against the peaceable procession of the 8th December receives the sanction of your verdict, that question must be answered in the affirmative. It will need only a crown prosecutor, an attorney-general, and a solicitor-general, two judges, and twelve jurors, all of the one mind, while all the other subjects of the Queen in Ireland are of a different mind, and the five millions and a half of the Queen's subjects of Ireland outside that circle of seventeen of her Majesty's subjects, may be indicted, convicted, and consigned to penal imprisonment in due form of law—a law as understood in political trials in Ireland. Gentlemen, I have thus far endeavoured to argue from the common sense of mankind, with which the principles of law must be in accord, that the peaceable procession of the 8th of December—that peaceable demonstration of the sentiment of millions of the Queen's subjects in Ireland—did not violate any of the seven conditions of the learned judge to the grand jury in defining what constitutes an

Page 75

illegal assembly at common law; and I have also argued that the prosecution is unwise, and calculated to excite discontent. Gentlemen, I shall now endeavour to show you that the procession of the 8th of December did not violate the statute entitled the Party Processions' Act. The learned judge in his charge told the grand jury that under this act all processions are illegal which carry weapons of offence, or which carry symbols calculated to promote the animosity of some other class of her Majesty's subjects. Applying the law to this case, his lordship remarked that the processions of the 8th of December had something of military array—that is, they went in regular order with a regular step. But, gentlemen, there were no arms in that procession, there were no symbols in that procession intended or calculated to provoke animosity in any other class of the Queen's subjects, or in any human creature. There were neither symbol, nor deed, or word intended to provoke animosity, and as to the military array—is it not absurd to attribute a warlike character to an unarmed and perfectly peaceful assemblage, in which there were some thousands of women and children? No offence was given or offered any human being. The authorities were so assured of the peacefulness and inoffensiveness of the assemblage that the police were withdrawn in a great measure from their ordinary duties of preventing disorders. And as to the remark that the people walked with a regular step, I need only say that was done for the sake of order and decorum. It would be merely to doubt whether you are men of common sense if I argued any further to satisfy you that the procession did not violate the Party Processions' Act, such as it is defined by the learned judge. The speech delivered on that occasion is an important element in forming a judgment upon the character and object of the procession. The speech declared the procession to be a peaceable expression of the opinion of those who composed it upon an important public transaction, an expression of sorrow and indignation at an act of the ministers of the government. It was a protest against that act—a protest which those who disapproved of it were entitled by the constitution to make, and which they made, peaceably and legitimately. Has not every individual of the millions of the Queen's subjects the right to say so say openly whether he approves or disapproves of any public act of the Queen's ministers? Has not all the Queen's subjects the right to say altogether if they can without disturbance of the Queen's peace? The procession enabled many thousands to do that without the least inconvenience or danger to themselves, and with no injury or offence to their neighbours. To prohibit or punish peaceful, inoffensive, orderly, and perfectly innocent processions upon pretence that they are constructively unlawful, is unconstitutional tyranny. Was it done because the ministers discovered that the terror of suspended habeas corpus

Page 76

had not in this matter stifled public opinion? Of course, if anything be prohibited by government, the people obey—of course I obey. I would not have held the procession had I not understood that it was permitted. But understanding that it was permitted, and so believing that it might serve the people for a safe and useful expression of their sentiment, I held the procession. I did not hold the procession because I believed it to be illegal, but because I believed it to be legal and understood it to be permitted. In this country it is not law that must rule a loyal citizen's conduct, but the caprice of the English ministers. For myself, I acknowledge that I submit to such a system of government unwillingly, and with constant hope for the restoration of the reign of law, but I do submit. Why at first did the ministers of the crown permit an expression of censure upon that judicial proceeding at Manchester by a procession—why did they not warn her Majesty's subjects against the danger of breaking the law? Was it not because they thought that the terrors of the suspended habeas corpus would be enough to prevent the people from coming openly forward at all to express their real sentiments? Was it because they found that so vehement and so general was the feeling of indignation at that unhappy transaction at Manchester that they did venture to come openly forward—with perfect peacefulness and most careful observance of the peace to express their real sentiments—that the ministry proclaimed down the procession, and now prosecute us in order to stifle public opinion? Gentlemen of the jury, I have said enough to convince any twelve reasonable men that there was nothing in my conduct in the matter of that procession which you can declare on your oaths to be "malicious, seditious, ill-disposed, and intended to disturb the peace and tranquility of the realm." I shall trouble you no further, except by asking you to listen to the summing up of this indictment, and, while you listen to judge between me and the attorney-general. I shall read you my words and his comment. Judge of us, Irish jurors, which of us two are guilty:—"Let us, therefore, conclude this proceeding by joining heartily, with hats off, in the prayer of those three men, 'God save Ireland.'" "Thereby," says the attorney-general in his indictment, "meaning, and intending to excite hatred, dislike, and animosity against her Majesty and the government, and bring into contempt the administration of justice and the laws of this realm, and cause strife and hatred between her Majesty's subjects in Ireland and in England, and to excite discontent and disaffection against her Majesty's government." Gentlemen, I have now done.

Mr. Martin sat down amidst loud and prolonged applause.

Page 77

This splendid argument, close, searching, irresistible, gave the *coup de grace* to the crown case. The prisoners having called no evidence, according to honourable custom having almost the force of law, the prosecution was disentitled to any rejoinder. Nevertheless, the crown put up its ablest speaker—a man far surpassing in attainments as a lawyer and an orator both the Attorney and Solicitor-General—Mr. Ball, Q.C., to press against the accused that technical right which honourable usage reprehended as unfair! No doubt the crown authorities felt it was not a moment in which they could afford to be squeamish or scrupulous. The speeches of Mr. Sullivan and Mr. Martin had had a visible effect upon the jury—had, in fact, made shreds of the crown case; and so Mr. Ball was put up as the last hope of averting the “disaster” of a failure. He spoke with his accustomed ability and dignity, and made a powerful appeal in behalf of the crown. Then Mr. Justice Fitzgerald proceeded to charge the jury, which he did in his own peculiarly calm, precise, and perspicuous style. At the outset, referring to the protest of the accused against the conduct of the crown in the jury challenges, he administered a keen rebuke to the government officials. It was, he said, no doubt the strict legal *right* of the crown to act as it had done; yet, considering that this was a case in which the accused was accorded no corresponding privilege, the exercise of that right in such a manner by the crown certainly was, in his, Mr. Justice Fitzgerald’s estimation, *a subject for grave objection*.

Here there was what the newspaper reporters call “sensation in court.” What! Had it come to this, that one of the chief institutions of the land—a very pillar of the crown and government—namely, *jury-packing*, was to be reflected upon from the bench itself. Monstrous!

The charge, though mild in language, was pretty sharp on the “criminality” of such conduct as was *imputed* to the accused, yet certainly left some margin to the jury for the exercise of their opinion upon “the law and the facts.”

At two o’clock in the afternoon the jury retired to consider their verdict, and as the judges at the same moment withdrew to their chamber, the pent-up feelings of the crowded audience instantly found vent in loud Babel-like expressions and interchange of comments on the charge, and conjectures as to the result. “Waiting for the verdict” is a scene that has often been described and painted. Everyone of course concluded that half-an-hour would in any case elapse before the anxiously watched jury-room door would open; but when the clock hands neared three, suspense intense and painful became more and more visible in every countenance. It seemed to be only now that men fully realized all that was at stake, all that was in peril, on this trial! *A conviction in this case rendered the national colour of Ireland for ever more an illegal and forbidden emblem!* A conviction in this case would degrade the symbol of nationality into a badge of faction! To every fevered anxious mind at this moment rose the troubled memories of gloomy times—the “dark and evil days” chronicled in that popular ballad, the music and words of which now seemed to haunt the watchers in the court:—

Page 78

“Oh, Patrick, dear, and did you hear
The news that’s going round?
The shamrock is by law forbid.
To grow on Irish ground.
No more St. Patrick’s day we’ll keep—
His colour can’t be seen,
For there’s a bloody law again
The Wearing of the Green.”

But hark! There is a noise at the jury-room door! It opens—the jury enter the box. A murmur, swelling to almost a roar, from the crowded audience, is instantly followed by a deathlike stillness. The judges are called; but by this time it is noticed that the foreman has not the “issue-paper” ready to hand down; and a buzz goes round—“a question; a question!” It is even so. The foreman asks:—

Whether, if they believed the speech of Mr. Martin to be in itself
seditious, should they come to the conclusion that the assemblage was
seditious?

Mr. Justice Fitzgerald answers *in the negative*, and a thrill goes through the audience. Nor is this all. One of the jurors declares there is no chance whatever of their agreeing to a verdict! Almost a cheer breaks out. The judge, however, declares they must retire again; which the jury do, very reluctantly and doggedly; in a word, very unlike men likely to “persuade one another.”

When the judges again leave the bench for their chamber, the crowd in court give way outright to joy. Every face is bright; every heart is light; jokes go round, and there is great “chaff” of the crown officials, and of the “polis,” who, poor fellows, to tell the truth, seem to be as glad as the gladdest in the throng. Five o’clock arrives—half-past five—the jury must suavely be out soon now. At a quarter to six they come; and for an instant the joke is hushed, and cheeks suddenly grow pale with fear lest by any chance it might be evil news. But the faces of the jurymen tell plainly “no verdict.” The judges again are seated. The usual questions in such cases: the usual answers. “No hope whatever of an agreement.” Then after a reference to the Solicitor-General, who, in sepulchral tone, “supposes” there is “nothing for it” but to discharge the jury, his lordship declares the jury discharged.

Like a volley there burst a wild cheer, a shout, that shook the building! Again and again it was renewed; and, being caught up by the crowd outside, sent the tidings of victory with electrical rapidity through the city. Then there was a rush at Mr. Martin and Mr. Sullivan. The former especially was clasped, embraced, and borne about by the surging throng, wild with joy. It was with considerable difficulty any of the traversers could get away, so demonstrative was the multitude in the streets. Throughout the city the event was hailed with rejoicing, and the names of the jurymen, “good and bad” were

vowed to perpetual benediction. For once, at least, justice had triumphed; or rather, injustice had been balked. For once, at least, the people had won the day; and the British Government had received a signal overthrow in its endeavour to proscribe—

Page 79

"THE WEARING OF THE GREEN."

* * * * *

For one of the actors in the above-described memorable scene, the victory purchased but a few hours safety. Next morning Mr. A.M. Sullivan was placed again at the bar to hear his sentence—that following upon the first of the prosecutions hurled against him (the *press* prosecution), on which he had been found guilty. Again the court was crowded—this time with anxious faces, devoid of hope. It was a brief scene. Mr. Justice Fitzgerald announced the sentence—six months in Richmond Prison; and amidst a farewell demonstration that compelled the business of the court to be temporarily suspended, the officials led away in custody the only one of the prosecuted processionists who expiated by punishment his sympathy with the fate of the Martyred Three of Manchester.

END.