

**The Project Gutenberg eBook of Speeches from the Dock; Or, Protests of Irish Patriotism. Part I, by**

This ebook is for the use of anyone anywhere in the United States and most other parts of the world at no cost and with almost no restrictions whatsoever. You may copy it, give it away or re-use it under the terms of the Project Gutenberg License included with this ebook or online at [www.gutenberg.org](http://www.gutenberg.org). If you are not located in the United States, you'll have to check the laws of the country where you are located before using this eBook.

Title: Speeches from the Dock; Or, Protests of Irish Patriotism. Part I

Commentator: A. M. Sullivan

Commentator: D. B. Sullivan

Commentator: T. D. Sullivan

Release date: August 4, 2004 [EBook #13112]

Most recently updated: December 18, 2020

Language: English

\*\*\* START OF THE PROJECT GUTENBERG EBOOK SPEECHES FROM THE DOCK; OR,  
PROTESTS OF IRISH PATRIOTISM. PART I \*\*\*

**E-text prepared by Jonathan Ingram, Martin Pettit,  
and Project Gutenberg Distributed Proofreaders**

**Transcriber's note: The spelling inconsistencies of the original have been retained in this etext.**

---

**SPEECHES FROM THE DOCK, PART I**

**OR**

**PROTESTS OF IRISH PATRIOTISM.**

---

**Speeches Delivered After Conviction,**

**by**

**THEOBALD WOLFE TONE**

**WILLIAM ORR**

**THE BROTHERS SHEARES**

**ROBERT EMMET**

**JOHN MARTIN (1848)**

**WILLIAM SMITH O'BRIEN**

**THOMAS FRANCIS MEAGHER**

**TERENCE BELLEW McMANUS**

**JOHN MITCHEL**

**THOMAS C. LUBY**

**JOHN O'LEARY**

CHARLES J. KICKHAM

COLONEL THOMAS F. BURKE

CAPTAIN MACKAY

---

"Freedom's battle, once begun,  
—  
Bequeath'd from bleeding sire  
to son,—  
Though baffled oft, is ever  
won."

---

DUBLIN:

A.M. SULLIVAN, ABBEY STREET.

1868.

---

## CONTENTS

PREFACE  
INTRODUCTORY  
THEOBALD WOLFE TONE.  
WILLIAM ORR.  
HENRY AND JOHN SHEARES.  
ROBERT EMMET.  
THOMAS RUSSELL.  
JOHN MITCHEL.  
JOHN MARTIN.  
W.S. O'BRIEN.  
THOMAS FRANCIS MEAGHER.  
KEVIN IZOD O'DOHERTY.  
TERENCE BELLEW M'MANUS.  
THOMAS CLARKE LUBY.  
JOHN O'LEARY.  
JEREMIAH O'DONOVAN (ROSSA).  
BRYAN DILLON, JOHN LYNCH, AND OTHERS.  
CHARLES JOSEPH KICKHAM.  
GENERAL THOMAS F. BURKE.  
CAPTAIN JOHN M'AFFERTY.  
EDWARD DUFFY.  
STEPHEN JOSEPH MEANY.  
CAPTAIN JOHN M'CLURE.  
EDWARD KELLY.  
CAPTAIN WILLIAM MACKAY.

---

## PREFACE

### TO SECOND EDITION

Little more than a year ago we commenced an undertaking never previously attempted, yet long called for—the collection and publication, in a complete form and at a low price, of the Speeches of Irish Patriots, spoken from the dock or the scaffold.

The extraordinary success which attended upon our effort was the best proof that we had correctly appreciated the universal desire of the Irish people to possess themselves of such a memorial of National Protest—protest unbroken through generations of martyrs.

The work was issued in weekly numbers, and reached a sale previously unheard of in Irish literature. In a few months the whole issue was exhausted, and for a long time past the demand for a Second Edition has been pressed upon us from all sides. With that demand we now comply.

The present issue of "Speeches from the Dock" has been carefully revised and considerably improved. With it, as Part I. of a series, we have bound, as its sequels, Parts II. and III.—each Part, however, complete in itself—bringing the list of convict patriot orators down to the latest sentenced in 1868. It may be that even here the sad array is not to close, and that even yet

another sequel may have to be issued, ere the National Protest of which these Voices from the Dock are the utterances, shall be terminated for ever. Even so, our faith will be all unshaken in the inevitable triumph of the cause for which so many martyrs have thus suffered; and we shall still await in Faith and Hope the first strains of that Hymn of Deliverance which shall yet resound through the valleys of Emancipated Ireland.

90 MIDDLE ABBEY STREET,

*November, 1868.*

---

## INTRODUCTORY

To the lovers of Ireland—to those who sympathize with her sufferings and resent her wrongs, there can be few things more interesting than the history of the struggles which sprang from devotion to her cause, and were consecrated by the blood of her patriots. The efforts of the Irish race to burst the fetters that foreign force and native dissensions imposed on them, and elevate their country from bondage and degradation to a place amongst free nations, fill a page in the world's history which no lover of freedom can read without emotion, and which must excite wonder, admiration, and regret in the mind of every man with whom patriotism is not a reproach, and who can sympathize with a cause ennobled by fidelity and sacrifice, and sanctified by the blood and tears of a nation. "How hands so vile could conquer hearts so brave," is the question which our National Poet supposes to arise in the mind of the stranger, as he looks on the spectacle of Ireland in her decay; but another question will suggest itself to those who study the history of our country: it is, how a feeling so deeply rooted as the love of independence is in the hearts of the Irish people—an aspiration so warmly and so widely entertained—which has been clung to with so much persistency—which has survived through centuries of persecution—for which generations have arisen, and fought, and bled, and dashed themselves against the power of England with a succession as unbroken as that of the waves upon our shores—a cause so universally loved, so deeply revered, and so unflinchingly supported by a brave and intrepid race, should never have attained the blessing of success. A more signal instance than that which Ireland can supply of the baffling of a nation's hope, the prolonged frustration of a people's will, is not on record; and few even of those who most condemn the errors and weakness by which Irishmen themselves have retarded the national object, will hesitate to say that they have given to mankind the noblest proof they possess of the vitality of the principles of freedom, and the indestructibility of national sentiment.

It is for us, however, Irish of the Irish, that the history of the struggle for Ireland's rights possesses most attractions. We live amidst the scenes where the battles against the stranger were fought, and where the men who waged them lived and died. The bones of the patriots who laboured for Ireland, and of those who died for her, repose in the graveyards around us; and we have still amongst us the inheritors of their blood, their name, and their spirit. It was to make us free—to render independent and prosperous the nation to, which we belong—that the pike was lifted and the green flag raised; and it was in furtherance of this object, on which the hearts of Irishmen are still set, that the men whose names shine through the pages on which the story of Ireland's struggles for national existence is written, suffered and died. To follow out that mournful but absorbing story is not, however, the object aimed at in the following pages. The history of Ireland is no longer a sealed volume to the people; more than one author has told it truthfully and well, and the list of books devoted to it is every day receiving valuable accessions. Nor has it even been attempted, in this little work, though trenching more closely on its subject, to trace the career and sketch the lives of the men who fill the foremost places in the ranks of Ireland's political martyrs. In the subjoined pages little more will be found than a correct report of the addresses delivered, under certain peculiar circumstances, by the group of Irishmen whose names are given on the titlepage. A single public utterance from the lips of each of these gentlemen is all that we have printed, though it would be easy to supplement them in nearly every case by writings and speeches owning a similar authorship, equally eloquent and equally patriotic. But the speeches given here are associated with facts which give them peculiar value and significance, and were spoken under circumstances which lend to them a solemn interest and impressiveness which could not otherwise be obtained. They reach us—these dock speeches, in which nobility of purpose and chivalrous spirit is expressed—like voices from the tomb, like messages from beyond the grave, brimful of lessons of dignity and patriotism. We can see the men who spoke them standing before the representatives of the government whose oppression had driven them to revolt, when the solemn farce of trying them for a crime which posterity will account a virtue had terminated, and when the verdict of "guilty" had gladdened the hearts of their accusers. The circumstances under which they spoke might well cause a bold man to falter. They were about parting for ever from all that makes life dear to man; and, for some of them, the sentence; which was to cut short the thread of their existence, to consign them to a bloody and ignominious death, to leave their bodies mutilated corpses, from which the rights of Christian burial were to be withheld—which was to assign them the death of a dog, and to follow them with persecuting hand into the valley of death—was about to fall from the lips of the judges whom they addressed. Against others a fate less repulsive, perhaps, to the feelings of humanity, but certainly not more merciful, and hardly less painful and appalling, was about to be decreed. Recent revelations have thrown some light on the horrors endured by the Irish political prisoners who languish within the prison pens of England; but it needs far more than a stray letter, a half-stifled cry from the dungeon depths, to enable the public to realize the misery, the wretchedness, and

the degradation attached to the condition to which England reduces her political convicts. Condemned to associate with the vilest of the scoundrels bred by the immorality and godlessness of England—exposed, without possibility of redress, to the persecutions of brutal, coarse-minded men, accustomed to deal only with ruffians than whom beasts are less ferocious and unreclaimable—restricted to a course of discipline which blasts the vigour of the body, and under whose influence reason herself totters upon her throne—the Irish rebel against whom the doom of penal servitude has been pronounced is condemned to the most hideous and agonizing punishments to which men of their class could be exposed. It was with such terrors staring them in the face that the men whose words are recorded in this little work delivered their speeches from the dock. It is surely something for us, their countrymen, to boast of, that neither in their bearing nor in their words was there manifested the slightest trace of weakness, the faintest exhibition of any feeling which could show that their hearts were accessible to the terror which their situation was so well calculated to inspire. No cheek grew pale, no eyes lost their light—their tones were unbroken, and their manner undaunted as ever, as these men uttered the words we purpose recording. Their language tells of minds which persecution could not subdue, and for which death itself possessed no sting; and the manner in which it was expressed showed that, in their case, elevation of sentiment was allied with unconquerable firmness and resolution. Never were lessons so noble more boldly preached. It is in courts of justice, after all, declares a great English authority, that the lessons of morality are best taught; and in Ireland the truthfulness of the assertion is established. But it is not from the bench or the jury-box that the words have fallen in which the cause of morality and justice has been vindicated; venality, passion, and prejudice have but too often swayed the decisions of both; and it is to the dock we must turn when we seek for honour, integrity, and patriotism.

We owe it to the men who suffered so unflinchingly in the cause of our country, and who have left us so precious a heritage in the speeches in which they hurled a last defiance at their oppressors, that their names should not be forgotten, or the recollection of their acts suffered to grow cold. The noblest incentive to patriotism, as it is the highest reward which this world can offer those who dare and suffer for fatherland, is the gratitude, the sympathy, and the applause of the people for whom they laboured. We owe it to the brave men whose patriotism is attested in the addresses comprised in this volume, that the memory of their noble deeds shall not pass away, and that their names shall remain enshrined in the hearts of their countrymen. They failed, it is true, to accomplish what they attempted, and the battle to which they devoted themselves has yet to be won; but we know that they, at least, did their part courageously and well; and, looking back now upon the stormy scenes of their labours, and contrasting the effects of their sacrifices with the cost at which they were made, the people of Ireland are still prepared to accept the maxim that—

"Tis better to have fought and  
lost,  
Than never to have fought at  
all."

While such men can be found to suffer as they have suffered for Ireland, the ultimate triumph of her aspirations cannot be doubted, nor can the national faith be despaired of while it has martyrs so numerous and so heroic. It is by example that the great lessons of patriotism can best be conveyed; and if the national spirit burn brightly to-day in Ireland—if the spirit of her children be still defiant and unsubdued—if, at home and in the far West, the hearts of the Irish people still throb with the emotions that prompted Emmet and Wolfe Tone—if their eyes are still hot to see the independence of their country, their arms still ready to strike, and their spirit ready to sacrifice for the accomplishment of that object, we owe the result largely to the men whose names are inscribed in this little work, and whose memory it is intended to perpetuate.

We have commenced our series with the speech of Theobald Wolfe Tone, and our record stretches no further back than the memorable insurrection of 1798. If our object were to group together the Irishmen who are known to have struggled for the independence of their country, and who suffered for their attachment to her cause, we might go much farther back into history, and indefinitely increase the bulk of this publication. We fix the insurrection of '98 as the limit of our collection, chiefly because it was at that time trials for high treason in Ireland assumed the precise meaning and significance which they now possess, and there is consequently, in the speeches which follow, such a unity of purpose and sentiment as renders them especially suitable for presentation in a single volume. Only seventy years have elapsed since Wolfe Tone spoke to the question why sentence should not be pronounced on him—only two-thirds of a century since Emmet vindicated the cause of his country from the Green street dock, and already what a host of imitators and disciples have they had! There is not a country in Europe, there is not a nationality in the world, can produce such another collection as that which we to-day lay before the people of Ireland. We live under a government which claims to be just, liberal, and constitutional, yet against no other government in Christendom have the same number of protests been made within the same space of time. Not Poland, not Hungary, not Venetia, can point to such an unbroken succession of political martyrs. The pages of history contain nothing to compare with the little volume we to-day place in the hands of our countrymen; and we know of no more powerful and eloquent condemnation of the system on which Ireland is governed, than that contained in the simple fact that all those speeches were spoken, all those trials carried-out, all those sentences decreed, within the lifetime of a single generation. It is idle to think of subduing a people who make so many sacrifices, and who are undaunted still; it is vain to think of crushing a spirit which survives so much persecution. The executioner and the gaoler, the gibbet,

the block, and the dungeon, have done their work in the crusade against Irish Nationality, and we know what the result is to-day. The words of the last political convict whose name appears in these pages are as uncompromising and as bold as those of the first of his predecessors; and, studying the spirit which they have exhibited, and marking the effect of their conduct on the bulk of their countrymen, it is impossible to avoid the conclusion, that so much persistent resolution and heroism must one day eventuate in success, and that Ireland, the country for which so many brave men have suffered with such unfaltering courage, is not destined to disprove the rule that

---

"Freedom's battle once begun,  
—  
Bequeath'd from bleeding sire  
to son—  
Though baffled oft, is ever  
won."

---

## THEOBALD WOLFE TONE.



No name is more intimately associated with the national movement of 1798 than that of Theobald Wolfe Tone. He was its main-spring, its leading spirit. Many men connected with it possessed, as he did, brilliant talents, unflinching courage and determination, and an intense devotion to the cause; but the order of his genius raised him above them all, and marked him out from the first as the head and front of the patriot party. He was one of the original founders of the Society of United Irishmen, which was formed in Belfast in the year 1791. In its early days this society was simply a sort of reform association, a legal and constitutional body, having for its chief object the removal of the frightful oppressions by which the Catholic people of Ireland were tortured and disgraced; but in the troubled and portentous condition of home and foreign politics, the society could not long retain this character. The futility of seeking a redress of the national grievances by parliamentary means was becoming apparent to every understanding. The system of outrage and injustice towards the Catholics, unabating in its severity, continued to exasperate the actual sufferers and to offend all men of humane feelings and enlightened principles; and, at the same time, the electric influence of the American War of Independence and the French Revolution was operating powerfully in every heart, evoking there the aspiration for Irish freedom, and inspiring a belief in its possible attainment. In the midst of such exciting circumstances the society could not continue to stand on its original basis. In the year 1794, after a debate among the members, followed by the withdrawal of the more moderate or timid among them from its ranks, it assumed the form and character of a secret revolutionary organization; and Tone, Thomas Addis Emmet, Samuel Neilson, Thomas Russell, James Napper Tandy, with a number of other patriotic gentlemen in Belfast, Dublin, and other parts of the country, soon found themselves in the full swing of an insurrectionary movement, plotting and planning for the complete overthrow of British power in Ireland. Thenceforward, for some time, the organization went on rapidly extending through the province of Ulster, in the first instance, and subsequently over most of the midland and southern counties.

Such was the state of affairs when, in the early part of 1794, an emissary from the French government arrived in Ireland, to ascertain to what extent the Irish people were likely to cooperate with France in a war against England. This individual was the Rev. William Jackson, an Irish Protestant clergyman, who had for some years been resident in France, and had become thoroughly imbued with Democratic and Republican principles. Unfortunately, he was not one of the most prudent of envoys. He revealed his mission to an acquaintance of his, an English attorney, named Cockayne, who repaid his confidence by betraying his secrets to the government. Cockayne was immediately employed as a spy upon Jackson's further proceedings, in which capacity he accompanied his unsuspecting victim to Ireland, and acquired cognizance of most of his negotiations. On the 28th of April; 1794, Jackson was arrested on a charge of high treason. He was brought to speedy trial, was found guilty, but was not sentenced, for, on the day on which the law's award was to have been announced to him, he contrived, before entering the court, to swallow a dose of poison, from the effects of which he expired in the dock. Tone, with whom Jackson was known to have been in confidential communication, was placed by those events in a very critical position; owing, however, to some influence which had been made with the government on his behalf, he was permitted to exile himself to America. As he had entered into no engagement with the government regarding his future line of conduct, he made his expatriation the means of forwarding, in the most effective manner, the designs he had at heart. He left Dublin for Philadelphia on the 20th of May, 1795. One of his first acts, after arriving, was to present to the French Minister there resident a memorial on the state of Ireland. During the remaining months of the year letters from his old friends came pouring in on him, describing the brightening prospects of the cause at home, and urging him to proceed to the French capital and impress upon the Directory the policy of despatching at once an expedition to ensure the success of the Irish revolutionary movement.

Tone was not the man to disregard such representations. He had at the time a fair prospect of securing a comfortable independence in America, but with the full concurrence of his heroic wife, who had accompanied him across the Atlantic, he sacrificed those chances and resumed the perilous duties of an Irish patriot. On the 1st of January, 1796, he left New York for Paris to try what he could do as a diplomatist for the cause of Ireland. Arrived at the French capital, he had his business communicated to the Directory through the medium of an Irish gentleman, named Madgett, and also by memorial, representing always that the landing of a force of 20,000 men in Ireland, with a supply of arms for the peasantry, would ensure the separation of Ireland from England. Not satisfied with the slow progress he was thus achieving, he went on the 24th of February direct to the Luxemburg Palace, and sought and obtained an interview with the War Minister, the celebrated Carnot, the "organizer of victory." The Minister received him well, listened attentively to his statements, discussed his project with him, and appeared much impressed with the prospects it presented. The result was that on the 16th of December in the same year, a splendid expedition sailed from Brest for Ireland. It consisted of seventeen sail of the line, thirteen frigates and fifteen transports, with some smaller craft, and had on board 15,000 troops, with a large supply of arms for the Irish patriots. Tone himself, who had received the rank of Adjutant-General in the French service, was on board one of the vessels. Had this force been disembarked on the shores of Ireland, it is hardly possible to doubt that the separation of this country from England would have been effected. But the expedition was unfortunate from the outset. It was scattered on the voyage during a gale of wind, and the Admiral's vessel, with Hoche, the Commander, on board, was separated from the others. A portion of the expedition entered the magnificent Bay of Bantry and waited there several days in expectation of being rejoined by the vessel containing the Admiral and Commander; but they waited in vain. Tone vehemently urged that a landing should be effected with the forces then at hand—some 6,500 men—but the officers procrastinated, time was lost, the wind which had been blowing from the east (that is out the harbour) rose to a perfect hurricane, and on the 27th and 28th of the month the vessels cut their cables and made the best of their way for France.

This was a terrible blow to the hopes of the Irish organizer. Rage and sadness filled his heart by turns as the fierce storm blew his vessel out of the bay and across the sea to the land which he had left under such favourable auspices. But yet he did not resign himself to despair. As the patient spider renews her web again and again after it has been torn asunder, so did this indefatigable patriot set to work to repair the misfortune that had occurred, and to build up another project of assistance for his unfortunate country. His perseverance was not unproductive of results. The Batavian or Dutch Republic, then in alliance with France, took up the project that had failed in the Bay of Bantry. In the month of July, 1797, they had assembled in the Texel an expedition for the invasion of Ireland, nearly, if not quite, as formidable in men and ships as that which had left Brest in the previous year. Tone was on board the flag ship, even more joyous and hopeful than he had been on the preceding occasion. But again, as if by some extraordinary fatality, the weather interposed an obstacle to the realization of the design. The vessels were ready for sea, the troops were on board, nothing was wanted but a slant of wind to enable the fleet to get out. But for five weeks it continued to blow steadily in the adverse direction. The supplies ran low; the patience of the officers, and of the government, became exhausted—the troops were disembarked and the project abandoned! The second failure in a matter of such weight and importance was a heavy blow to the heart of the brave Tone. Elaborate and costly efforts like those which had ended so poorly, he felt could not often be repeated; the drift of the war was cutting out other work for the fleets and armies of France and her allies, and the unwelcome conviction began to settle darkly on his mind that never again would he see such a vision of hope for dear Ireland as that which had shone before him on those two occasions, and vanished in doubt and gloom.

Yet there was no need to despair. Assurances reached Tone every day that the defeat and humiliation of England was a settled resolve of the French Government, one which they would never abandon. And for a time everything seemed to favour the notion that a direct stroke at the heart of England was intended. In the latter part of 1797 the Directory ordered the formation of "The Army of England," the command of which was given to General Buonaparte. Tone's heart again beat high with hope, for now matters looked more promising than ever. He was in constant communication with some of the chief officers of the expedition, and in the month of December he had several interviews with Buonaparte himself, which however he could hardly consider of a satisfactory nature. On the 20th of May, 1798, General Buonaparte embarked on board the fleet at Toulon and sailed off—not for Ireland or England, but for Egypt.

On the Irish leaders at home these repeated disappointments fell with terrible effect. The condition of the country was daily growing more critical. The government, now thoroughly roused and alarmed, and persuaded that the time for "vigorous measures" had arrived, was grappling with the conspiracy in all directions. Still those men would, if they could, have got the people to possess their souls in patience and wait for aid from abroad before unfurling the banner of insurrection; for they were constant in their belief that without the presence of a disciplined army on Irish soil to consolidate their strength and direct it, a revolutionary effort of the Irish people could end only in disaster. But the government had reasons of their own for wishing to set an Irish rebellion afoot at this time, and they took measures to precipitate the rising. The arrest of the delegates at the house of Oliver Bond in Dublin, and the capture of Lord Edward Fitzgerald contributed to this end; but these things the country might have peaceably endured if no more dreadful trial had been put upon it. What could not be endured was the system of riot and outrage, and murder, to which the unfortunate peasantry were then given over. Words fail to describe its cruelty and its horrors. It was too much for human nature to bear. On the 23rd of May, three days after Buonaparte had sailed from Toulon for Alexandria, the Irish insurrection broke out. The news of the occurrence created the most intense excitement among the Irish refugees then in Paris. Tone rushed to and fro to the Directory and to the generals, pleading for the despatch of some assistance to his struggling countrymen. Various plans were suggested and taken into consideration, but while time was being wasted in this way, the military forces of the British Government were rapidly suppressing the insurrection of the unarmed and undisciplined Irish peasantry. In this condition of affairs a gallant but rash and indiscreet French officer, General Humbert, resolved that he would commit the Directory to action, by starting at once with a small force for the coast of Ireland. Towards the middle of August, calling together the merchants and magistrates of Rochelle, "he forced them to advance a small sum of money, and all that he wanted, on military requisition; and embarking on board a few frigates and transports with 1,000 men, 1,000 spare muskets, 1,000 guineas, and a few pieces of artillery, he compelled the captains to set sail for the most desperate attempt which is, perhaps, recorded in history." Three Irishmen were on board the fleet—Matthew Tone, brother to Theobald, Bartholomew Teeling, and Sullivan, an officer in the French service, who was enthusiastically devoted to the Irish cause, and had rendered much aid to his patriotic countrymen in France. Humbert landed at Killala, routed with his little handful of men a large force of the royal troops, and held his ground until General Lake, with 20,000 men marched against him. After a resistance sufficient to maintain the honour of the French arms, Humbert's little force surrendered as prisoners of war. The Irish who had joined his standard were shown no mercy. The peasantry were cruelly butchered. Of those who had accompanied him from France, Sullivan, who was able to pass as a Frenchman, escaped; Teeling and Matthew Tone were brought in irons to Dublin, tried, and executed. The news of Humbert's expedition and the temporary success that had attended it created much excitement in France, and stirred up the Directory to attempt something for Ireland more worthy of the fame and power of the French nation, and more in keeping with their repeated promises to the leaders of the Irish movement. But their fleet was at the time greatly reduced, and their resources were in a state of disorganization. They mustered for the expedition only one sail of the line and eight small frigates, commanded by Commodore Bompard, conveying 5,000 men under the leadership of General Hardy. On board the Admiral's vessel, which was named the *Hoche*, was the heroic Theobald Wolfe Tone. He knew this expedition had no chance of success, but he had all along declared, "that if the government sent only a corporal's guard, he felt it his duty to go along with them." The vessels sailed on the 20th of September, 1798; it was not till the 11th October that they arrived off Lough Swilly—simultaneously with an English squadron that had been on the look out for them. The English ships were about equal in number to the French, but were of a larger class, and carried a much heavier armament. The French Admiral directed some of his smaller craft to endeavour to escape by means of their light draught of water, and he counselled Tone to transfer himself to that one of them which had the best chance of getting away. The Frenchmen, he observed, would be made prisoners of war, but for the Irish rebel a worse fate was reserved if he should fall into the hand of his enemies. But to this suggestion the noble-hearted Tone declined to accede. "Shall it be said," he replied, "that I fled while the French were fighting the battles of my country." In a little time the *Hoche* was surrounded by four sail of the line and one frigate, who poured their shot into her upon all sides. During six hours she maintained the unequal combat, fighting "till her masts and rigging were cut away, her scuppers flowed with blood, her wounded filled the cockpit, her shattered ribs yawned at each new stroke, and let in five feet of water in the hold, her rudder was carried off, and she floated a dismantled wreck on the water; her sails and cordage hung in shreds, nor could she reply with a single gun from her dismantled batteries to the unabating cannonade of the enemy." During the action Tone commanded one of the batteries "and fought with the utmost desperation, as if he was courting death." But, as often has happened in similar cases, death seemed to shun him, and he was reserved for a more tragic fate.

The French officers who survived the action, and had been made prisoners of war, were, some days subsequently, invited to breakfast with the Earl of Cavan, who commanded in the district in which they had been landed. Tone, who up to that time, had escaped recognition, was one of the party, and sat undistinguished among them, until Sir George Hill, who had been a fellow-student of his in Trinity College, entered the room and accosted him by his name. This was done, not inadvertently, but with the intention of betraying him. In a moment he was in the hands of a party of military and police who were in waiting for him in the next room. Seeing that they were about to put him in fetters, he complained indignantly of the offering of such an insult to the uniform which he wore, and the rank—that of Chef de Brigade—which he bore in the French army. He cast off his regimentals, protesting that they should not be so sullied, and then, offering his limbs to the irons, exclaimed—"For the cause which I have embraced, I feel prouder to wear these chains, than if I were decorated with the Star and Garter of England." He was hurried off to Dublin, and though the ordinary tribunals were sitting at the time, and the military tribunals could have no claim on him, as he had never belonged to the English army, he was put on his trial before a court-martial. This was absolutely an illegal proceeding, but his enemies were impatient for his blood, and would not brook the chances and the delays of the ordinary procedure of law. On the 10th of November, 1798, his trial, if such it might be called, took place in one of the Dublin barracks. He appeared before the Court "dressed," says the *Dublin Magazine* for November, 1798, "in the French uniform: a large cocked hat, with broad gold lace and the tri-coloured cockade; a blue uniform coat, with gold-embroidered collar and two large gold epaulets; blue pantaloons, with gold-laced garters at the knees; and short boots, bound at the tops with gold lace." In his bearing there was no trace of excitement. "The firmness and cool serenity of his whole deportment," writes his son, "gave to the awestruck assembly the measure of his soul." The proceedings of the Court are detailed in the following report, which we copy from the "Life of Tone," by his son, published at Washington, U.S., in 1826:—

The members of the Court having been sworn, the Judge Advocate called on the prisoner to plead guilty or not guilty to the charge of having acted traitorously and hostilely against the King. Tone replied:—

"I mean not to give the court any useless trouble, and wish to spare them the idle task of examining witnesses. I admit all the facts alleged, and only request leave to read an address which I have prepared for this occasion."

Colonel DALY—"I must warn the prisoner that, in acknowledging those *facts*, he admits, to his prejudice, that he has acted *traitorously* against his Majesty. Is such his intention?"

TONE—"Stripping this charge of the technicality of its terms, it means, I presume, by the word traitorously, that I have been found in arms against the soldiers of the King in my native country. I admit this accusation in its most extended sense, and request again to explain to the court the reasons and motives of my conduct."

The court then observed they would hear his address, provided he kept himself within the bounds of moderation.

Tone rose, and began in these words—"Mr. President and Gentlemen of the Court-Martial, I mean not to give you the trouble of bringing judicial proof to convict me legally of having acted in hostility to the government of his Britannic Majesty in Ireland. I admit the fact. From my earliest youth I have regarded the connection between Great Britain and Ireland as the curse of the Irish nation, and felt convinced that, whilst it lasted, this country could never be free nor happy. My mind has been confirmed in this opinion by the experience of every succeeding year, and the conclusions which I have drawn from every fact before my eyes. In consequence, I was determined to employ all the powers which my individual efforts could move, in order to separate the two countries. That Ireland was not able of herself to throw off the yoke, I knew; I therefore sought for aid wherever it was to be found. In honourable poverty I rejected offers which, to a man in my circumstances, might be considered highly advantageous. I remained faithful to what I thought the cause of my country, and sought in the French Republic an ally to rescue three millions of my countrymen from—"

The President here interrupted the prisoner, observing that this language was neither relevant to the charge, nor such as ought to be delivered in a public court.

A Member said it seemed calculated only to inflame the minds of a certain description of people (the United Irishmen), many of whom might be present, and that the court could not suffer it.

The JUDGE ADVOCATE said—"If Mr. Tone meant this paper to be laid before his Excellency in way of *extenuation*, it must have quite a contrary effect, if the foregoing part was suffered to remain." The President wound up by calling on the prisoner to hesitate before proceeding further in the same strain.

TONE then continued—"I believe there is nothing in what remains for me to say which can give any offence; I mean to express my feelings and gratitude towards the Catholic body, in whose cause I was engaged."



PRESIDENT—"That seems to have nothing to say to the charge against you, to which you are only to speak. If you have anything to offer in defence or extenuation of the charge, the court will hear you, but they beg you will confine yourself to that subject."

TONE—"I shall, then, confine myself to some points relative to my connection with the French army. Attached to no party in the French Republic—without interest, without money, without intrigue—the openness and integrity of my views raised me to a high and confidential rank in its armies. I obtained the confidence of the Executive Directory, the approbation of my generals, and I will venture to add, the esteem and affection of my brave comrades. When I review these circumstances, I feel a secret and internal consolation which no reverse of fortune, no sentence in the power of this court to inflict, can deprive me of, or weaken in any degree. Under the flag of the French Republic I originally engaged with a view to save and liberate my own country. For that purpose I have encountered the chances of war amongst strangers; for that purpose I repeatedly braved the terrors of the ocean, covered, as I knew it to be, with the triumphant fleets of that power which it was my glory and my duty to oppose. I have sacrificed all my views in life; I have courted poverty; I have left a beloved wife unprotected, and children whom I adored fatherless. After such a sacrifice, in a cause which I have always considered—conscientiously considered—as the cause of justice and freedom, it is no great effort, at this day, to add the sacrifice of my life. But I hear it said that this unfortunate country has been a prey to all sorts of horrors. I sincerely lament it. I beg, however, it may be remembered that I have been absent four years from Ireland. To me these sufferings can never be attributed. I designed by fair and open war to procure the separation of the two countries. For open war I was prepared, but instead of that a system of private assassination has taken place. I repeat, whilst I deplore it, that it is not chargeable on me. Atrocities, it seems, have been committed on both sides. I do not less deplore them. I detest them from my heart; and to those who know my character and sentiments I may safely appeal for the truth of this assertion; with them I need no justification. In a case like this success is everything. Success, in the eyes of the vulgar, fixes its merits. Washington succeeded, and Kosciusko failed. After a combat nobly sustained—combat which would have excited the respect and sympathy of a generous enemy—my fate has been to become a prisoner, to the eternal disgrace of those who gave the orders. I was brought here in irons like a felon. I mention this for the sake of others; for me, I am indifferent to it. I am aware of the fate which awaits me, and scorn equally the tone of complaint and that of supplication. As to the connection between this country and Great Britain, I repeat it—all that has been imputed to me (words, writings, and actions), I here deliberately avow. I have spoken and acted with reflection and on principle, and am ready to meet the consequences. Whatever be the sentence of the court, I am prepared for it. Its members will surely discharge their duty—I shall take care not to be wanting in mine."

The court having asked if he wished to make any further observation,

TONE said—"I wish to offer a few words relative to one single point—the mode of punishment. In France our *emigrees*, who stand nearly in the same situation in which I now stand before you, are condemned to be shot. I ask that the court shall adjudge me the death of a soldier, and let me be shot by a platoon of grenadiers. I request this indulgence rather in consideration of the uniform I wear—the uniform of a Chef de Brigade in the French army—than from any personal regard to myself. In order to evince my claim to this favour, I beg that the court may take the trouble to peruse my commission and letters of service in the French army. It will appear from these papers that I have not received them as a mask to cover me, but that I have been long and *bona fide* an officer in the French service."

JUDGE ADVOCATE—"You must feel that the papers you allude to will serve as undeniable proof against you."

TONE—"Oh, I know they will. I have already admitted the facts, and I now admit the papers as full proof of conviction."

[The papers were then examined; they consisted of a brevet of Chef de Brigade from the Directory, signed by the Minister of War, of a letter of service granting to him the rank of Adjutant-General, and of a passport.]

General LOFTUS—"In these papers you are designated as serving in the army of England."

TONE—"I did serve in that army, when it was commanded by Buonaparte, by Dessaix, and by Kilmaine, who is, as I am, an Irishman; but I have also served elsewhere."

The Court requested if he had anything further to observe.

He said that nothing more occurred to him, except that the sooner his Excellency's approbation of the sentence was obtained the better.

This is Tone's speech, as reported in the public prints at that time, but the recently-published "Correspondence" of Lord Cornwallis—Lord Lieutenant in those days—supplies a portion of the address which was never before published, the Court having forbade the reading of it at the trial. The passage contains a noble outburst of gratitude towards the Catholics of Ireland. Tone himself, as every reader is aware, was a Protestant, and there can have been no reason for its suppression except the consideration that it was calculated to still more endear the prisoner to the hearts of his countrymen. We now reprint it, and thus place it for the first time before the people for whom it was written:—

"I have laboured to create a people in Ireland by raising three millions of my countrymen to the rank of citizens. I have laboured to abolish the infernal spirit of religious persecution, by uniting the Catholics and Dissenters. To the former I owe more than ever can be repaid. The services I was so fortunate as to render them they rewarded munificently; but they did more: when the public cry was raised against me—when the friends of my youth swarmed off and left me alone—the Catholics did not desert me; they had the virtue even to sacrifice their own interests to a rigid principle of honour; they refused, though strongly urged, to disgrace a man who, whatever his conduct towards the government might have been, had faithfully and conscientiously discharged his duty towards them; and in so doing, though it was in my own case, I will say they showed an instance of public, virtue of which I know not whether there exists another example."

The sad sequel of those proceedings is soon told. The request of the prisoner to receive a military execution was refused by the Viceroy, Lord Cornwallis, and Tone was sentenced to die "the death of a traitor" within forty-eight hours from the time of his conviction. But he—influenced, it must be confessed, by a totally mistaken feeling of pride, and yielding to a weakness which every Christian heart should be able to conquer—resolved that, rather than allow his enemies to have the satisfaction of dangling his body from a gibbet, he would become his own executioner. On the night of the 11th of November he contrived, while lying unobserved in his cell, to open a vein in his neck with a penknife. No intelligence of this fact had reached the public when, on the morning of the 12th, the intrepid and eloquent advocate, John Philpot Curran, made a motion in the Court of King's Bench for a writ of *Habeas Corpus*, to withdraw the prisoner from the custody of the military authorities, and transfer him to the charge of the civil power. The motion was granted immediately, Mr. Curran pleading that, if delay were made, the prisoner might be executed before the order of the Court could be presented. A messenger was at once despatched from the court to the barrack with the writ. He returned to say that the officers in charge of the prisoner would obey only their military superiors. The Chief Justice issued his commands peremptorily:—"Mr. Sheriff, take the body of Tone into custody—take the Provost Marshal and Major Sandys into custody,—and show the order of the Court to General Craig." The Sheriff sped away, and soon returned with the news that Tone had wounded himself on the previous evening, and could not be removed. The Chief Justice then ordered a rule suspending the execution. For the space of seven days afterwards did the unfortunate gentleman endure the agonies of approaching death; on the 19th of November, 1798, he expired. No more touching reference to his last moments could be given than the following pathetic and noble words traced by a filial hand, and published in the memoir from which we have already quoted:—"Stretched on his bloody pallet in a dungeon, the first apostle of Irish union and most illustrious martyr of Irish independence counted each lingering hour during the last seven days and nights of his slow and silent agony. No one was allowed to approach him. Far from his adored family, and from all those friends whom he loved so dearly, the only forms which flitted before his eyes were those of the grim jailor and his rough attendants—the only sounds which fell on his dying ear the heavy tread of the sentry. He retained, however, the calmness of his soul and the possession of his faculties to the last. And the consciousness of dying for his country, and in the cause of justice and liberty, illumined like a bright halo his later moments and kept up his fortitude to the end. There is no situation under which those feelings will not support the soul of a patriot."

Tone was born in Stafford-street, Dublin, on the 20th of June, 1764. His father was a coachmaker who carried on a thriving business; his grandfather was a comfortable farmer who held land near Naas, county Kildare. In February, 1781, Tone entered Trinity College, Dublin; in January, 1787, he entered his name as a law student on the books of the Middle Temple, London, and in 1789 he was called to the bar. His mortal remains repose in Bodenstown churchyard, county Kildare, whither parties of patriotic young men from the metropolis and the surrounding districts often proceed to lay a green wreath on his grave. His spirit lives, and will live for ever, in the hearts of his countrymen.

---

## WILLIAM ORR.

Twelve months before Wolfe Tone expired in his prison cell, one of the bravest of his associates paid with his life the penalty of his attachment to the cause of Irish independence. In the subject of this sketch, the United Irishmen found their first martyr; and time has left no darker blot on the administration of English rule than the execution of the high-spirited Irishman whose body swung from the gallows of Carrickfergus on the 14th of October, 1797.

William Orr was the son of a farmer and bleach-green proprietor, of Ferranshane, in the county of Antrim. The family were in comfortable circumstances, and young Orr received a good education, which he afterwards turned to account in the service of his country. We know little of his early history, but we find him, on growing up to manhood, an active member of the society of United Irishmen, and remarkable for his popularity amongst his countrymen in the north. His appearance, not less than his principles and declarations, was calculated to captivate the peasantry amongst whom he lived; he stood six feet two inches in height, was a perfect model of symmetry, strength, and gracefulness, and the expression of his countenance was open, frank, and manly. He was always neatly and respectably dressed—a prominent feature in his attire being a green necktie, which he wore even in his last confinement.

One of the first blows aimed by the government against the United Irishmen was the passing of the Act of Parliament (36 George III.), which constituted the administration of their oath a capital felony. This piece of legislation, repugnant in itself to the dictates of reason and justice, was intended as no idle threat; a victim was looked for to suffer under its provisions, and William Orr, the champion of the northern Presbyterian patriots, was doomed to serve the emergency.

He was arraigned, tried, and convicted at Carrickfergus on a charge of having administered the United Irishman's oath to a soldier named Wheatly. The whole history of the operations of the British law courts in Ireland contains nothing more infamous than the record of that trial. We now know, as a matter of fact, that the man who tendered the oath to Wheatly was William M'Keever, a well-known member of the society, who subsequently made his escape to America. But this was not a case, such as sometimes happens, of circumstantial evidence pointing to a wrong conclusion. The only evidence against Orr was the unsupported testimony of the soldier Wheatly; and after hearing Curran's defence of the prisoner there could be no possible doubt of his innocence. But Orr was a doomed man—the government had decreed his death before hand; and in this case, as in every other, the bloodthirsty agents of the crown did not look in vain for Irishmen to co-operate with them in their infamy.

At six o'clock in the evening the jury retired to consider their verdict. The scene that followed in the jury room is described in the sworn affidavits of some of its participators. The jury were supplied with supper by the crown officials; a liberal supply of intoxicating beverages, wines, brandy, &c., being included in the refreshments. In their sober state several of the jury-men—amongst them Alexander Thompson, of Cushendall, the foreman—had refused to agree to a verdict of guilty. It was otherwise, however, when the decanters had been emptied, and when threats of violence were added to the bewildering effects of the potations in which they indulged. Thompson was threatened by his more unscrupulous companions with being wrecked, beaten, and "not left with sixpence in the world," and similar means were used against the few who refused with him to return a verdict of guilty. At six in the morning, the jury, not a man of whom by this time was sober, returned into court with a verdict of guilty, recommending the prisoner at the same time in the strongest manner to mercy. Next day Orr was placed at the bar, and sentenced to death by Lord Yelverton, who, it is recorded, at the conclusion of his address burst into tears. A motion was made, by Curran in arrest of judgment, chiefly on the grounds of the drunkenness of the jury but the judges refused to entertain the objection. The following is the speech delivered by William Orr after the verdict of the jury had been announced:—

"My friends and fellow-countrymen—In the thirty-first year of my life I have been sentenced to die upon the gallows, and this sentence has been in pursuance of a verdict of twelve men, who should have been indifferently and impartially chosen. How far they have been so, I leave to that country from which they have been chosen to determine; and how far they have discharged their duty, I leave to their God and to themselves. They have, in pronouncing their verdict, thought proper to recommend me as an object of humane mercy. In return, I pray to God, if they have erred, to have mercy upon them. The judge who condemned me humanely shed tears in uttering my sentence. But whether he did wisely in so highly commending the wretched informer, who swore away my life, I leave to his own cool reflection, solemnly assuring him and all the world, with my dying breath, that that informer was foresworn.

"The law under which I suffer is surely a severe one—may the makers and promoters of it be justified in the integrity of their motives, and the purity of their own lives! By that law I am stamped a felon, but my heart disdains the imputation.

"My comfortable lot, and industrious course of life, best refute the charge of being an adventurer for plunder; but if to have loved my country—to have known its wrongs—to have felt the injuries of the persecuted Catholics, and to have united with them and all other religious persuasions in the most orderly and least sanguinary means of procuring redress—if those be felonies, I am a felon, but not otherwise. Had my counsel (for whose honorable exertions I am indebted) prevailed in their motions to have me tried for high treason, rather than under the insurrection law, I should have been, entitled to a full defence, and my actions have been better vindicated; but that was refused, and I must now submit to what has passed.

"To the generous protection of my country I leave a beloved wife, who has been constant and true to me, and whose grief for my fate has already nearly

occasioned her death. I have five living children, who have been my delight. May they love their country as I have done, and die for it if needful.

"Lastly, a false and ungenerous publication having appeared in a newspaper, stating certain alleged confessions of guilt on my part, and thus striking at my reputation, which is clearer to me than life. I take this solemn method of contradicting the calumny. I was applied to by the high-sheriff, and the Rev. William Bristow, sovereign of Belfast, to make a confession of guilt, who used entreaties to that effect; this I peremptorily refused. If I thought myself guilty, I would freely confess it, but, on the contrary, I glory in my innocence.

"I trust that all my virtuous countrymen will bear me in their kind remembrance, and continue true and faithful to each other as I have been to all of them. With this last wish of my heart—nothing doubting of the success of that cause for which I suffer, and hoping for God's merciful forgiveness of such offences as my frail nature may have at any time betrayed me into—I die in peace and charity with all mankind."

Hardly had sentence of death been passed on William Orr, when compunction seemed to seize on those who had aided in securing that result. The witness Wheatly, who subsequently became insane, and is believed to have died by his own hand, made an affidavit before a magistrate acknowledging that he had sworn falsely against Orr. Two of the jury made depositions setting forth that they had been induced to join in the verdict of guilty while under the influence of drink; two others swore that they had been terrified into the same course by threats of violence.

These depositions were laid before the viceroy, but Lord Camden, the then Lord Lieutenant, was deaf to all appeals. Well might Orr exclaim within his dungeon that the government "had laid down a system having for its object murder and devastation." The prey was in the toils of the hunters, on whom all appeals of justice and humanity were wasted.

Orr was hung, as we have said, in the town of Carrickfergus on the 14th of October, 1797. It is related that the inhabitants of the town, to express their sympathy with the patriot about being murdered by law, and to mark their abhorrence of the conduct of the government towards him, quitted the town *en masse* on the day of his execution.

His fate excited the deepest indignation throughout the country; it was commented on in words of fire by the national writers of the period, and through many an after year the watchword and rallying cry of the United Irishmen was—

"REMEMBER ORR."

---

## HENRY AND JOHN SHEARES.

Among the many distinguished Irishmen who acted prominent parts in the stormy events of 1798, and whose names come down to us hallowed by the sufferings and sacrifices inseparable in those dark days from the lot of an Irish patriot, there are few whose fate excited more sympathy, more loved in life, more honored in death than the brothers John and Henry Sheares. Even in the days of Emmet and Wolfe Tone, of Russell and Fitzgerald, when men of education, talent, and social standing were not few in the national ranks, the Sheareses were hailed as valuable accessions to the cause, and were recognised by the United Irishmen as heaven-destined leaders for the people. It is a touching story, the history of their patriotic exertions, their betrayal, trial, and execution; but it is by studying such scenes in our history that Irishmen can learn to estimate the sacrifices which were made in bygone days for Ireland, and attach a proper value to the memory of the patriots who made them.

Henry and John Sheares were sons of John Sheares, a banker in Cork, who sat in the Irish Parliament for the borough of Clonakilty. The father appears to have been a kindly-disposed, liberal-minded man, and numerous stories are told of his unostentatious charity and benevolence. Henry, the elder of the two sons, was born in 1753, and was educated in Trinity College, Dublin. After leaving college he purchased a commission in the 51st Regiment of foot, but the duties of a military officer were ill suited to his temperament and disposition, and the young soldier soon resigned his commission to pursue the more congenial occupation of law student. He was called to the bar in 1790; his brother John, his junior by three years, who had adopted the same profession, obtained the rank of barrister-at-law two years previously. The brothers differed from each other widely in character and disposition. Henry was gentle in manners, modest and unassuming, but firmly attached to his principles, and unswerving in his fidelity to the cause which he adopted; John was bold, impetuous, and energetic, ready to plan and to dare, fertile of resources, quick of resolve, and prompt of execution. To John the elder brother looked for guidance and example, and his gentle nature was ever ruled by the more fiery and impulsive spirit of his younger brother. On the death of the father Henry Sheares came in for property to the value of £1,200 per annum, which his rather improvident habits soon diminished by one-half. Both brothers, however, obtained large practice at their profession, and continued in affluent circumstances up to the day of their arrest.

In 1792 the two brothers visited Paris, and this excursion seems to have formed the turning point of their lives and fortunes. The French Revolution was in full swing, and in the society of Roland,

Brissot, and other Republican leaders, the young Irishmen imbibed the love of freedom, and impatience of tyranny and oppression, which they clung to so faithfully, and which distinguished them so remarkably during the remainder of their lives. On returning to Ireland in January, 1793, the brothers joined the ranks of the United Irishmen. John at once became a prominent member of the society, and his signature appears to several of the spirited and eloquent addresses by which the Dublin branch sought from time to time to arouse the ardour and stimulate the exertions of their compatriots. The society of United Irishmen looked for nothing more at this period than a thorough measure of parliamentary reform, household suffrage being the leading feature in their programme; but when the tyranny of the government drove the leaguers into more violent and dangerous courses, when republican government and separation from England were inscribed on the banners of the society instead of electoral reform, and when the selfish and the wavering had shrunk aside, the Sheareses still remained true to the United Irishmen, and seemed to grow more zealous and energetic in the cause of their country according as the mists of perplexity and danger gathered around it.

To follow out the history of the Sheareses connection with the United Irishmen would be foreign to our intention and to the scope of this work. The limits of our space oblige us to pass over the ground at a rapid pace, and we shall dismiss the period of the Sheareses' lives comprised in the years between 1793 and 1798, by saying that during that period, while practising their profession with success, they devoted themselves with all the earnestness of their nature to the furtherance of the objects of the United Irishmen. In March, 1798, the affairs of the organization became critical; the arrest of the Directory at Oliver Bond's deprived the party of its best and most trusted leaders, besides placing in the hands of the government a mass of information relative to the plans and resources of the conspirators. To fill the gap thus caused, John Sheares was soon appointed a member of the Directory, and he threw himself into the work with all the ardour and energy of his nature. The fortunes of the society had assumed a desperate phase when John Sheares became its ruling spirit. Tone was in France, O'Connor was in England, Russell, Emmet, and Fitzgerald were in prison. But Sheares was not disheartened; he directed all his efforts towards bringing about the insurrection for which his countrymen had so long been preparing, and the 23rd of May, 1798, was fixed on by him for the outbreak. He was after visiting Wexford and Kildare, and making arrangements in those counties for the rising, and was on the verge of starting for Cork on a similar mission, when the hand of treachery cut short his career, and the gates of Kilmainham prison opened to receive him.

Amongst all the human monsters who filled the ranks of the government informers in that dark and troubled period, not one appears to merit a deeper measure of infamy than Captain Warnesford Armstrong, the entrapper and betrayer of the Sheareses. Having obtained an introduction to John, he represented himself as a zealous and hard-working member of the organization, and soon wormed himself completely into the confidence of his victims. He paid daily visits to the house of the Sheareses in Baggot-street, chatted with their families, and fondled the children of Henry Sheares upon his knee. We have it on his own testimony that each interview with the men whose confidence he was sharing was followed by a visit to the Castle. We need not go through the sickening details of this vile story of treachery and fraud. On the 21st of May the Sheareses were arrested and lodged in prison, and on the 12th of the following month Armstrong appeared against them in the witness-box. The trial was continued through the night—Toler, of infamous memory, who had been created Attorney-General expressly for the occasion, refusing Curran's request for an adjournment; and it was eight o'clock in the morning of the 13th when the jury, who had been but seventeen minutes absent, returned into court with a verdict of guilty against both prisoners.

After a few hours' adjournment the court re-assembled to pass sentence. It was then that John Sheares, speaking in a firm tone, addressed the court as follows:—

"My Lords—I wish to offer a few words before sentence is pronounced, because there is a weight pressing on my heart much greater than that of the sentence which is to come from the court. There has been, my lords, a weight pressing on my mind from the first moment I heard the indictment read upon which I was tried; but that weight has been more peculiarly pressing upon my heart when I found the accusation in the indictment enforced and supported upon the trial. That weight would be left insupportable if it were not for this opportunity of discharging it; I shall feel it to be insupportable since a verdict of my country has stamped that evidence as well founded. Do not think, my lords, that I am about to make a declaration against the verdict of the jury or the persons concerned with the trial; I am only about to call to your recollection a part of the charge at which my soul shudders, and if I had no opportunity of renouncing it before your lordships and this auditory, no courage would be sufficient to support me. The accusation of which I speak, while I linger here yet a minute, is that of holding out to the people of Ireland a direction to give no quarter to the troops fighting for its defence! My lords, let me say thus, that if there be any acquaintances in this crowded court—I do not say my intimate friends, but acquaintances—who do not know what I say is truth, I shall be reputed the wretch which I am not; I say if any acquaintance of mine can believe that *I* could utter a recommendation of giving no quarter to a yielding and unoffending foe, it is not the death which I am about to suffer that I deserve—no punishment could be adequate to such a crime. My lords, I can not only acquit my soul of such an intention, but I declare, in the presence of that God before whom I must shortly appear, that the favourite

doctrine of my heart was, *that no human being should suffer death but when absolute necessity required it.* My lords, I feel a consolation in making this declaration, which nothing else could afford me, because it is not only a justification of myself, but where I am sealing my life with that breath which cannot be suspected of falsehood, what I say may make some impression upon the minds of men not holding the same doctrine. I declare to God I know of no crime but assassination which can eclipse or equal that of which I am accused. I discern no shade of guilt between that and taking away the life of a foe, by putting a bayonet to his heart when he is yielding and surrendering. I do request the bench to believe that of me—I do request my country to believe that of me—I am sure God will think that of me. Now, my lords, I have no favour to ask of the court; my country has decided I am guilty, and the law says I shall suffer—it sees that I am ready to suffer. But, my lords, I have a favour to request of the court that does not relate to myself. My lords, I have a brother whom I have even loved dearer than myself, but it is not from any affection for him alone that I am induced to make the request. He is a man, and therefore I would hope prepared to die if he stood as I do—though I do not stand unconnected; but he stands more dearly connected. In short, my lords, to spare your feelings and I my own, I do not pray that that *I* should not die, but that the husband, the father, the son—all comprised in one person—holding these relations dearer in life to him than any other man I know—for such a man I do not pray a pardon, for that is not in the power of the court, but I pray a respite for such time as the court in its humanity and discretion shall think proper. You have heard, my lords, that his private affairs require arrangement. When I address myself to your lordships, it is with the knowledge you will have of all the sons of our aged mother being gone. Two have perished in the service of the King—one very recently. I only request that, disposing of me with what swiftness either the public mind or justice requires, a respite may be given to my brother, that the family may acquire strength to bear it all. That is all I wish; I shall remember it to my last breath, and I shall offer up my prayers for you to that Being who has endued us all with the sensibility to feel. That is all I ask. I have nothing more to say."

It was four o'clock, p.m., when the judge proceeded to pass sentence, and the following morning was appointed for the double execution. At mid-day on Saturday, July 14th, the hapless men were removed to the room adjoining the place of execution, where they exchanged a last embrace. They were then pinioned, the black caps put over their brows, and holding each other by the hand, they tottered out on the platform. The elder brother was somewhat moved by the terrors of his situation, but the younger bore his fate with unflinching firmness. They were launched together into eternity—the same moment saw them dangling lifeless corpses before the prison walls. They had lived in affectionate unity, inspired by the same motives, labouring for the same cause, and death did not dissolve the tie. "They died hand in hand, like true brothers."

When the hangman's hideous office was completed, the bodies were taken down, and the executioner, in accordance with the barbarous custom of the time, proceeded to sever the heads from the bodies. It is said, however, that only on the body of Henry Sheares was that horrible act performed. While the arrangements for the execution were in progress, Sir Jonah Barrington had been making intercession with Lord Clare on their behalf, and beseeching at least a respite. His lordship declared that the life of John Sheares could not be spared, but said that Henry might possibly have something to say which would induce the government to commute his sentence; he furnished Sir Jonah with an order to delay the execution one hour, and told him to communicate with Henry Sheares on the subject. "I hastened," writes Sir Jonah, "to Newgate, and arrived at the very moment that the executioner was holding up the head of my old college friend, and saying, 'Here is the head of a traitor.'" The fact of this order having been issued by the government, may have so far interrupted the bloody work on the scaffold as to save the remains of the younger Sheares from mutilation. The bodies of the patriots were interred on the night of the execution in the vaults of St. Michan's church, where, enclosed in oaken coffins, marked in the usual manner with the names and ages of the deceased, they still repose. Many a pious visit has since been paid to those dim chambers—many a heart, filled with love and pity, has throbbed above those coffin lids—many a tear has dropped upon them. But it is not a feeling of grief alone that is inspired by the memory of those martyrs to freedom; hope, courage, constancy, are the lessons taught by their lives, and the patriotic spirit that ruled their career is still awake and active in Ireland.

---

**ROBERT EMMET.**



In all Irish history there is no name which touches the Irish heart like that of Robert Emmet. We read, in that eventful record, of men who laid down their lives for Ireland amid the roar and crash of battle, of others who perished by the headsman's axe or the halter of the hangman, of others whose eyes were closed for ever in the gloom of English dungeons, and of many whose hearts broke amid the sorrows of involuntary exile; of men, too, who in the great warfare of mind rendered to the Irish cause services no less memorable and glorious. They are neither forgotten nor unhonoured. The warrior figure of Hugh O'Neill is a familiar vision to Irishmen; Sarsfield expiring on the foreign battle-field with that infinitely pathetic and noble utterance on his lips—"Would that this were for Ireland"—is a cherished remembrance, and that last cry of a patriotic spirit dwells for ever about our hearts; Grattan battling against a corrupt and venal faction, first to win and then to defend the independence of his country, astonishing friends and foes alike by the dazzling splendour of his eloquence; and O'Connell on the hill-sides pleading for the restoration of Ireland's rights, and rousing his countrymen to a struggle for them, are pictures of which we are proud—memories that will live in song and story while the Irish race has a distinct existence in the world. But in the character of Robert Emmet there was such a rare combination of admirable qualities, and in his history there are so many of the elements of romance, that the man stands before our mental vision as a peculiarly noble and loveable being, with claims upon our sympathies that are absolutely without a parallel. He had youth, talent, social position, a fair share of fortune, and bright prospects for the future on his side when he embarked in the service of a cause that had but recently been sunk in defeat and ruin. Courage, genius, enthusiasm were his, high hopes and strong affections, all based upon and sweetened by a nature utterly free from guile. He was an orator and a poet; in the one art he had already achieved distinction, in the other he was certain to take a high place, if he should make that an object of his ambition. He was a true patriot, true soldier, and true lover. If the story of his political life is full of melancholy interest, and calculated to awaken profound emotions of reverence for his memory, the story of his affections is not less touching. Truly, "there's not a line but hath been wept upon." So it is, that of all the heroic men who risked and lost everything for Ireland, none is so frequently remembered, none is thought of so tenderly as Robert Emmet. Poetry has cast a halo of light upon the name of the youthful martyr, and some of the sweetest strains of Irish music are consecrated to his memory.

Robert Emmet was born on the 4th of March, 1778. He was the third son of Doctor Robert Emmet, a well-known and highly respectable physician of Dublin. Thomas Addis Emmet, already mentioned in these pages, the associate of Tone, the Sheareses, and other members of the United Irish organization, was an elder brother of Robert, and his senior by some sixteen years. Just about the period when the United Irishmen were forming themselves into a secret revolutionary society, young Emmet was sent to receive his education in Trinity College. There the bent of the lad's political opinions was soon detected; but among his fellow students he found many, and amongst them older heads than his own, who not only shared his views, but went beyond them in the direction of liberal and democratic principles. In the Historical Society—composed of the *alumni* of the college, and on whose books at this time were many names that subsequently became famous—those kindred spirits made for themselves many opportunities of giving expression to their sentiments, and showing that their hearts beat in unison with the great movement for human freedom which was then agitating the world. To their debates Emmet brought the aid of a fine intellect and a fluent utterance, and he soon became the orator of the patriot party.

So great was the effect created by his fervid eloquence and his admirable reasoning, that the heads of the college thought it prudent on several occasions to send one of the ablest of their body to take part in the proceedings, and assist in refuting the argumentation of the "young Jacobin." And to such extremities did matters proceed at last that Emmet, with several of his political friends, was expelled the college, others less obnoxious to the authorities were subjected to a severe reprimand, and the society, thus terrorised and weakened, soon ceased to exist. Our national poet, Thomas Moore, the fellow-student and intimate friend of young Emmet, witnessed many of those displays of his abilities, and in his "Life and Death of Lord Edward Fitzgerald," speaks of him in terms of the highest admiration. "Were I," he says, "to number the men among all I have ever known who appeared to me to combine in the greatest degree pure moral worth with intellectual power, I should, among the highest of the few, place Robert Emmet." "He was," writes the same authority, "wholly free from the follies and frailties of youth—though how capable he was of the most devoted passion events afterwards proved." Of his oratory, he says, "I have heard little since that appeared to me of a loftier, or what is a far more rare quality in Irish eloquence, purer character." And the appearance of this greatly gifted youth, he thus describes: "Simple in all his habits, and with a repose of look and manner indicating but little movement within, it was only when the spring was touched that set his feelings, and through them his intellect in motion, that he at all rose above the level of ordinary men. No two individuals indeed could be much more unlike to each other than was the same youth to himself before rising to speak and after; the brow that had appeared inanimate and almost drooping, at once elevating itself to all the consciousness of power, and the whole countenance and figure of the speaker assuming a change as of one suddenly inspired."

The expulsion of Emmet from the college occurred in the month of February, 1798. On the 12th of the following month his brother, Thomas Addis Emmet, was arrested. The manner in which this noble-hearted gentleman took the oath of the United Irish Society, in the year of 1795, is so remarkable that we cannot omit mention of it here. His services as a lawyer having been engaged in the defence of some persons who stood charged with having sworn in members to the United Irish organization—the crime for which William Orr was subsequently tried and executed—he, in the course of the proceedings, took up the oath and read it with remarkable deliberation and solemnity. Then, taking into his hand the prayer book that lay on the table for the swearing of witnesses, and looking to the bench and around the court, he said aloud—

"My Lords—Here, in the presence of this legal court, this crowded auditory—in the presence of the Being that sees and witnesses, and directs this judicial tribunal—here, my lords, I, myself, in the presence of God, declare I take this oath."

The terms of the oath at this time were, in fact, perfectly constitutional, having reference simply to attainment of a due representation of the Irish nation in parliament—still, the oath was that of a society declared to be illegal, and the administration of it had been made a capital offence. The boldness of the advocate in thus administering it to himself in open court appeared to paralyse the minds of the judges. They took no notice of the act, and what was even more remarkable, the prisoners, who were convicted, received a lenient sentence.

But to return to Robert Emmet—the events of 1798, as might be supposed, had a powerful effect on the feelings of the enthusiastic young patriot, and he was not free of active participation with the leaders of the movement in Dublin. He was, of course, an object of suspicion to the government, and it appears marvellous that they did not immediately take him into their safe keeping under the provisions of the *Habeas Corpus* Suspension Act. Ere long, however, he found that prudence would counsel his concealment, or his disappearance from the country, and he took his departure for the Continent, where he met with a whole host of the Irish refugees; and, in 1802, was joined by his brother and others of the political prisoners who had been released from the confinement to which—in violation of a distinct agreement between them and the government—they had been subjected in Fort George, in Scotland. Their sufferings had not broken their spirit. There was hope still, they thought, for Ireland; great opportunities were about to dawn upon that often defeated, but still unconquerable nation, and they applied themselves to the task of preparing the Irish people to take advantage of them.

At home the condition of affairs was not such as to discourage them. The people had not lost heart; the fighting spirit was still rife amongst them. The rebellion had been trampled out, but it had been sustained mainly by a county or two, and it had served to show that a general uprising of the people would be sufficient to sweep every vestige of British power from the land. Then they had in their favour the exasperation against the government which was caused by that most infamous transaction, the passage of the Act of Union. But they found their chief encouragement in the imminence of another war between France and England. Once more the United Irishmen put themselves into communication with Buonaparte, then First Consul, and again they received flattering promises of assistance. Robert Emmet obtained an interview with that great man, and learned from him that it was his settled purpose on the breaking out of hostilities, which could not long be deferred, to effect an invasion of England. Full of high hopes, Emmet returned to Dublin in October, 1802; and as he was now in very heart of a movement for another insurrection, he took every precaution to avoid discovery. He passed under feigned names, and moved about as little as possible. He gathered together the remnants of the United Irish organization, and with some money of his own, added to considerable sums supplied to him by a Mr. Long, a merchant, residing at No. 4 Crow-street, and other sympathisers, he commenced the collection of an armament and military stores for his followers. In the month of May, 1803, the expected war between France and England broke out. This event of course raised still higher his



hopes, and gave a great stimulus to his exertions. To and fro he went from one to another of the depots which he had established for the manufacture and storage of arms in various parts of the city, cheering, directing, and assisting his men at their work. Pikes were got ready by the thousand, and ingeniously stowed away until they should be wanted; rockets, hand-grenades, and other deadly missiles were carefully prepared; but an accidental explosion, which occurred on the 16th of July, in one of these manufactories situate in Patrick-street, was very near leading to the discovery of the entire business, and had the effect of precipitating the outbreak. The government at this time had undoubtedly got on the scent of the movement, and the leaders considered that no time was to be lost in bringing matters to a crisis. Emmet now took up his abode in the Marshalsea-lane depot, snatching his few hours of sleep "on a mattress, surrounded by all the implements of death." There he made a final arrangement of his plans, and communicated his instructions to his subordinates, fixing the 23rd of July as the date for the rising.

The history of that unfortunate attempt need not here be written. Suffice it to say that the arrangements miscarried in nearly every particular. The men in the numbers calculated upon did not assemble at the appointed time or in the appointed places, and the whole force that turned out in Thomas-street for the attack on the Castle did not number a hundred insurgents. They were joined by a riotous and noisy rabble; and their unfortunate leader soon perceived that his following was, as had previously been said of the king's troops, "formidable to every one but the enemy." They had not proceeded far on their way when a carriage, in which were Lord Kilwarden, Chief Justice of the King's Bench, his daughter, and his nephew, the Rev. Mr. Wolfe, drove into the street. The vehicle was stopped, and the Chief Justice was immediately piked by a man in the crowd whose son he had some time previously condemned to execution. The clergyman also was pulled out of the carriage and put to death. To the lady no violence was offered, and Emmet himself, who had heard of the deplorable tragedy, rushing from the head of his party, bore her in his arms to an adjoining house. No attack on the Castle took place; the insurgent party scattered and melted away even before the appearance of military on the scene, and in little more than an hour from the time of his setting out on his desperate enterprise, Robert Emmet was a defeated and ruined man, a fugitive, with the whole host of British spies and bloodhounds employed to hunt him to the death.

Yet he might have foiled them and got clear out of the country if his personal safety was all on earth he cared for. But in that noble heart of his there was one passion co-existent with his love of Ireland, and not unworthy of the companionship, which forbade his immediate flight. With all that intensity of affection of which a nature so pure and so ardent as his was capable, he loved a being in every way worthy of him—a lady so gentle, and good, and fair, that even to a less poetic imagination than his own, she might seem to be a fitting personification of his beloved Erin; and by her he was loved and trusted in return. Who is it that has not heard her name?—who has not mourned over the story of Sarah Curran! In the ruin that had fallen on the hopes and fortunes of the patriot chief, the happiness of this amiable lady was involved. He would not leave without an interview with her—no! though a thousand deaths should be the penalty. The delay was fatal to his chances of escape. For more than a month he remained in concealment, protected by the fidelity of friends, many of whom belonged to the humbler walks of life, and one of whom in particular—the heroic Anne Devlin, from whom neither proffered bribes nor cruel tortures could extort a single hint as to his place of abode—should ever be held in grateful remembrance by Irishmen. At length on the 25th of August, the ill-fated young gentleman was arrested in the house of a Mrs. Palmer, at Harold's-cross. On the 19th of September he was put on his trial in the court-house, Green-street, charged with high treason. He entered on no defence, beyond making a few remarks in the course of the proceedings with a view to the moral and political justification of his conduct. The jury, without leaving their box, returned a verdict of guilty against him; after which, having been asked in due form why sentence of death should not be pronounced upon him, he delivered this memorable speech, every line of which is known and dear to the hearts of the Irish race:—

"MY LORDS—I am asked what have I to say why sentence of death should not be pronounced on me, according to law. I have nothing to say that can alter your predetermination, nor that it will become me to say, with any view to the mitigation of that sentence which you are to pronounce, and I must abide by. But I have that to say which interests me more than life, and which you have laboured to destroy. I have much to say why my reputation should be rescued from the load of false accusation and calumny which has been cast upon it, I do not imagine that, seated where you are, your mind can be so free from prejudice as to receive the least impression from what I am going to utter. I have no hopes that I can anchor my character in the breast of a court constituted and trammelled as this is. I only wish, and that is the utmost that I expect, that your lordships may suffer it to float down your memories untainted by the foul breath of prejudice, until it finds some more hospitable harbour to shelter it from the storms by which it is buffeted. Was I only to suffer death, after being adjudged guilty by your tribunal, I should bow in silence, and meet the fate that awaits me without a murmur; but the sentence of the law which delivers my body to the executioner will, through the ministry of the law, labour in its own vindication, to consign my character to obloquy; for there must be guilt somewhere, whether in the sentence of the court, or in the catastrophe, time must determine. A man in my situation has not only to encounter the difficulties of fortune, and the force of power over minds which it has corrupted or subjugated, but the difficulties of established prejudice. The

man dies, but his memory lives. That mine may not perish, that it may live in the respect of my countrymen, I seize upon this opportunity to vindicate myself from some of the charges alleged against me. When my spirit shall be wafted to a more friendly port—when my shade shall have joined the bands of those martyred heroes who have shed their blood on the scaffold and in the field in the defence of their country and of virtue, this is my hope—I wish that my memory and name may animate those who survive me, while I look down with complacency on the destruction of that perfidious government which upholds its domination by blasphemy of the Most High—which displays its power over man, as over the beasts of the forest—which sets man upon his brother, and lifts his hand, in the name of God, against the throat of his fellow who believes or doubts a little more or a little less than the government standard—a government which is steeled to barbarity by the cries of the orphans, and the tears of the widows it has made."

[Here Lord Norbury interrupted Mr. Emmet, saying—"that the mean and wicked enthusiasts who felt as he did, were not equal to the accomplishment of their wild designs."]

"I appeal to the immaculate God—I swear by the Throne of Heaven, before which I must shortly appear—by the blood of the murdered patriots who have gone before me—that my conduct has been, through all this peril, and through all my purposes, governed only by the conviction which I have uttered, and by no other view than that of the emancipation of my country from the superhuman oppression under which she has so long and too patiently travailed; and I confidently hope that, wild and chimerical as it may appear, there is still union and strength in Ireland to accomplish this noblest of enterprises. Of this I speak with confidence, of intimate knowledge, and with the consolation that appertains to that confidence. Think not, my lords, I say this for the petty gratification of giving you a transitory uneasiness. A man who never yet raised his voice to assert a lie, will not hazard his character with posterity, by asserting a falsehood on a subject so important to his country, and on an occasion like this. Yes, my lords, a man who does not wish to have his epitaph written until his country is liberated, will not leave a weapon in the power of envy, or a pretence to impeach the probity which he means to preserve, even in the grave, to which tyranny consigns him."

[Here he was again interrupted by the court]

"Again I say, that what I have spoken was not intended for your lordship, whose situation I commiserate rather than envy—my expressions were for my countrymen. If there is a true Irishman present, let my last words cheer him in the hour of his affliction."

[Here he was again interrupted. Lord Norbury said he did not sit there to hear treason.]

"I have always understood it to be the duty of a judge, when a prisoner has been convicted, to pronounce the sentence of the law. I have also understood that judges sometimes think it their duty to hear with patience, and to speak with humanity; to exhort the victim of the laws, and to offer, with tender benignity, their opinions of the motives by which he was actuated in the crime of which he was adjudged guilty. That a judge has thought it his duty so to have done, I have no doubt; but where is the boasted freedom of your institutions—where is the vaunted impartiality, clemency, and mildness of your courts of justice if an unfortunate prisoner, whom your policy, and not justice, is about to deliver into the hands of the executioner, is not suffered to explain his motives sincerely and truly, and to vindicate the principles by which he was actuated? My lords, it may be a part of the system of angry justice to bow a man's mind by humiliation to the purposed, ignominy of the scaffold; but worse to me than the purposed shame, or the scaffold's terrors, would be the shame of such foul and unfounded imputations as have been laid against me in this court. You, my lord, are a judge; I am the supposed culprit. I am a man; you are a man also. By a revolution of power we might change places, though we never could change characters. If I stand at the bar of this court, and dare not vindicate my character, what a farce is your justice! If I stand at this bar and dare not vindicate my character, how dare you calumniate it. Does the sentence of death, which your unhallowed policy inflicts on my body, condemn my tongue to silence and my reputation to reproach? Your executioner may abridge the period of my existence; but while I exist I shall not forbear to vindicate my character and motives from your aspersions; and, as a man, to whom fame is dearer than life, I will make the last use of that life in doing justice to that reputation which is to live after me, and which is the only legacy I can leave to those I honor and love, and for whom I am proud to perish. As men, my lords, we must appear on the great day at one common tribunal; and it will then remain for the Searcher of all hearts to show a collective universe, who was engaged in the most virtuous actions, or swayed by the purest motives—my country's oppressor, or"—

[Here he was interrupted, and told to listen to the sentence of the law].

"My lords, will a dying man be denied the legal privilege of exculpating himself in the eyes of the community from an undeserved reproach, thrown upon him during his trial, by charging him with ambition, and attempting to cast away for a paltry consideration the liberties of his country? Why did your lordships insult me? Or rather, why insult justice, in demanding of me why sentence of death should not be pronounced against me? I know, my lords, that form prescribes that you should ask the question. The form also presents the right of answering. This, no doubt, may be dispensed with, and so might the whole ceremony of the trial, since sentence was already pronounced at the Castle before the jury were empanelled. Your lordships are but the priests of the oracle, and I insist on the whole of the forms."

[Here Mr. Emmet paused, and the court desired him to proceed.]

"I am charged with being an emissary of France. An emissary of France! and for what end? It is alleged that I wished to sell the independence of my country; and for what end? Was this the object of my ambition? And is this the mode by which a tribunal of justice reconciles contradiction? No; I am no emissary; and my ambition was to hold a place among the deliverers of my country, not in power nor in profit, but in the glory of the achievement. Sell my country's independence to France! and for what? Was it a change of masters? No, but for my ambition. Oh, my country, was it personal ambition that could influence me? Had it been the soul of my actions, could I not, by my education and fortune, by the rank and consideration of my family, have placed myself amongst the proudest of your oppressor. My Country was my Idol. To it I sacrificed every selfish, every endearing sentiment; and for it I now offer up myself, O God! No, my lords; I acted as an Irishman, determined on delivering my country from the yoke of a foreign and unrelenting tyranny, and the more galling yoke of a domestic faction, which is its joint partner and perpetrator in the patricide, from the ignominy existing with an exterior of splendour and a conscious depravity. It was the wish of my heart to extricate my country from this doubly rivetted despotism—I wished to place her independence beyond the reach of any power on earth. I wished to exalt her to that proud station in the world. Connection with France was, indeed, intended, but only as far as mutual interest would sanction or require. Were the French to assume any authority inconsistent with the purest independence, it would be signal for their destruction. We sought their aid—and we sought it as we had assurance we should obtain it—as auxiliaries in war, and allies in peace. Were the French to come as invaders or enemies, uninvited by the wishes of the people, I should oppose them to the utmost of my strength. Yes! my countrymen, I should advise you to meet them upon the beach with a sword in one hand, and a torch in the other. I would meet them with all the destructive fury of war. I would animate my countrymen to immolate them in their boats, before they had contaminated the soil of my country. If they succeeded in landing, and if forced to retire before superior discipline, I would dispute every inch of ground, burn every blade of grass, and the last entrenchment of liberty should be my grave. What I could not do myself, if I should fall, I should leave as a last charge to my countrymen to accomplish; because I should feel conscious that life, any more than death, is unprofitable when a foreign nation holds my country in subjection. But it was not as an enemy that the succours of France were to land. I looked, indeed, for the assistance of France; but I wished to prove to France and to the world that Irishmen deserved to be assisted—that they were indignant at slavery, and ready to assert the independence and liberty of their country; I wished to procure for my country the guarantee which Washington procured for America—to procure an aid which, by its example, would be as important as its valour; disciplined, gallant, pregnant with science and experience; that of a people who would perceive the good, and polish the rough points of our character. They would come to us as strangers, and leave us as friends, after sharing in our perils and elevating our destiny. These were my objects; not to receive new taskmasters, but to expel old tyrants. It was for these ends I sought aid from France; because France, even as an enemy, could not be more implacable than the enemy already in the bosom of my country."

[Here he was interrupted by the court.]

"I have been charged with that importance in the emancipation of my country, as to be considered the key-stone of the combination of Irishmen; or, as your lordship expressed it, 'the life and blood of the conspiracy.' You do me honour over much; you have given to the subaltern all the credit of a superior. There are men engaged in this conspiracy who are not only superior to me, but even to your own conceptions of yourself, my lord—men before the splendour of whose genius and virtues I should bow with respectful deference, and who would think themselves disgraced by shaking your blood-stained hand."

[Here he was interrupted.]

"What, my lord, shall you tell me, on the passage to the scaffold, which that tyranny (of which you are only the intermediary executioner) has erected for my murder, that I am accountable for all the blood that has and will be shed in this struggle of the oppressed against the oppressor—shall you tell me this, and must I be so very a slave as not to repel it? I do not fear to approach the Omnipotent Judge to answer for the conduct of my whole life; and am I to be appalled and falsified by a mere remnant of mortality here? By you, too, although if it were possible to collect all the innocent blood that you have shed in your unhallowed ministry in one great reservoir your lordship might swim in it."

[Here the judge interfered.]

"Let no man dare, when I am dead, to charge me with dishonor; let no man attain my memory, by believing that I could have engaged in any cause but that of my country's liberty and independence; or that I could have become the pliant minion of power, in the oppression and misery of my country. The proclamation of the Provisional Government speaks for our views; no inference can be tortured from it to countenance barbarity or debasement at home, or subjection, humiliation, or treachery from abroad. I would not have submitted to a foreign oppressor, for the same reason that I would resist the foreign and domestic oppressor. In the dignity of freedom, I would have fought upon the threshold of my country, and its enemy should enter only by passing over my lifeless corpse. And am I, who lived but for my country, and who have subjected myself to the dangers of the jealous and watchful oppressor, and the bondage of the grave, only to give my countrymen their rights, and my country her independence, am I to be loaded with calumny, and not suffered to resent it? No; God forbid!"

Here Lord Norbury told Mr. Emmet that his sentiments and language disgraced his family and his education, but more particularly his father, Dr. Emmet, who was a man, if alive, that would not countenance such opinions. To which Mr. Emmet replied:—

"If the spirits of the illustrious dead participate in the concerns and cares of those who were dear to them in this transitory life, oh! ever dear and venerated shade of my departed father, look down with scrutiny upon the conduct of your suffering son, and see if I have, even for a moment, deviated from those principles of morality and patriotism which it was your care to instil into my youthful mind, and for which I am now about to offer up my life. My lords, you are impatient for the sacrifice. The blood which you seek is not congealed by the artificial terrors which surround your victim—it circulates warmly and unruffled through the channels which God created for noble purposes, but which you are now bent to destroy, for purposes so grievous that they cry to heaven. Be yet patient! I have but a few more words to say—I am going to my cold and silent grave—my lamp of life is nearly extinguished—my race is run—the grave opens to receive me, and I sink into its bosom. I have but one request to ask at my departure from this world, it is—THE CHARITY OF ITS SILENCE. Let no man write my epitaph; for as no man who knows my motives dare now vindicate them, let not prejudice or ignorance asperse them. Let them and me rest in obscurity and peace; and my tomb remain uninscribed, and my memory in oblivion, until other times and other men can do justice to my character. When my country takes her place among the nations of the earth, *then* and *not till then*, let my epitaph be written. I have done."

This affecting address was spoken—as we learn from the painstaking and generous biographer of the United Irishmen, Dr. Madden—"in so loud a voice as to be distinctly heard at the outer doors of the court-house; and yet, though he spoke in a loud tone, there was nothing boisterous in his manner; his accents and cadence of voice, on the contrary, were exquisitely modulated. His action was very remarkable, its greater or lesser vehemence corresponded with the rise and fall of his voice. He is described as moving about the dock, as he warmed in his address, with rapid, but not ungraceful motions—now in front of the railing before the bench, then retiring, as if his body, as well as his mind, were spelling beyond the measure of its chains. His action was not confined to his hands; he seemed to have acquired a swaying motion of the body when he spoke in public, which was peculiar to him, but there was no affectation in it."

At ten o'clock, p.m., on the day of his trial, the barbarous sentence of the law—the same that we have so recently heard passed on prisoners standing in that same dock, accused of the same offence against the rulers of this country—was passed on Robert Emmet. Only a few hours were given him in which to withdraw his thoughts from the things of this world and fix them on the next. He was hurried away, at midnight, from Newgate to Kilmainham jail, passing through Thomas-street, the scene of his attempted insurrection. Hardly had the prison van driven through, when workmen arrived and commenced the erection of the gibbet from which his body was to be suspended. About the hour of noon, on the 20th of September, he mounted the scaffold with a firm and composed demeanour; a minute or two more and the lifeless remains of one of the most gifted of God's creatures hung from the cross beams—strangled by the enemies of his country—cut off in the bloom of youth, in the prime of his physical and intellectual powers, because he had loved his own land, hated her oppressors, and striven to give freedom to his people. But not yet was English vengeance satisfied. While the body was yet warm it was cut

down from the gibbet, the neck placed across a block on the scaffold, and the head severed from the body. Then the executioner held it up before the horrified and sorrowing crowd that stood outside the lines of soldiery, proclaiming to them—"This is the head of a traitor!" A traitor! It was a false proclamation. No traitor was he, but a true and noble gentleman. No traitor, but a most faithful heart to all that was worthy of love and honour. No traitor, but a martyr for Ireland. The people who stood agonized before his scaffold, tears streaming from their eyes, and their hearts bursting with suppressed emotion, knew that for them and for Ireland he had offered up his young life. And when the deed was finished, and the mutilated body had been taken away, and the armed guards had marched from the fatal spot, old people and young moved up to it to dip their handkerchiefs in the blood of the martyr, that they might then treasure up the relics for ever. Well has his memory been cherished in the Irish heart from that day to the present time. Six years ago a procession of Irishmen, fifteen thousand strong, hearing another rebel to his grave, passed by the scene of that execution, every man of whom reverently uncovered his head as he reached the hallowed spot. A few months ago, a banner borne in another Irish insurrection displayed the inscription—

"REMEMBER EMMET."

Far away "beyond the Atlantic foam," and "by the long wash of Australasian seas," societies are in existence bearing his name, and having for their object to cherish his memory and perpetuate his principles. And wherever on the habitable globe a few members of the scattered Irish race are to be found, there are hearts that are thrilled by even the faintest allusion to the uninscribed gravestone and the unwritten epitaph.

---

## THOMAS RUSSELL.

When Emmet was dead, and the plan to which he devoted his fortune, his talents, and his life, had sunk in failure, the cause of Irish independence appeared finally lost, and the cry, more than once repeated in after times, that "now, indeed, the last bolt of Irish disaffection has been sped, and that there would never again be an Irish rebellion," rung loudly from the exulting enemies of Ireland. The hearts of the people seemed broken by the weight of the misfortunes and calamities that overwhelmed them. The hopes which had brightened their stormy path, and enabled them to endure the oppression to which they were subjected by expectations of a glorious change, flickered no longer amidst the darkness. The efforts of the insurgents were everywhere drowned in blood; the hideous memories of '98 were brought up anew; full of bitter thoughts, exasperated, humiliated, and despondent, the people brooded over their wretched fate, and sullenly submitted to the reign of terror which was inaugurated amongst them. Little had the Irish patriots to look forward to in that dark hour of suffering and disappointment. A nightmare of blood and violence weighed down the spirits of the people; a stupor appeared to have fallen on the nation; and though time might be trusted to arouse them from the trance, they had suffered another loss, not so easily repaired, in the death and dispersion of their leaders. Where now should they find the Moses to lead them from the land of captivity? Tone, Fitzgerald, Emmet, Bond, M'Cracken, the Sheareses—all were dead. M'Nevin, Neilson, and O'Connor were in exile. Heavily and relentlessly the arm of vengeance had fallen on them one by one; but the list was not even then completed. There was yet another victim to fall before the altar of liberty, and the sacrifice which commenced with Orr did not conclude until Thomas Russell had perished on the gallows of Downpatrick.

The importance of the part which Thomas Russell fills in the history of the United Irishmen, the worth of his character, the purity and nobility of his sentiments, and the spirit of uncompromising patriotism displayed in his last address, would render unpardonable the omission of his name from such a work as this. "I mean to make my trial," said Russell, "and the last of my life, if it is to close now, as serviceable to the cause of liberty as I can," and he kept his word. To-day, we try in some slight way to requite that fidelity which endured unto death, by rescuing Thomas Russell's name from oblivion, and recalling his services and virtues to the recollection of his countrymen.

He was born at Betsborough, Dunnahane, in the parish of Kilshanick, county Cork, on the 21st November, 1767. His father was an officer in the British army, who had fought against the Irish Brigade in the memorable battle of Fontenoy, and who died in a high situation in the Royal Hospital at Kilmainham. Thomas, the youngest of his three sons, was educated for the Protestant Church; but his inclinations sought a different field of action, and at the age of fifteen he left for India as a volunteer, where he served with his brother, Ambrose, whose gallantry in battle called down commendation from the English king. Thomas Russell quitted India after five years' service, and his return is ascribed to the disgust and indignation which filled him on witnessing the extortions, the cruelties, the usurpations, and brutalities, which were carried out and sanctioned by the government under which he served. He left Ireland burdened with few fixed political principles and little knowledge of the world; he returned a full grown man, imbued with the opinions which he never afterwards abandoned. He was then, we are told, a model of manly beauty, one of those favoured individuals whom we cannot pass in the street without being guilty of the rudeness of staring in the face while passing, and turning round to look at the receding figure. Though more than six feet high, his majestic stature was scarcely observed, owing to the exquisite symmetry of his form. Martial in his gait and demeanour, his appearance was not altogether that of a soldier. His dark and steady eye, compressed lip, and some what haughty bearing, were occasionally strongly indicative of the camp; but in general the classic contour of

his finely formed head, the expression of sweetness that characterised his smile, and the benevolence that beamed in his fine countenance, seemed to mark him out as one that was destined to be the ornament, grace, and blessing of private life. His manners were those of the finished gentleman, combined with that native grace which nothing but superiority of intellect can give; he was naturally reserved and retiring in disposition, and his private life was distinguished by eminent purity and an unostentatious devotion to the precepts of religion.

Such was Thomas Russell when he made the acquaintance of Theobald Wolfe Tone in Dublin. There is no doubt that the views and opinions of Tone made a profound impression on young Russell; it is equally certain, on the other hand, that Tone learned to love and esteem his new friend, whose sentiments were so much in accordance with his own. Throughout Tone's journal we find constant references to Thomas Russell, whom he always places with Thomas Addis Emmet at the head of his list of friends. Early in 1791 Russell proceeded to Belfast to join the 64th Regiment, in which he had obtained a commission; before leaving Dublin he appears to have become a member of the Society of United Irishmen, and in Belfast he soon won the friendship and shared the councils of the patriotic men who were labouring for Ireland in that city.

While in Belfast, Russell fell into pecuniary embarrassments. His generous and confiding nature induced him to go bail for a false friend, and he found himself one morning obliged to meet a claim for £200, which he had no means of discharging except by the sale of his commission. Russell sold out and retired to Dungannon, where he lived for some time on the residue of the money thus obtained, and during this period he was appointed a Justice of the Peace for the county of Tyrone. After a short experience of "Justices' justice" in the North, he retired from the bench through motives alike creditable to his head and heart. "I cannot reconcile it to my conscience," he exclaimed one day, "to sit on a bench where the practice exists of inquiring what religion a person is before investigating the charge against him." Russell returned, after taking this step, to Belfast, where he was appointed to a situation in the public library of the town, and where he became a regular contributor to the organ of the Ulster patriots, the *Northern Star*.

In 1796 he was appointed by the United Irishmen to the supreme military command in the county Down, a post for which his military experience not less than his personal influence fitted him, but his political career was soon afterwards interrupted by his arrest on the 26th of September, 1796. Russell was removed to Dublin, and lodged in Newgate Prison; his arrest filled the great heart of Tone, who was then toiling for his country in France, with sorrow and dismay. "It is impossible," he says in his journal, "to conceive the effect this misfortune has on my mind. If we are not in Ireland in time to extricate him he is lost, for the government will move heaven and earth to ensure his condemnation. Good God!" he adds, "if Russell and Neilson fall, where shall I find two others to replace them?" During the eventful months that intervened between the date of his arrest and the 19th of March, 1799, poor Russell remained chafing his imprisoned soul, filled with patriotic passion and emotion, in his prison cell in Kilmainham. On the latter date, when the majority of his associates were dead, and their followers scattered and disheartened, he was transferred to Fort George in Scotland, where he spent three years more in captivity. The government had no specific charge against him, but they feared his influence and distrusted his intentions, and they determined to keep him a prisoner while a chance remained of his exerting his power against them. No better illustration of Russell's character and principles could be afforded than that supplied in the following extract from one of the letters written by him during his incarceration in Fort George:—"To the people of Ireland," he writes, addressing an Irish friend and sympathiser, "I am responsible for my actions; amidst the uncertainties of life this may be my valedictory letter; what has occasioned the failure of the cause is useless to speculate on— Providence orders all things for the best. *I am sure the people will never abandon the cause; I am equally sure it will succeed.* I trust men will see," he adds, referring to the infidel views then unhappily prevalent, "that the only true basis of liberty is morality, and the only stable basis of morality is religion."

In 1802 the government, failing to establish any distinct charge against Russell, set him at liberty, and he at once repaired to Paris, where he met Robert Emmet, who was then preparing to renew the effort of Fitzgerald and Wolfe Tone. Time had not changed, nor suffering damped, the patriotic impulses of Thomas Russell; he entered heartily into the plans of young Emmet, and when the latter left for Ireland in November, 1802, to prosecute his hazardous enterprise, it was with the full understanding that Russell would stand by his side in the post of danger, and with him perish or succeed. In accordance with this arrangement, Russell followed Robert Emmet to Dublin, where he arrived so skilfully disguised that even his own family failed to recognise him. Emmet's plans for the outbreak in Dublin were matured when Russell, with a trusty companion, was despatched northwards to summon the Ulster men to action. Buoyant in spirit, and filled with high expectation, he entered on his mission, but he returned to Dublin a week later prostrate in spirit and with a broken heart. One of his first acts on arriving in Belfast was to issue a proclamation, in which, as "General-in-Chief of the Northern District," he summoned the people of Ulster to action.

The North, however, refused to act. It was the old, old story. Belfast resolved on waiting "to see what the South would do," and the South waited for Belfast. Disgusted and disappointed, Russell quitted the Northern capital and proceeded to Antrim, where at least he thought he might expect to find cordial co-operation; but fresh disappointments awaited him, and with a load of misery at his heart, such as he had never felt before, Russell returned to Dublin, where he lived in seclusion, until arrested by Major Sirr and his myrmidons on the 9th of September, 1803. A reward of £1,500 had been offered for his apprehension. We learn on good authority that the

ruffianly town-major, on arresting him, seized the unfortunate patriot rudely by the neck-cloth, whereupon, Russell, a far more powerful man than his assailant, flung him aside, and drawing a pistol, exclaimed—"I will not be treated with indignity." Sirr parleyed for a while; a file of soldiers was meanwhile summoned to his aid, and Russell was borne off in irons a prisoner to the Castle. While undergoing this second captivity a bold attempt was made by his friends to effect his liberation by bribing one of the gaolers; the plot, however, broke down, and Russell never breathed the air of freedom again. While awaiting his trial—that trial which he knew could have but one termination, the death of a felon—Russell addressed a letter to one of his friends outside, in which the following noble passage, the fittest epitaph to be engraved on his tombstone, occurs:—"I mean to make my trial," he writes, "and the last of my life, if it is to close now, as serviceable to the cause of liberty as I can. *I trust my countrymen will ever adhere to it*: I know it will soon prosper. When the country is free," he adds—that it would be free he never learned to doubt—"I beg they may lay my remains with my father in a private manner, and pay the few debts I owe. I have only to beg of my countrymen to remember that the cause of liberty is the cause of virtue, *which I trust they will never abandon*. May God bless and prosper them, and when power comes into their hands I entreat them to use it with moderation. May God and the Saviour bless them all."

Russell was taken to Downpatrick, escorted by a strong force of cavalry, where he was lodged in the governor's rooms, preparatory to being tried in that town by a Special Commission. While in prison in Downpatrick he addressed a letter to Miss M'Cracken, a sister of Henry Joy M'Cracken, one of the insurgent leaders of 1798, in which he speaks as follows: "Humanly speaking, I expect to be found guilty and immediately executed. As this may be my last letter, I shall only say that I did my best for my country and for mankind. I have no wish to die, but far from regretting its loss in such a cause, had I a thousand lives I would willingly risk or lose them in it. Be assured, liberty will in the midst of those storms be established, and God will wipe the tears from all eyes."

The sad anticipations expressed by Russell were but too fully borne out. There was short shrift in those days for Irishmen accused of treason, and the verdict of guilty, which he looked forward to with so much resignation, was delivered before the last rays of the sun which rose on the morning of the trial had faded in the gloaming. It was sworn that he had attended treasonable meetings and distributed green uniforms; that he asked those who attended them, "if they did not desire to get rid of the Sassanaghs;" that he spoke of 30,000 stands of arms from France, but said if France should fail them, "forks, spades, shovels, and pickaxes" would serve that purpose. It was useless to struggle against such testimony, palpably false and distorted as it was in some parts, and Russell decided on cutting short the proceedings. "I shall not trouble my lawyers," he said, "to make any statement in my case. There are but three possible modes of defence—firstly, by calling witnesses to prove the innocence of my conduct; secondly, by calling them to impeach the credit of opposite witnesses, or by proving an *alibi*. As I can resort to none of those modes of defence without involving others, I consider myself precluded from any." Previous to the Judge's charge, the prisoner asked—"If it was not permitted to persons in his situation to say a few words, as he wished to give his valedictory advice to his countrymen in as concise a manner as possible, being well convinced how speedy the transition was from that vestibule of the grave to the scaffold." He was told in reply, "that he would have an opportunity of expressing himself," and when the time did come, Russell advanced to the front of the dock, and spoke in a clear, firm tone of voice, as follows:—

"Before I address myself to this audience, I return my sincere thanks to my learned counsel for the exertions they have made, in which they displayed so much talent. I return my thanks to the gentlemen on the part of the crown, for the accommodation and indulgence I have received during my confinement. I return my thanks to the gentlemen of the jury, for the patient investigation they have afforded my case; and I return my thanks to the court, for the attention and politeness they have shown me during my trial. As to my political sentiments, I shall, in as brief a manner as possible (for I do not wish to engross the time of the court), say a few words. I look back to the last thirteen years of my life, the period with which I have interfered with the transactions of Ireland, with entire satisfaction; though for my share in them I am now about to die—the gentlemen of the jury having, by their verdict, put the seal of truth on the evidence against me. Whether, at this time, and the country being situated as it is, it be safe to inflict the punishment of death upon me for the offence I am charged with, I leave to the gentlemen who conduct the prosecution. My death, perhaps, may be useful in deterring others from following my example. It may serve, on the other hand, as a memorial to others, and on trying occasions it may inspire them with courage. I can now say, as far as my judgment enabled me, I acted for the good of my country and of the world. It may be presumptuous for me to deliver my opinions here as a statesman, but as the government have singled me out as a leader, and given me the appellation of 'General,' I am in some degree entitled to do so. To me it is plain that all things are verging towards a change, when all shall be of one opinion. In ancient times, we read of great empires having their rise and their fall, and yet do the old governments proceed as if all were immutable. From the time I could observe and reflect, I perceived that there were two kinds of laws—the laws of the State and the laws of God—frequently clashing with each other; by the latter kind, I have always endeavoured to regulate my conduct; but that laws of the former kind do exist in Ireland I believe no one who hears me can deny. That such laws have existed in former times many and

various examples clearly evince. The Saviour of the world suffered by the Roman laws—by the same laws His Apostles were put to the torture, and deprived of their lives in His cause. By my conduct I do not consider that I have incurred any moral guilt. I have committed no moral evil. I do not want the many and bright examples of those gone before me; but did I want this encouragement, the recent example of a youthful hero—a martyr in the cause of liberty—who has just died for his country, would inspire me. I have descended into the vale of manhood. I have learned to estimate the reality and delusions of this world; *he* was surrounded by everything which could endear this world to him—in the bloom of youth, with fond attachments, and with all the fascinating charms of health and innocence; to his death I look back even in this moment with rapture. I have travelled much, and seen various parts of the world, and I think the Irish are the most virtuous nation on the face of the earth—they are a good and brave people, and had I a thousand lives I would yield them in their service. If it be the will of God that I suffer for that with which I stand charged, I am perfectly resigned to His holy will and dispensation. I do not wish to trespass much more on the time of those that hear me, and did I do so an indisposition which has seized on me since I came into court would prevent my purpose. Before I depart from this for a better world I wish to address myself to the landed aristocracy of this country. The word 'aristocracy' I do not mean to use as an insulting epithet, but in the common sense of the expression.

"Perhaps, as my voice may now be considered as a voice crying from the grave, what I now say may have some weight. I see around me many, who during the last years of my life have disseminated principles for which I am now to die. Those gentlemen, who have all the wealth and the power of the country in their hands, I strongly advise, and earnestly exhort, to pay attention to the poor—by the poor I mean the labouring class of the community, their tenantry and dependents. I advise them for their good to look into their grievances, to sympathize in their distress, and to spread comfort and happiness around their dwellings. It might be that they may not hold their power long, but at all events to attend to the wants and distresses of the poor is their truest interest. If they hold their power, they will thus have friends around them; if they lose it, their fall will be gentle, and I am sure unless they act thus they can never be happy. I shall now appeal to the right honourable gentleman in whose hands the lives of the other prisoners are, and entreat that he will rest satisfied with my death, and let that atone for those errors into which I may have been supposed to have deluded others. I trust the gentleman will restore them to their families and friends. If he shall do so, I can assure him that the breeze which conveys to him the prayers and blessings of their wives and children will be more grateful than that which may be tainted with the stench of putrid corpses, or carrying with it the cries of the widow and the orphan. Standing as I do in the presence of God and of man, I entreat him to let my life atone for the faults of all, and that my blood alone may flow.

"If I am then to die, I have therefore two requests to make. The first is, that as I have been engaged in a work possibly of some advantage to the world, I may be indulged with three days for its completion; secondly, that as there are those ties which even death cannot sever, and as there are those who may have some regard for what will remain of me after death, I request that my remains, disfigured as they will be, may be delivered after the execution of the sentence to those dear friends, that they may be conveyed to the ground where my parents are laid, and where those faithful few may have a consecrated spot over which they may be permitted to grieve. I have now to declare, when about to pass into the presence of Almighty God, that I feel no enmity in my mind to any being, none to those who have borne testimony against me, and none to the jury who have pronounced the verdict of my death."

The last request of Russell was refused, and he was executed twelve hours after the conclusion of the trial. At noon, on the 21st of October, 1803, he was borne pinioned to the place of execution. Eleven regiments of soldiers were concentrated in the town to overawe the people and defeat any attempt at rescue; yet even with this force at their back, the authorities were far from feeling secure. The interval between the trial and execution was so short that no preparation could be made for the erection of a scaffold, except the placing of some barrels under the gateway of the main entrance to the prison, with planks placed upon them as a platform, and others sloping up from the ground, by which it was ascended. On the ground hard by, were placed a sack of sawdust, an axe, a block, and a knife. After ascending the scaffold, Russell gazed forward through the archway—towards the people, whose white faces could be seen glistening outside, and again expressed his forgiveness of his persecutors. His manner, we are told, was perfectly calm, and he died without a struggle.

A purer soul, a more blameless spirit, than Thomas Russell, never sunk on the battle-field of freedom. Fixed in principles, and resolute in danger, he was nevertheless gentle, courteous, unobtrusive, and humane; with all the modesty and unaffectedness of childhood, he united the zeal of a martyr and the courage of a hero. To the cause of his country he devoted all his energies and all his will; and when he failed to render it prosperous in life, he illumined it by his devotion



and steadfastness in death. The noble speech given above, and the passages from his letters which we have quoted, are sufficient in themselves to show how chivalrous was the spirit, how noble the motives of Thomas Russell. The predictions which he uttered with so much confidence have not indeed been fulfilled, and the success which he looked forward to so hopefully has never been won. But his advice, so often repeated in his letters, is still adhered to; his countrymen have not yet learned to abandon the cause in which he suffered, and they still cherish the conviction which he so touchingly expressed—"that liberty will, in the midst of these storms be established, and that God will yet wipe off the tears of the Irish nation."

Russell rests in the churchyard of the Protestant church of Downpatrick. A plain slab marks the spot where he is laid, and there is on it this single line—

"THE GRAVE OF RUSSELL."

---

We have now closed our reference to the portion of Irish history comprised within the years 1798 and 1803, and as far as concerns the men who suffered for Ireland in those disastrous days our "Speeches from the Dock" are concluded. We leave behind us the struggle of 1798 and the men who organized it; we turn from the records of a period reeking with the gore of Ireland's truest sons, and echoing with the cries and curses of the innocent and oppressed; we pass without notice the butcheries and outrages that filled the land, while our countrymen were being sabred into submission; and we leave behind us, too, the short-lived insurrection of 1803, and the chivalrous young patriot who perished with it. We turn to more recent events, less appalling in their general aspect, but not less important in their consequences, or less interesting to the present generation, and take up the next link in the unbroken chain of protests against British rule in Ireland with the lives and the fortunes of the patriots of 1848. How faithfully the principles of freedom have been handed down—how nobly the men of our own times have imitated the patriots of the past—how thoroughly the sentiments expressed from the Green-street dock nineteen years ago coincide with the declarations of Tone, of Emmet, and of Russell—our readers will shortly have an opportunity of judging. They will see how all the sufferings and all the calamities that darkened the path of the martyrs of '98 were insufficient to deter others, as gifted, as earnest, and as chivalrous as they, from following in their footsteps; and how unquenchable and unending, as the altar light of the fire-worshipper, the generous glow of patriotic enthusiasm was transmitted through generations, unaffected by the torrents of blood in which it was sought to extinguish it.

The events of our own generation—the acts of contemporary patriots—now claim our attention; but we are reluctant as yet to turn over the page, and drop the curtain on the scenes with which we have hitherto been dealing, and which we feel we have inadequately described. We have spoken of the men whose speeches from the dock are on record, but we still linger over the history of the events in which they shared, and of the men who were associated with them in their endeavours. The patriots whose careers we have glanced at are but a few out of the number of Irishmen who suffered during the same period, and in the same cause, and whose actions recommend them to the admiration and esteem of posterity. Confining ourselves strictly to those whose speeches after conviction have reached us, the list could not well be extended; but there are many who acted as brave a part, and whose memories are inseparable from the history of the period. We should have desired to speak, were the scope of our labours more extended, of the brave Lord Edward Fitzgerald, the gallant and the true, who sacrificed his position, his prospects, and his life, for the good old cause, and whose arrest and death contributed more largely, perhaps, than any other cause that could be assigned to the failure of the insurrection of 1798. Descended from an old and noble family, possessing in a remarkable degree all the attributes and embellishments of a popular leader, young and spirited, eloquent and wealthy, ardent, generous, and brave, of good address, and fine physical proportions, it is not surprising that Lord Edward Fitzgerald became the idol of the patriot party, and was appointed by them to a leading position in the organization. Lord Edward Fitzgerald was born in October, 1763; being the fifth son of James Duke of Leinster, the twentieth Earl of Kildare. He grew up to manhood, as a recent writer has observed, when the drums of the Volunteers were pealing their marches of victory; and under the stirring events of the period his soul burst through the shackles that had long bound down the Irish aristocracy in servile dependence. In his early years he served in the American War of Independence on the side of despotism and oppression—a circumstance which in after years caused him poignant sorrow. He joined the United Irishmen, about the time that Thomas Addis Emmet entered their ranks, and the young nobleman threw himself into the movement with all the ardour and energy of his nature. He was appointed Commander-in-Chief of the National forces in the south, and laboured with indefatigable zeal in perfecting the plans for the outbreak on the 23rd of May. The story of his arrest and capture is too well known to need repetition. Treachery dogged the steps of the young patriot, and after lying for some weeks in concealment, he was arrested on the 19th day of May, 1798, two months after his associates in the direction of the movement had been arrested at Oliver Bond's. His gallant struggle with his captors, fighting like a lion at bay, against the miscreants who assailed him; his assassination, his imprisonment, and his death, are events to which the minds of the Irish nationalists perpetually recur, and which, celebrated in song and story, are told with sympathising regret wherever a group of Irish blood are gathered around the hearth-stone. His genius, his talents, and his influence, his unswerving attachment to his country, and his melancholy end, cast an air of romance around his history; and the last ray of gratitude must fade from the Irish heart before the name of the martyred patriot, who sleeps in the vaults of St. Werburgh, will be forgotten in the land of his birth.

In less than a fortnight after Lord Edward expired in Newgate another Irish rebel, distinguished by his talents, his fidelity, and his position, expiated with his life the crime of "loving his country above his king." It is hard to mention Thomas Russell and ignore Henry Joy M'Cracken—it is hard to speak of the Insurrection of '98 and forget the gallant young Irishman who commanded at the battle of Antrim, and who perished a few weeks subsequently, in the bloom of his manhood, on the scaffold in Belfast. Henry Joy M'Cracken was one of the first members of the Society of United Irishmen, and he was one of the best. He was arrested, owing to private information received by the government, on the 10th of October, 1796—three weeks after Russell, his friend and confidant, was flung into prison—and lodged in Newgate Jail, where he remained until the 8th of September in the following year. He was then liberated on bail, and immediately, on regaining his liberty, returned to Belfast, still bent on accomplishing at all hazards the liberation of his country. Previous to the outbreak in May, '98, he had frequent interviews with the patriot leaders in Dublin, and M'Cracken was appointed to the command of the insurgent forces in Antrim. Filled with impatience and patriotic ardour, he heard of the stirring events that followed the arrest of Lord Edward Fitzgerald; he concentrated all his energies in preparing the Northern patriots for action, but circumstances delayed the outbreak in that quarter, and it was not until the 6th of June, 1798, that M'Cracken had perfected his arrangements for taking the field, and issued the following brief proclamation, "dated the first year of liberty, 6th June, 1798," addressed to the Army of Ulster:—

"To-morrow we march on Antrim. Drive the garrison of Randalstown before you, and hasten to form a junction with your Commander-in-Chief."

Twenty-one thousand insurgents were to have rallied at the call of M'Cracken, out not more than seven thousand responded to the summons. Even this number, however, would have been sufficient to strike a successful blow, which would have filled the hearts of the gallant Wexford men, then in arms, with exultation, and effected incalculable results on the fate of Ireland, had not the curse of the Irish cause, treachery and betrayal, again come to the aid of its enemies. Hardly had the plans for the attack on Antrim been perfected, when the secrets of the conspirators were revealed to General Nugent, who commanded the British troops in the North, and the defeat of the insurgents was thus secured. M'Cracken's forces marched to the attack on Antrim with great regularity, chorusing the "Marseillaise Hymn" as they charged through the town. Their success at first seemed complete, but the English general, acting on the information which had treacherously been supplied him, had taken effective means to disconcert and defeat them. Suddenly, and as it seemed, in the flush of victory, the insurgents found themselves exposed to a galling fire from a force posted at either end of the town; a gallant resistance was offered, but it was vain. The insurgents fled from the fatal spot, leaving 500 of their dead and dying behind them, and at nightfall Henry Joy M'Cracken found himself a fugitive and a ruined man. For some weeks he managed to baffle the bloodhounds on his track, but he was ultimately arrested and tried by court-martial in Belfast, on the 17th July, 1798. On the evening of the same day he was executed. We have it on the best authority that he bore his fate with calmness, resolution, and resignation. It is not his fault that a "Speech from the Dock" under his name is not amongst our present collection. He had actually prepared one, but his brutal judges would not listen to the patriot's exculpation. He was hung, amidst the sobs and tears of the populace, in front of the Old Market place of Belfast, and his remains were interred in the graveyard now covered by St. George's Protestant church.

Later still in the same year two gallant young officers of Irish blood, shared the fate of Russell and M'Cracken. They sailed with Humbert from Rochelle; they fought at Castlebar and Ballinamuck; and when the swords of their French allies were sheathed, they passed into the power of their foes. Matthew Tone was one of them; the other was Bartholomew Teeling. The latter filled the rank of *Etat-major* in the French army; and a letter from his commanding officer, General Humbert, was read at his trial, in which the highest praise was given to the young officer for the humane exertions which he made throughout his last brief campaign in the interest of mercy. "His hand," he said, "was ever raised to stay the useless effusion of blood, and his protection was afforded to the prostrate and defenceless." But his military judges paid little heed to those extenuating circumstances, and Teeling was condemned to die on the day of his trial. He perished on the 24th September, 1798, being then in his twenty-fourth year. He marched with a proud step to the place of execution on Arbour Hill, Dublin, and he died, as a soldier might, with unshaken firmness and unquailing mien. No lettered slab marks the place of his interment; and his bones remain in unhallowed and unconsecrated ground. Hardly had his headless body ceased to palpitate, when it was flung into a hole at the rear of the Royal Barracks. A few days later the same unhonoured spot received the mortal remains of Matthew Tone. "He had a more enthusiastic nature than any of us," writes his brother, Theobald Wolfe Tone, "and was a sincere Republican, capable of sacrificing everything for his principles." His execution was conducted with infamous cruelty and brutality, and the life-blood was still gushing from his body when it was flung into "the Croppy's Hole." "The day will come," says Dr. Madden, "when that desecrated spot will be hallowed ground—consecrated by religion—trod lightly by pensive patriotism—and decorated by funeral trophies in honour of the dead whose bones lie there in graves that are now neglected and unhonoured."

There are others of the patriot leaders who died in exile, far away from the land for which they suffered, and whose graves were dug on alien shores by the heedless hands of the stranger. This was the fate of Addis Emmet, of Neilson, and of M'Nevin. In Ireland they were foremost and most trusted amongst the gifted and brilliant throng that directed the labours and shaped the purposes of the United Irishmen. They survived the reign of terror that swallowed up the majority of their

compatriots, and, when milder councils began to prevail, they were permitted to go forth from the dungeon which confined them into banishment. The vision of Irish freedom was not permitted to dawn upon them in life; from beyond the sandy slopes washed by the Western Atlantic they watched the fortunes of the old land with hopeless but enduring love. Their talents, their virtues, and their patriotism were not unappreciated by the people amongst whom they spent their closing years of life. In the busiest thoroughfare of the greatest city of America there towers over the heads of the by-passers the monument of marble which grateful hands have raised to the memory of Addis Emmet. In the centre of Western civilization, the home of republican liberty, the stranger reads in glowing words, of the virtues and the fame of the brother of Robert Emmet, sculptured on the noble pillar erected in Broadway, New York, to his memory. Nor was he the only one of his party to whom such an honour was accorded. A stone-throw from the spot where the Emmet monument stands, a memorial not less commanding in its proportions and appearance, was erected to William James M'Nevin; and the American citizen, as he passes through the spacious streets of that city which the genius of liberty has rendered prosperous and great, gazes proudly on those stately monuments, which tell him that the devotion to freedom which England punished and proscribed found in his own land the recognition which it merited from the gallant and the free.

[Footnote: The inscriptions on the Emmet monument are in three languages—Irish, Latin, and English. The Irish inscription consists of the following lines:—

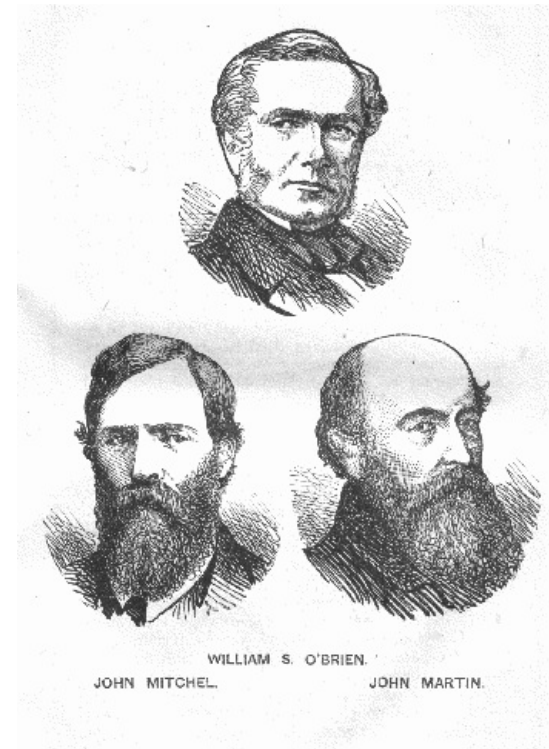
Do mhiannaich se ardmath  
Cum tir a breith  
Do thug se clu a's fuair se moladh  
An deig a bais.

The following is the English inscription:

*In Memory of*  
THOMAS ADDIS EMMET,  
Who exemplified in his conduct,  
And adorned by his integrity.  
The policy and principles of the  
UNITED IRISHMEN—  
"To forward a brotherhood of affection,  
A community of rights, an identity of interests, and a union of power  
Among Irishmen of every religious persuasion,  
As the only means of Ireland's chief good,  
An impartial and adequate representation  
IN AN IRISH PARLIAMENT."  
For this (mysterious fate of virtue) exiled from his native land,  
In America, the land of Freedom,  
He found a second country,  
Which paid his love by reverencing his genius.  
Learned in our laws, and in the laws of Europe,  
In the literature of our times, and in that of antiquity,  
All knowledge seemed subject to his use.  
An orator of the first order, clear, copious, fervid,  
Alike powerful to kindle the imagination, touch the affections,  
And sway the reason and will.  
Simple in his tastes, unassuming in his manners,  
Frank, generous, kind-hearted, and honourable,  
His private life was beautiful,  
As his public course was brilliant.  
Anxious to perpetuate  
The name and example of such a man,  
Alike illustrious by his genius, his virtues, and his fate;  
Consecrated to their affections by his sacrifices, his perils,  
And the deeper calamities of his kindred,  
IN A JUST AND HOLY CAUSE;  
His sympathising countrymen  
Erected this Monument and Cenotaph.]

---

**JOHN MITCHEL**



Subsequent to the melancholy tragedy of 1803, a period of indescribable depression was experienced in Ireland. Defeat, disaster, ruin, had fallen upon the national cause; the power on whose friendly aid so much reliance had been placed was humbled, and England stood before the world in the full blaze of triumph and glory. Her fleet was undisputed mistress of the ocean, having swept it of all hostile shipping, and left to the enemy little more than the small craft that sheltered in narrow creeks and under the guns of well-defended harbours. Her army, if not numerically large, had proved its valour on many a well-fought field, and shown that it knew how to bring victory to light upon its standards; and, what was not less a matter of wonder to others, and of pride to herself, the abundance of her wealth and the extent of her resources were shown to be without a parallel in the world. Napoleon was an exile on the rock of St. Helena; the "Holy Alliance"—as the European, sovereigns blasphemously designated themselves—were lording it over the souls and bodies of men by "right divine;" the free and noble principles in which the French Revolution had its origin were now sunk out of sight, covered with the infamy of the Reign of Terror and the responsibility of the series of desolating wars which had followed it, and no man dared to speak for them. Those were dark days for Ireland. Her parliament was gone, and in the blighting shade of the provincialism to which she was reduced, genius and courage seemed to have died out from the land. Thousands of her bravest and most devoted children had perished in her cause—some on the scaffold, and others on the field of battle—and many whose presence at home would have been invaluable to her were obliged to seek safety in exile. So Erin, the crownless Queen, sat in the dust with fetters on her limbs, her broken sword fallen from her hand, and with mournful memories lying heavy on her heart. The feelings of disappointment and grief then rankling in every Irish breast are well mirrored in that plaintive song of our national poet, which open with these tristful lines:—

"'Tis gone, and for ever, the light we saw  
 breaking,  
 Like heaven's first dawn o'er the sleep of  
 the dead,  
 When man, from the slumber of ages awaking,  
 Looked upward and blessed the pure ray  
 ere it fled.  
 'Tis gone, and the gleams it has left of its  
 burning  
 But deepen the long night of bondage and  
 mourning,  
 That dark o'er the kingdoms of earth is  
 returning,  
 And darkest of all, hapless Erin, o'er thee."

In this gloomy condition of affairs there was nothing for Irish patriotism to do except to seek for the removal, by constitutional means, of some of the cruel grievances that pressed on the people. Emancipation of the Catholics from the large remainder of the penal laws that still degraded and despoiled them was one of the baits held out by Mr. Pitt when playing his cards for the Union; but not long had the Irish parliament been numbered with the things that were, when it became evident that the minister was in no hurry to fulfil his engagement, and it was found necessary to take some steps for keeping him to his promise. Committees were formed, meetings were held, speeches were made, resolutions were adopted, and all the machinery of parliamentary endeavour was put in motion. The leaders of the Catholic cause in this case, like those of the national cause in the preceding years, were liberal-minded Protestant gentlemen; but as time

wore on, a young barrister from Kerry, one of the old race and the old faith, took a decided lead amongst them, and soon became its recognised champion, the elect of the nation, the "man of the people." Daniel O'Connell stood forth, with the whole mass of his Catholic countrymen at his back, to wage within the lines of the constitution this battle for Ireland. He fought it resolutely and skilfully; the people supported him with an unanimity and an enthusiasm that were wonderful; their spirit rose and strengthened to that degree that the probability of another civil war began to loom up in the near future—inquiries instituted by the government resulted in the discovery that the Catholics serving in the army, and who constituted at least a third of its strength, were in full sympathy with their countrymen on this question, and could not be depended on to act against them—the ministry recognised the critical condition of affairs, saw that there was danger in delay, yielded to the popular demand—and Catholic Emancipation was won.

The details of that brilliant episode of Irish history cannot be told within the limits of this work, but some of its consequences concern us very nearly. The triumph of the constitutional struggle for Catholic Emancipation confirmed O'Connell in the resolution he had previously formed, to promote an agitation for a Repeal of the Union, and encouraged him to lay the proposal before his countrymen. The forces that had wrung the one measure of justice from an unwilling parliament were competent, he declared, to obtain the other. He soon succeeded in impressing his own belief on the minds of his countrymen, whose confidence in his wisdom and his powers was unbounded. The whole country responded to his call, and soon "the Liberator," as the emancipated Irish Catholics loved to call him, found himself at the head of a political organization which in its mode of action, its extent, and its ardour was "unique in the history of the world." Every city and great town in Ireland had its branch of the Repeal Association—every village had its Repeal reading-room, all deriving hope and life, and taking direction from the head-quarters in Dublin, where the great Tribune himself "thundered and lightened" at the weekly meetings. All Ireland echoed with his words. Newspapers, attaining thereby to a circulation never before approached in Ireland, carried them from one extremity of the land to the other—educating, cheering, and inspiring the hearts of the long downtrodden people. Nothing like this had ever occurred before. The eloquence of the patriot orators of the Irish parliament had not been brought home to the masses of the population; and the United Irishmen could only speak to them secretly, in whispers. But here were addresses glowing, and bold, and tender, brimful of native humour, scathing in their sarcasms, terrible in their denunciations, ineffably beautiful in their pathos—addresses that recalled the most glorious as well as the saddest memories of Irish history, and presented brilliant vistas of the future—addresses that touched to its fullest and most delicious vibration every chord of the Irish heart—here they were being sped over the land in an unfailling and ever welcome supply. The peasant read them to his family by the fireside when his hard day's work was done, and the fisherman, as he steered his boat homeward, reckoned as not the least of his anticipated pleasures, the reading of the last report from Conciliation Hall. And it was not the humbler classes only who acknowledged the influence of the Repeal oratory, sympathised with the movement, and enrolled themselves in the ranks. The priesthood almost to a man, were members of the Association and propagandists of its principles; the professional classes were largely represented in it; of merchants and traders it could count up a long roll; and many of the landed gentry, even though they held her Majesty's Commission of the Peace, were amongst its most prominent supporters. In short, the Repeal Association represented the Irish nation, and its voice was the voice of the people. The "Monster Meetings" of the year 1843 put this fact beyond the region of doubt or question. As popular demonstrations they were wonderful in their numbers, their order, and their enthusiasm. O'Connell, elated by their success, fancied that his victory was as good as won. He knew that things could not continue to go on as they were going—either the government or the Repeal Association should give way, and he believed the government would yield. For, the Association, he assured his countrymen, was safe within the limits of the law, and not a hostile hand could be laid upon it without violating the constitution. His countrymen had nothing to do but obey the law and support the Association, and a Repeal of the Union within a few months was, he said, inevitable. In all this he had allowed his own heart to deceive him; and his mistake was clearly shown, when in October, 1843, the government, by proclamation and a display of military force, prevented the intended monster meeting at Clontarf. It was still more fully established in the early part of the following year, when he, with a number of his political associates, was brought to trial for treasonable and seditious practices, found guilty, and sentenced to twelve months' imprisonment. The subsequent reversal of the verdict by the House of Lords, was a legal triumph for O'Connell; but nevertheless, his prestige had suffered by the occurrence, and his policy had begun to pall upon the minds of the people.

After his release the business of the Association went on as before, only there was less of confidence and of defiance in the speeches of the Liberator, and there were no more monster meetings. He was now more emphatic than ever in his advocacy of moral force principles, and his condemnation of all warlike hints and allusions. The weight of age—he was then more than seventy years—was pressing on his once buoyant spirit; his prison experience had damped his courage; and he was haunted night and day by a conviction—terrible to his mind—that there was growing up under the wing of the Association, a party that would teach the people to look to an armed struggle as the only sure means of obtaining the freedom of their country. The writings of the *Nation*—then a new light in the literature and politics of Ireland—had a ring in them that was unpleasant to his ears, a sound as of clashing steel and the explosion of gunpowder. In the articles of that journal much honour was given to men who had striven for Irish freedom by other methods than those in favour at Conciliation Hall; and the songs and ballads which it was giving

to the youth of Ireland—who received them with delight, treasuring every line "as if an angel spoke"—were bright with the spirit of battle, and taught any doctrine except the sinfulness of fighting for liberty. The Liberator grew fearful of that organ and of the men by whom it was conducted. He distrusted that quiet-faced, thoughtful, and laborious young man, whom they so loved and revered—the founder, the soul, and the centre of their party. To the keen glance of the aged leader it appeared that for all that placid brow, those calm grey eyes and softly curving lip of his, the man had no horror of blood-spilling in a righteous cause, and was capable not only of deliberately inciting his countrymen to rise in arms against English rule, but also of taking a foremost place in the struggle. And little less to be dreaded than Thomas Davis, was his friend and *collaborateur*, Charles Gavan Duffy, whose sharp and active intellect and resolute spirit were not in the least likely to allow the national cause to rest for ever on the peaceful platform of Conciliation Hall. Death removed Davis early from the scene; but in John Mitchel, who had taken his place, there was no gain to the party of moral force. Then there was that other young firebrand—that dapper, well-built, well-dressed, curled and scented young gentleman from the *Urbs Intacta*—whose wondrous eloquence, with the glow of its thought, the brilliancy and richness of its imagery, and the sweetness of its cadences, charmed and swayed all hearts—adding immensely to the dangers of the situation. O'Brien, too, staid and unimpulsive as was his character, deliberate and circumspect as were his habits, was evidently inclined to give the weight of his name and influence to this "advanced" party. And there were many less prominent, but scarcely less able men giving them the aid of their great talents in the press and on the platform—not only men, but women too. Some of the most inspiring of the strains that were inducing the youth of the country to familiarize themselves with steel blades and rifle barrels proceeded from the pens of those fair and gifted beings. Day after day, as this party sickened of the stale platitudes, and timid counsels, and crooked policy of the Hall, O'Connell, his son John, and other leading members of the Association, insisted more and more strongly on their doctrine of moral force, and indulged in the wildest and most absurd denunciations of the principle of armed resistance to tyranny. "The liberty of the world," exclaimed O'Connell, "is not worth the shedding of one drop of human blood." Notwithstanding the profound disgust which the utterance of such sentiments caused to the bolder spirits in the Association, they would have continued within its fold, if those debasing principles had not been actually formulated into a series of resolutions and proposed for the acceptance of the Society. Then they rose against the ignoble doctrine which would blot the fair fame of all who ever fought for liberty in Ireland or elsewhere, and rank the noblest men the world ever saw in the category of fools and criminals. Meagher, in a brilliant oration, protested against the resolutions, and showed why he would not "abhor and stigmatize the sword." Mr. John O'Connell interrupted and interfered with the speaker. It was plain that freedom of speech was to be had no longer on the platform of the Association, and that men of spirit had no longer any business there—Meagher took up his hat and left the Hall, and amongst the crowd that accompanied, him, went William Smith O'Brien, Thomas Devin Reilly, Charles Gavan Duffy, and John Mitchel.

After this disruption, which occurred on the 28th of July, 1846, came the formation of the "Irish Confederation" by the seceders. In the proceedings of the new Society Mr. Mitchel took a more prominent part than he had taken in the business of the Repeal Association. And he continued to write in his own terse and forcible style in the *Nation*. But his mind travelled too fast in the direction of war for either the journal or the society with which he was connected. The desperate condition of the country, now a prey to all the horrors of famine, for the awfully fatal effects of which the government was clearly responsible—the disorganization and decay of the Repeal party, consequent on the death of O'Connell—the introduction of Arms' Acts and other coercive measures by the government, and the growing ardour of the Confederate Clubs, were to him as signs and tokens unmistakable that there was no time to be lost in bringing matters to a crisis in which the people should hold their own by force of arms. Most of his political associates viewed the situation with more patience; but Mr. Mitchel was resolved that even if he stood alone, he would speak out his opinions to the people. In the latter part of December, 1847, he withdrew from the *Nation*. On the 5th of February, 1848, at the close of a debate, which had lasted two days, on the merits of his policy of immediate resistance to the collection of rates, rents, and taxes, and the division on which was unfavourable to him, he, with a number of friends and sympathisers withdrew from the Confederation. Seven days afterwards, he issued the first number of a newspaper, bearing the significant title of *The United Irishman*, and having for its motto the following aphorism, quoted from Theobald Wolfe Tone: "Our independence must be had at all hazards. If the men of property will not support us, they must fall; we can support ourselves by the aid of that numerous and respectable class of the community, the men of no property."

The *Nation* had been regarded as rather an outspoken journal, and not particularly well affected to the rulers of the country. But it was mildness, and gentleness, and loyalty itself compared to the new-comer in the field of journalism. The sudden uprising of a most portentous comet sweeping close to this planet of ours could hardly create more unfeigned astonishment in the minds of people in general than did the appearance of this wonderful newspaper, brimful of open and avowed sedition, crammed with incitements to insurrection, and with diligently prepared instructions for the destruction of her Majesty's troops, barracks, stores, and magazines. Men rubbed their eyes, as they read its articles and correspondence, scarcely believing that any man in his sober senses would venture, in any part of the Queen's dominions, to put such things in print. But there were the articles and the letters, nevertheless, on fair paper and in good type, published in a duly registered newspaper bearing the impressed stamp of the Customs—a sign to all men that the proprietor was bound in heavy sureties to the government against the

publication of "libel, blasphemy, or sedition"—couched, moreover, in a style of language possessing such grace and force, such delicacy of finish, and yet such marvellous strength, rich with so much of quiet humour, and bristling with such rasping sarcasm and penetrating invective, that they were read as an intellectual luxury even by men who regarded as utterly wild and wicked the sentiments they conveyed. The first editorial utterance in this journal consisted of a letter from Mr. Mitchel to the Viceroy, in which that functionary was addressed as "The Right Hon. the Earl of Clarendon, Englishman, calling himself her Majesty's Lord Lieutenant-General and General Governor of Ireland." The purport of the document was to declare, above board, the aims and objects of the *United Irishman*, a journal with which, wrote Mr. Mitchel, "your lordship and your lordship's masters and servants are to have more to do than may be agreeable either to you or me." That that purpose was to resume the struggle which had been waged by Tone and Emmet, or, as Mr. Mitchel put it, "the Holy War, to sweep this island clear of the English name and nation." "We differ," he said, "from the illustrious conspirators of '98, not in principle—no, not an *iota*—but, as I shall presently show you, materially as to the mode of action." And the difference was to consist in this—that whereas the revolutionary organization in Ninety-Eight was a secret one, which was ruined by spies and informers, that of Forty-Eight was to be an open one, concerning which informers could tell nothing that its promoters would not willingly proclaim from the house-tops. "If you desire," he wrote, "to have a Castle detective employed about the *United Irishman* office in Trinity-street, I shall make no objection, provided the man be sober and honest. If Sir George Grey or Sir William Somerville would like to read our correspondence, we make him welcome for the present—only let the letters be forwarded without losing a post." Of the fact that he would speedily be called to account for his conduct in one of her Majesty's courts of law, the writer of this defiant language was perfectly cognizant; but he declared that the inevitable prosecution would be his opportunity of achieving a victory over the government. "For be it known to you," he wrote, "that in such a case you shall either publicly, boldly, notoriously *pack a jury*, or else see the accused rebel walk a free man out of the court of Queen's Bench—which will be a victory only less than the rout of your lordship's red-coats in the open field." In case of his defeat, other men would take up the cause, and maintain it until at last England would have to fall back on her old system of courts-martial, and triangles, and free quarters, and Irishmen would find that there was no help for them "in franchises, in votings, in spoutings, in shoutings, and toasts drank with enthusiasm—nor in anything in this world, save the *extensor* and *contractor* muscles of their right arms, in these and in the goodness of God above." The conclusion of this extraordinary address to her Majesty's representative was in the following terms:—

"In plain English, my Lord Earl, the deep and irreconcilable disaffection of this people to all British laws, lawgivers, and law administrators shall find a voice. That holy Hatred of foreign dominion which nerved our noble predecessors fifty years ago for the dungeon, the field, or the gallows (though of late years it has worn a vile *nisi prius* gown, and snivelled somewhat in courts of law and on spouting platforms) still lives, thank God! and glows as fierce and hot as ever. To educate that holy Hatred, to make it know itself, and avow itself, and, at last, fill itself full, I hereby devote the columns of the *United Irishman*."

After this address to the Lord Lieutenant, Mr. Mitchel took to addressing the farming classes, and it is really a study to observe the exquisite precision, the clearness, and the force of the language he employed to convey his ideas to them. In his second letter he supposes the case of a farmer who has the entire produce of his land in his haggard, in the shape of six stacks of corn; he shows that three of these ought, in all honour and conscience, be sufficient for the landlord and the government to seize upon, leaving the other three to support the family of the man whose labour had produced them. But what are the facts?—the landlord and the government sweep *all* away, and the peasant and his family starve by the ditch sides. As an illustration of this condition of things, he quotes from a southern paper an account of an inquest held on the body of a man named Boland, and on the bodies of his two daughters, who, as the verdict declared, had "died of cold and starvation," although occupants of a farm of over twenty acres in extent. On this melancholy case the comment of the editor of the *United Irishman* was as follows:—

"Now what became of poor Boland's twenty acres of crop? Part of it went to Gibraltar, to victual the garrison; part to South Africa, to provision the robber army; part went to Spain, to pay for the landlord's wine; part to London, to pay the interest of his honour's mortgage to the Jews. The English ate some of it; the Chinese had their share; the Jews and the Gentiles divided it amongst them—and there was *none* for Boland."

As to the manner in which the condition and fate of poor Boland were to be avoided, abundant instructions were given in every number. The anti-tithe movement was quoted as a model to begin with; but, of course, that was to be improved upon. The idea that the people would not venture on such desperate movements, and had grown enamoured of the Peace policy and of "Patience and Perseverance," Mr. Mitchel refused to entertain for a moment:—

"I will not believe that Irishmen are so degraded and utterly lost as this. The Earth is awakening from sleep; a flash of electric fire is passing through the dumb millions. Democracy is girding himself once more like a strong man to run a race; and slumbering nations are arising in their might, and 'shaking their invincible locks.' Oh! my countrymen, look up, look up! Arise from the death-dust where you have long been lying, and let this light visit your eyes also, and touch your souls.

Let your ears drink in the blessed words. 'Liberty! Fraternity! Equality!' which are soon to ring from pole to pole! Clear steel will, ere long, dawn upon you in your desolate darkness; and the rolling thunder of the People's cannon will drive before it many a heavy cloud that has long hidden from you the face of heaven. Pray for that day; and preserve life and health that you may worthily meet it. Above all, let the man amongst you who has no gun sell his garment and buy one."

So Mr. Mitchel went on for some weeks, preaching in earnest and exciting language the necessity of preparation for an immediate grapple with "the enemy." In the midst of his labours came the startling news of another revolution in France, Louis Philippe in full flight, and the proclamation of a Republic. Yet a few days more and the Berliners had risen and triumphed, only stopping short of chasing their king away because he conceded all they were pleased to require of him; then came insurrection in Sicily, insurrection in Lombardy, insurrection in Milan, insurrection in Hungary—in short, the revolutionary movement became general throughout Europe, and thrones and principalities were tumbling and tottering in all directions. Loud was the complaint in the *United Irishman* because Dublin was remaining tranquil. It was evident, however, that the people and their leaders were feeling the revolutionary impulse, and that matters were fast hurrying towards an outbreak. John Mitchel knew that a crisis was at hand, and devoted all his energies to making the best use of the short time that his newspaper had to live. His writing became fiercer, more condensed, and more powerful than ever. Lord Clarendon was now addressed as "Her Majesty's Executioner General and General Butcher of Ireland," and instructions for street warfare and all sorts of operations suitable for an insurgent populace occupied a larger space than ever in his paper. But the government were now resolved to close with their bold and clever enemy. On Tuesday, the 21st of March, 1848, Messrs. O'Brien, Meagher, and Mitchel were arrested, the former for seditious speeches, uttered at a meeting of the Confederation held on the 15th of that month, the latter for three seditious articles published in the *United Irishman*. All were released on bail, and when the trials came on, in the month of May, disagreements of the jury took place in the cases of O'Brien and Meagher. But before the trial of Mr. Mitchel could be proceeded with, he was arrested on a fresh charge of "treason-felony"—a new crime, which had been manufactured by Act of Parliament a few weeks before. He was, therefore, fast in the toils, and with but little chance of escape. Little concern did this give the brave-hearted patriot, who only hoped and prayed that at last the time had come when his countrymen would launch out upon the resolute course of action which he had so earnestly recommended to them. From his cell in Newgate, on the 16th of May, he addressed to them one of his most exciting letters, of which the following are the concluding passages:—

"For me, I abide my fate joyfully; for I know that, whatever betide me, my work is nearly done. Yes; Moral Force and 'Patience and Perseverance' are scattered to the wild winds of heaven. The music my countrymen now love best to hear is the rattle of arms and the ring of the rifle. As I sit here and write in my lonely cell, I hear, just dying away, the measured tramp of ten thousand marching men—my gallant confederates, unarmed and silent, but with hearts like bended bow, waiting till *the time* comes. They have marched past my prison windows, to let me know there are ten thousand fighting men in Dublin—'felons' in heart and soul.

"I thank God for it. The game is afoot at last. The liberty of Ireland may come sooner or later, by peaceful negotiation or bloody conflict—but it is *sure*; and wherever between the poles I may chance to be, I will hear the crash of the downfall of the thrice-accursed British Empire."

On Monday, May 22nd, 1848, the trial of Mr. Mitchel commenced in the Commission Court, Green-street, before Baron Lefroy. He was eloquently defended by the veteran lawyer and uncompromising patriot, Robert Holmes, the brother-in-law of Robert Emmet. The mere law of the case was strong against the prisoner, but Mr. Holmes endeavoured to raise the minds of the jury to the moral view of the case, upon which English juries have often acted regardless of the letter of the Act of Parliament. With a jury of Irishmen impartially chosen it would have been a good defence, but the Castle had made sure of their men in this case. At five o'clock on the evening of the 26th, the case went to the jury, who, after an absence of two hours, returned into court with a verdict of "Guilty."

That verdict was a surprise to no one. On the day the jury was empanelled, the prisoner and every one else knew what it was to be. It was now his turn to have a word to say for himself, and he spoke, as was his wont, in plain terms, answering thus the question that had been put to him:—

"I have to say that I have been found guilty by a packed jury—by the jury of a partizan sheriff—by a jury not empanelled even according to the law of England. I have been found guilty by a packed jury obtained by a juggle—a jury not empanelled by a sheriff but by a juggler."

This was touching the high sheriff on a tender place, and he immediately called out for the protection of the court. Whereupon Baron Lefroy interposed, and did gravely and deliberately, as is the manner of judges, declare that the imputation which had just been made on the character of that excellent official, the high sheriff, was most "unwarranted and unfounded." He adduced, however, no reason in support of that declaration—not a shadow of proof that the conduct of the aforesaid official was fair or honest—but proceeded to say that the jury had found the prisoner



guilty on evidence supplied by his own writings, some of which his lordship, with a proper expression of horror on his countenance, proceeded to read from his notes. In one of the prisoner's publications, he said, there appeared the following passage "There is now growing on the soil of Ireland a wealth of grain, and roots, and cattle, far more than enough to sustain in life and comfort all the inhabitants of the island. That wealth must not leave us another year, not until every grain of it is fought for in every stage, from the tying of the sheaf to the loading of the ship; and the effort necessary to that simple act of self-preservation will at one and the same blow prostrate British dominion and landlordism together." In reference to this piece of writing, and many others of a similar nature, his lordship remarked that no effort had been made to show that the prisoner was not responsible for them; it was only contended that they involved no moral guilt. But the law was to be vindicated; and it now became his duty to pronounce the sentence of the court, which was—that the prisoner be transported beyond the seas for a term of fourteen years. The severity of the sentence occasioned general surprise; a general suspiration and low murmur were heard through the court. Then there was stillness as of death, in the midst of which the tones of John Mitchel's voice rang out clearly, as he said:—

"The law has now done its part, and the Queen of England, her crown and government in Ireland are now secure, pursuant to act of parliament. I have done my part also. Three months ago I promised Lord Clarendon, and his government in this country, that I would provoke him into his courts of justice, as places of this kind are called, and that I would force him publicly and notoriously to pack a jury against me to convict me, or else that I would walk a free man out of this court, and provoke him to a contest in another field. My lord, I knew I was setting my life on that cast, but I knew that in either event the victory should be with me, and it is with me. Neither the jury, nor the judges, nor any other man in this court presumes to imagine that it is a criminal who stands in this dock."

Here there were murmurs of applause, which caused the criers to call out for "Silence!" and the police to look fiercely on the people around them. Mr. Mitchel resumed:—

"I have shown what the law is made of in Ireland. I have shown that her Majesty's government sustains itself in Ireland by packed juries, by partizan judges, by perjured sheriffs."

Baron Lefroy interposed. The court could not sit there to hear the prisoner arraign the jurors, the sheriffs, the courts, and the tenure by which England holds this country. Again the prisoner spoke:—

"I have acted all through this business, from the first, under a strong sense of duty. I do not repent anything that I have done, and I believe that the course which I have opened is only commenced. The Roman who saw his hand burning to ashes before the tyrant, promised that three hundred should follow out his enterprise. Can I not promise for one, for two, for three, aye for hundreds?"

As he uttered these words, Mr. Mitchel looked proudly into the faces of the friends near him, and around the court. His words and his glance were immediately responded to by an outburst of passionate voices from all parts of the building, exclaiming—"For me! for me! promise for me, Mitchel! and for me!" And then came a clapping of hands and a stamping of feet, that sounded loud and sharp as a discharge of musketry, followed by a shout like a peal of thunder. John Martin, Thomas Francis Meagher, and Devin Reilly, with other gentlemen who stood close by the dock, reached over it to grasp the hand of the new made felon. The aspect of affairs looked alarming for a moment. The policemen laid violent hands on the persons near them and pulled them about. Mr. Meagher and Mr. Doheny were taken into custody. Baron Lefroy, in a high state of excitement, cried out—"Officer! remove Mr. Mitchel!" and then, with his brother judges, retired hurriedly from the bench. The turnkeys who stood in the dock with Mr. Mitchel motioned to him that he was to move; he took a step or two down the little stairs under the flooring of the court-house, and his friends saw him no more.

He was led through the passages that communicated with the adjoining prison, and ushered into a dark and narrow cell, in which, however, his detention was of but a few hours' duration: At four o'clock in the evening of that day—May 27th, 1848—the prison van, escorted by a large force of mounted police and dragoons, with drawn sabres, drove up to the prison gate. It was opened, and forth walked John Mitchel—in *fetters*. A heavy chain was attached to his right leg by a shackle at the ankle; the other end was to have been attached to the left leg, but as the jailors had not time to effect the connexion when the order came for the removal of the prisoner, they bade him take it in his hand, and it was in this plight, with a festoon of iron from his hand to his foot, he passed from the prison into the street—repeating mayhap to his own heart, the words uttered by Wolfe Tone in circumstances not dissimilar:—"For the cause which I have embraced, I feel prouder to wear these chains, than if I were decorated with the star and garter of England." Four or five police inspectors assisted him to step into the van, the door was closed after him, the word was given to the escort, and off went the cavalcade at a thundering pace to the North-wall, where a government steamer, the "Shearwater," was lying with her steam up in readiness to receive him. He clambered the side-ladder of the steamer with some assistance; on reaching the deck, the chains tripped him and he fell forward. Scarcely was he on his feet again, when the paddles of the steamer were beating; the water, and the vessel was moving from the shores of that "Isle of Destiny," which he loved so well, and a sight of which has never since gladdened the eyes of John Mitchel.

The history of Mr. Mitchel's subsequent career, which has been an eventful one, does not rightly fall within the scope of this work. Suffice it to say that on June the 1st, 1848, he was placed on board the "Scourge" man-of-war, which then sailed off for Bermuda. There Mr. Mitchel was retained on board a penal ship, or "hulk," until April 22nd, 1849, when he was transferred to the ship "Neptune," on her way from England to the Cape of Good Hope, whither she was taking a batch of British convicts. Those convicts the colonists at the Cape refused to receive into their country, and a long struggle ensued between them and the commander of the "Neptune," who wished to deposit his cargo according to instructions. The colonists were willing to make an exception in the case of Mr. Mitchel, but the naval officer could not think of making any compromise in the matter. The end of the contest was that the vessel, with her cargo of convicts on board, sailed on February 19th, 1850, for Van Dieman's Land, where she arrived on April 7th of the same year. In consideration of the hardships they had undergone by reason of their detention at the Cape, the government granted a conditional pardon to all the criminal convicts on their arrival at Hobart Town. It set them free on the condition that they should not return to the "United Kingdom." Mr. Mitchel and the other political convicts were less mercifully treated. It was not until the year 1854 that a similar amount of freedom was given to these gentlemen. Some months previous to the arrival of Mr. Mitchel at Hobart Town, his friends William Smith O'Brien, John Martin, Thomas F. Meagher, Kevin Izod O'Doherty, Terence Bellew MacManus, and Patrick O'Donoghue, had reached the same place, there to serve out the various terms of transportation to which they had been sentenced. All except Mr. O'Brien, who had refused to enter into these arrangements, were at that time on parole—living, however, in separate and limited districts, and no two of them nearer than thirty or forty miles. On his landing from the "Neptune," Mr. Mitchel, in consideration of the delicate state of his health, was allowed to reside with Mr. Martin in the Bothwell district.

In the summer of the year 1853, a number of Irish gentlemen in America, took measures to effect the release of one or more of the Irish patriots from Van Dieman's Land, and Mr. P.J. Smyth sailed from New York on that patriotic mission. Arrived in Van Dieman's Land, the authorities, who seemed to have suspicion of his business, placed him under arrest, from which he was released after three days' detention. The friends soon managed to meet and come to an understanding as to their plan of future operations, in conformity with which, Mr. Mitchel penned the following letter to the governor of the island:—

"Bothwell, 8th June, 1853.

"SIR—I hereby resign the 'comparative liberty,' called 'ticket-of-leave,' and revoke my parole of honour. I shall forthwith present myself before the police magistrate of Bothwell, at his police office, show him this letter, and offer myself to be taken into custody. I am, sir, your obedient servant,

"JOHN MITCHEL."

On the next day, June the 9th, Mr. Mitchel and Mr. Smyth went to the police office, saw the magistrate with his attending constables; handed him the letter, waited until he had read its contents, addressed to him a verbal statement to the same effect, and while he appeared to be paralyzed with astonishment, and uncertain what to do, touched their hats to him and left the office. Chase after them was vain, as they had mounted a pair of fleet steeds after leaving the presence of his worship; but it was not until six weeks afterwards that they were able to get shipping and leave the island. On the 12th of October, 1853, Mr. Mitchel was landed safe in California—to the intense delight of his countrymen throughout the American States, who celebrated the event by many joyful banquets.

Since then, Mr. Mitchel has occupied himself mainly with the press. He started the *Citizen* in New York, and subsequently, at Knoxville, Tennessee, the *Southern Citizen*. As editor of the *Richmond Examiner* during the American civil war, he ably supported the Southern cause, to which he gave a still stronger pledge of his attachment in the services and the lives of two of his brave sons. One of these gentlemen, Mr. William Mitchel, was killed at the battle of Gettysburg; the other, Captain John Mitchel, who had been placed in command of the important position of Fort Sumter, was shot on the parapet of that work, on July 19th, 1864. Shortly after the close of the war, Mr. John Mitchel was taken prisoner by the Federal government; but after undergoing an imprisonment of some months his release was ordered by President Johnson, acting on the solicitation of a large and influential deputation of Irishmen. In the latter part of the year 1867, turning to the press again, he started the *Irish Citizen* at New York, and in that journal, at the date of this writing, he continues to wield his trenchant pen on behalf of the Irish cause. To that cause, through all the lapse of time, and change of scene, and vicissitude of fortune which he has known, his heart has remained for ever true. He has suffered much for it; that he may live to see it triumphant is a prayer which finds an echo in the hearts of all his fellow-countrymen.

We have written of Mr. Mitchel only in reference to his political career; but we can, without trenching in any degree on the domain of private life, supply some additional and authentic details which will be of interest to Irish readers. The distinguished subject of our memoir was born at Camnish, near Dungiven, in the county of Derry, on the 3rd of November, 1815. His father was the Rev. John Mitchel, at that time Presbyterian Minister of Dungiven, and a good patriot, too, having been—as we learn from a statement casually made by Mr. Mitchel in Conciliation Hall—one of the United Irishmen of 1798. The maiden name of his mother, who also came of a Presbyterian and county Derry family, was Mary Haslitt. At Newry, whither the Rev. Mr. Mitchel removed in the year 1823, and where he continued to reside till his death in 1843,

young John Mitchel was sent to the school of Dr. David Henderson, from which he entered Trinity College, Dublin, about the year 1830 or 1831. He did not reside within the college, but kept his terms by coming up from the country to attend the quarterly examinations. Though he did not distinguish himself in his college course, and had paid no more attention to the books prescribed for his studies than seemed necessary for passing his examinations respectably, John Mitchel was known to his intimate friends to be a fine scholar and possessed of rare ability. While still a college student, he was bound apprentice to a solicitor in Newry. Before the completion of his apprenticeship, in the year 1835, he married Jane Verner, a young lady of remarkable beauty, and only sixteen years of age at the time, a daughter of Captain James Verner. Not long after his marriage he entered into partnership in his profession, and in conformity with the arrangements agreed upon, went to reside at Banbridge, a town ten miles north of Newry, where he continued to practice as a solicitor until the death of Thomas Davis in 1845. He had been an occasional contributor to the *Nation* almost from the date of its foundation; its editors recognised at once his splendid literary powers, and when the "Library of Ireland" was projected, pressed him to write one of the volumes, suggesting as his subject the Life of Hugh O'Neill. How ably he fulfilled the task is known to his countrymen, who rightly regard the volume as one of the most valuable of the whole series. When death removed the amiable and gifted Thomas Davis from the scene of his labours, Mr. Duffy invited John Mitchel, as the man most worthy of all in Ireland, to take his place. Mr. Mitchel regarded the invitation as the call of his country. He gave up his professional business in Banbridge, removed with his wife and family to Dublin, and there throwing himself heart and soul into the cause, fought it out boldly and impetuously until the day when, bound in British chains, "the enemy" bore him off from Ireland.

---

## JOHN MARTIN.

When the law had consummated its crime, and the doom of the felon was pronounced against John Mitchel, there stood in the group that pressed round him in the dock and echoed back the assurances which he flung as a last defiance at his foes, a thoughtful, delicate looking, but resolute young Irishman, whose voice perhaps was not the loudest of those that spoke there, but whose heart throbbed responsively to his words, and for whom the final message of the unconquerable rebel possessed a meaning and significance that gave it the force of a special revelation. "Promise for me, Mitchel," they cried out, but he had no need to join in that request; he had no need to intimate to Mr. Mitchel his willingness to follow out the enterprise which that fearless patriot had so boldly commenced. On the previous day, sitting with the prisoner in his gloomy cell, John Martin of Loughorne had decided on the course which he would take in the event of the suppression of the *United Irishman* and the transportation of its editor. He would start a successor to that journal, and take the place of his dear friend at the post of danger. It was a noble resolve, deliberately taken, and resolutely and faithfully was it carried out. None can read the history of that act of daring, and of the life of sacrifice by which it has been followed, and not agree with us that while the memories of Tone, of Emmet, and of Russell, are cherished in Ireland, the name of John Martin ought not be forgotten.

A few days subsequent to that memorable scene in Greenstreet court-house, John Martin quitted his comfortable home and the green slopes of Loughorne, separated himself from the friends he loved and the relatives who idolized him, and entered on the stormy career of a national leader and journalist, at a time when to advocate the principles of nationality was to incur the ferocious hostility of a government whose thirst for vengeance was only whetted by the transportation of John Mitchel. He knew the danger he was braving; he knew that the path on which he entered led down to suffering and ruin; he stood in the gap from which Mitchel had been hurled, with a full consciousness of the perils of the situation; but unflinchingly and unhesitatingly as the martyr goes to his death, he threw himself into the thinning ranks of the patriot leaders; and when the event that he anticipated arrived, and the prison gates opened to receive him—then, too, in the midst of indignities and privations—he displayed an imperturbable firmness and contempt for physical suffering, that showed how powerless persecution is to subdue the spirit that self-conscious righteousness sustains.

His history previous to the conviction of his friend and school-fellow, John Mitchel, if it includes no events of public importance, possesses for us all the interest that attaches to the early life of a good and remarkable man. John Martin was born at Loughorne, in the lordship of Newry, Co. Down, on the 8th of September, 1812; being the eldest son of Samuel Martin and Jane Harshaw, both natives of that neighbourhood, and members of Presbyterian families settled there for many generations. About the time of his birth, his father purchased the fee-simple of the large farm which he had previously rented, and two of his uncles having made similar investments, the family became proprietors of the townland on which they lived. Mr. Samuel Martin, who died in 1831, divided his attention between the management of the linen business—a branch of industry in which the family had partly occupied themselves for some generations—and the care of his land. His family consisted of nine children, of whom John Martin—the subject of our sketch—was the second born. The principles of his family, if they could not be said to possess the hue of nationality, were at least liberal and tolerant. In '98, the Martins of Loughorne, were stern opponents of the United Irishmen; but in '82, his father and uncles were enrolled amongst the volunteers, and the Act of Union was opposed by them as a national calamity. It was from his good mother, however, a lady of refined taste and remarkable mental culture, that young John derived his inclination for literary pursuits, and learned the maxims of justice and equality that swayed him through life. He speedily discarded the prejudices against Catholic Emancipation,

which were not altogether unknown amongst his family, and which even found some favour with himself in the unreflecting days of boyhood. The natural tendency of his mind, however, was as true to the principles of justice as the needle to the pole, and the quiet rebuke that one day fell from his uncle—"What! John, would you not give your Catholic fellow-countrymen the same rights that you enjoy yourself?" having set him a thinking for the first time on the subject, he soon formed opinions more in consonance with liberality and fair play.

When about twelve years of age, young Martin was sent to the school of Dr. Henderson at Newry, where he first became acquainted with John Mitchel, then attending the same seminary as a day scholar. We next find John Martin an extern student of Trinity College, and a year after the death of his father he took out his degree in Arts. He was now twenty years old, and up to this time had suffered much from a constitutional affection, being subject from infancy to fits of spasmodic asthma. Strange to say, the disease which troubled him at frequently recurring intervals at home, seldom attacked him when away from Loughorne, and partly for the purpose of escaping it, he took up his residence in Dublin in 1833, and devoted himself to the study of medicine. He never meditated earning his living by the profession, but he longed for the opportunity of assuaging the sufferings of the afflicted poor. The air of the dissecting-room, however, was too much for Martin's delicate nervous organization; the kindly encouragement of his fellow-students failed to induce him to breathe its fetid atmosphere a second time, and he was forced to content himself with a theoretical knowledge of the profession. By diligent study and with the assistance of lectures, anatomical plates, &c., he managed to conquer the difficulty; and he had obtained nearly all the certificates necessary for taking out a medical degree, when he was recalled in 1835 to Loughorne, by the death of his uncle John, whose house and lands he inherited.

During the four years following he lived at Loughorne, discharging the duties of a resident country gentleman as they are seldom performed in Ireland, and endearing himself to all classes, but particularly to the poor, by his gentle disposition, purity of mind, and benevolence of heart. In him the afflicted and the poverty-stricken ever found a sympathising friend, and if none of the rewards which the ruling faction were ready to shower on the Irishman of his position who looked to the Castle for inspiration, fell to his share, he enjoyed a recompense more precious in the prayers and the blessings of the poor. The steps of his door were crowded with the patients who flocked to him for advice, and for whom he prescribed gratuitously—not without some reluctance, however, arising from distrust of his own abilities and an unwillingness to interfere with the practice of the regular profession. But the diffidence with which he regarded his own efforts was not shared by the people of the district. Their faith in his professional skill was unbounded, and perhaps the confidence which they felt in his power, contributed in some measure to the success that attended his practice.

In 1839 Mr. Martin sailed from Bristol to New York, and travelled thence to the extreme west of Upper Canada to visit a relative who had settled there. On that occasion he was absent from Ireland nearly twelve months, and during his stay in America he made some tours in Canada and the Northern States, visiting the Falls, Toronto, Montreal, Philadelphia, New York, Washington, Pittsburg, and Cleveland. In 1841 he made a brief continental tour, and visited the chief points of attraction along the Rhine. During this time Mr. Martin's political ideas became developed and expanded, and though like Smith O'Brien, he at first withheld his sympathies from the Repeal agitation, in a short time he became impressed with the justice of the national demand for independence. His retiring disposition kept him from appearing very prominently before the public; but the value of his adhesion to the Repeal Association was felt to be great by those who knew his uprightness, his disinterestedness, and his ability.

When the suicidal policy of O'Connell drove the Confederates from Conciliation Hall, John Martin was not a silent spectator of the crisis, and in consequence of the manly sentiments he expressed with reference to the treatment to which the Young Ireland party had been subjected, he ceased to be a member of the Association. There was another cause too for his secession. A standing taunt in the mouth of the English press was that O'Connell pocketed the peoples' money and took care to let nobody know what he did with it. To put an end to this reproach Mr. Martin asked that the accounts of the Association should be published. "Publish the accounts!" shrieked the well-paid gang that marred the influence and traded in the politics of O'Connell: "Monstrous!" and they silenced the troublesome purist by suppressing his letters and expelling him from the Association. In the ranks of the Confederates, however, Martin found more congenial society; amongst them he found men as earnest, as sincere, and as single-minded as himself, and by them the full worth of his character was soon appreciated. He frequently attended their meetings, and he it was who filled the chair during the prolonged debates that ended with the temporary withdrawal of Mitchel from the Confederation. When the *United Irishman* was started he became a contributor to its columns, and he continued to write in its pages up to the date of its suppression, and the conviction of its editor and proprietor.

There were many noble and excellent qualities which the friends of John Martin knew him to possess. Rectitude of principle, abhorrence of injustice and intolerance, deep love of country, the purity and earnestness of a saint, allied with the kindness and inoffensiveness of childhood; amiability and disinterestedness, together with a perfect abnegation of self, and total freedom from the vanity which affected a few of his compatriots—these they gave him credit for, but they were totally unprepared for the lion-like courage, the boldness, and the promptitude displayed by him, when the government, by the conviction of Mitchel, flung down the gauntlet to the people of Ireland. Hastily settling up his worldly accounts in the North, he returned to Dublin to stake his fortune and his life in the cause which he had promised to serve. The *United Irishman* was gone,

but Martin had undertaken that its place in Irish Journalism should not be vacant; and a few weeks after the office in Trinity-street was sacked he reoccupied the violated and empty rooms, and issued there-from the first number of the *Irish Felon*. There was no halting place in Irish Journalism then. The *Nation* had already flung peace and conciliation and "balmy forgiveness" to the winds, and advocated the creed of the sword. The scandalous means used to procure a verdict of guilty against Mitchel tore to tatters the last rag of the constitution in Ireland. It was idle to dictate observance of the law which the government themselves were engaged in violating, and the *Nation* was not the journal to brook the tyranny of the authorities. With a spirit that cannot be too highly praised, it called for the overthrow of the government that had sent Mitchel in chains into banishment, and summoned the people of Ireland to prepare to assert their rights by the only means now left them—the bullet and the pike. And the eyes of men whose hearts were "weary waiting for the fray," began to glisten as they read the burning words of poetry and prose in which the *Nation* preached the gospel of liberty. It was to take its side by that journal, and to rival it in the boldness of its language and the spirit of its arguments, that the *Irish Felon* was established; and it executed its mission well. "I do not love political agitation for its own sake," exclaimed Martin, in his opening address in the first number. "At best I regard it as a necessary evil; and if I were not convinced that my countrymen are determined on vindicating their rights, and that they really intend to free themselves, I would at once withdraw from the struggle and leave my native land for ever. I could not live in Ireland and derive my means of life as a member of the Irish community, without feeling a citizen's responsibilities in Irish public affairs. Those responsibilities involve the guilt of national robbery and murder—of a system which arrays the classes of our people against each other's prosperity and very lives, like beasts of prey, or rather like famishing sailors on a wreck—of the debasement and moral ruin of a people endowed by God with surpassing resources for the attainment of human happiness and human dignity. I cannot be loyal to a system of meanness, terror, and corruption, although it usurp the title and assume the form of a 'government.' So long as such a 'government' presumes to injure and insult me, and those in whose prosperity I am involved, I must offer to it all the resistance in my power. But if I despaired of successful resistance, I would certainly remove myself from under such a 'government's' actual authority; that I do not exile myself is a proof that I hope to witness the overthrow, and assist in the overthrow, of the most abominable tyranny the world now groans under—the British Imperial system. To gain permission for the Irish people to care for their own lives, their own happiness and dignity—to abolish the political conditions which compel the classes of our people to hate and to murder each other, and which compel the Irish people to hate the very name of the English—to end the reign of fraud, perjury, corruption, and 'government' butchery, and to make, law, order, and peace possible in Ireland, the *Irish Felon* takes its place amongst the combatants in the holy war now waging in this island against foreign tyranny. In conducting it my weapons shall be—the truth, the whole truth, and nothing but the truth, so help me God!" Such "open and avowed treason" as this could not long continue to be published. Before the third number the *Felon* saw the light, a warrant for Mr. Martin's arrest was in the hands of the detectives, and its fifth was its last. On Saturday, July 8th, Mr. Martin surrendered himself into custody, having kept out of the way for a few days to prevent his being tried, under the "gagging act," at the Commission sitting when the warrant was issued, and which adjourned until August—the time fixed for the insurrection—in the interim. On the same day, Duffy, Williams, and O'Doherty were arrested. Martin was imprisoned in Newgate, but he continued to write from within his cell for the *Felon*, and its last number, published on July 22nd, contains a spirited letter signed with his initials, which formed portion of the indictment against him on his trial. In this letter, Martin calls on his countrymen in impassioned words to "stand to their arms!" "Let them menace you," he writes from his dungeon, "with the hulks or the gibbet for daring to speak or write your love to Ireland. Let them threaten to mow you down with grape shot, as they massacred your kindred with famine and plague. Spurn their brutal 'Acts of Parliament'—trample upon their lying proclamations—fear them not!"

On Tuesday, August 15th, John Martin's trial commenced in Green-street court-house, the indictment being for treason-felony. "Several of his tenantry," writes the Special Correspondent of the London *Morning Herald*, "came up to town to be present at his trial, and, as they hoped, at his escape, for they could not bring themselves to believe that a man so amiable, so gentle, and so pious, as they had long known him, could be"—this is the Englishman's way of putting it—"an inciter to bloodshed. It is really melancholy," added the writer, "to hear the poor people of the neighbourhood of Loughorne speak of their benefactor. He was ever ready to administer medicine and advice gratuitously to his poor neighbours and all who sought his assistance; and according to the reports I have received, he did an incalculable amount of good in his way. As a landlord he was beloved by his tenantry for his kindness and liberality, while from his suavity of manner and excellent qualities, he was a great favourite with the gentry around him."

At eight o'clock, p.m., on Thursday, August 17th, the jury came into court with a verdict of guilty against the prisoner, recommending him to mercy on the grounds that the letter on which he was convicted was written from the prison, and penned under exciting circumstances. On the following day, Mr. Martin was brought up to receive sentence, and asked—after the usual form—whether he had anything to say against the sentence being pronounced? The papers of the time state that he appeared perfectly unmoved by the painful position in which he was placed—that he looked round the courthouse in a calm, composed, dignified manner, and then spoke the following reply in clear unflinching tones:—

"My lords—I have no imputation to cast upon the bench, neither have I anything to charge the jury with, of unfairness towards me. I think the judges desired to do their duty honestly as upright judges and men; and that the twelve men who were

put into the box, as I believe, not to try, but to convict me, voted honestly, according to their prejudices. I have no personal enmity against the sheriff, sub-sheriff, or any of the gentlemen connected with the arrangement of the jury-panel—nor against the Attorney-General, nor any other person engaged in the proceedings called my trial; *but, my lords, I consider that I have not been yet tried.* There have been certain formalities carried on here for three days regarding me, ending in a verdict of guilty: *but I have not been put upon my country,* as the constitution said to exist in Ireland requires. Twelve of my countrymen, 'indifferently chosen,' have not been put into that jury-box to try me, but twelve men who, I believe, have been selected by the parties who represent the crown, for the purpose of convicting and not of trying me. I believe they were put into that box because the parties conducting the prosecution knew their political sentiments were hostile to mine, and because the matter at issue here is a political question—a matter of opinion, and not a matter of fact. I have nothing more to say as to the trial, except to repeat that, having watched the conduct of the judges, I consider them upright and honest men. I have this to add, that as to the charge I make with respect to the constitution of the panel and the selection of the jury, I have no legal evidence of the truth of my statement, but there is no one who has a moral doubt of it. Every person knows that what I have stated is the fact; and I would represent to the judges, most respectfully, that they, as upright and honourable men and judges, and as citizens, ought to see that the administration of justice in this country is above suspicion. I have nothing more to say with regard to the trial; but I would be thankful to the court for permission to say a few words in vindication of my character and motives after sentence is passed."

Baron Pennefather—"No; we will not hear anything from you after sentence."

Chief Baron—"We cannot hear anything from you after sentence has been pronounced."

Mr. Martin—"Then, my lords, permit me to say that, admitting the narrow and confined constitutional doctrines which I have heard preached in this court to be right, *I am not guilty of the charge according to this act.* I did not intend to devise or levy war against the Queen or to depose the Queen. In the article of mine on which the jury framed their verdict of guilty, which was written in prison, and published in the last number of my paper, what I desired to do was this—to advise and encourage my countrymen to keep their arms, because that is their inalienable right, which no act of parliament, no proclamation, can take away from them. It is, I repeat, their inalienable right. I advised them to keep their arms; and further, I advised them to use their arms in their own defence, against all assailants—even assailants that might come to attack them, unconstitutionally and improperly using the Queen's name as their sanction. My object in all my proceedings has been simply to assist in establishing the national independence of Ireland, for the benefit of all the people of Ireland—noblemen, clergymen, judges, professional men—in fact, all Irishmen. I have sought that object: first, because I thought it was our right—because I think national independence is the right of the people of this country; and secondly, I admit that, being a man who loved retirement, I never would have engaged in politics did I not think it was necessary to do all in my power to make an end of the horrible scenes that this country presents—the pauperism, starvation, and crime, and vice, and hatred of all classes against each other. I thought there should be an end to that horrible system, which, while it lasted, gave me no peace of mind; for I could not enjoy anything in my native country so long as I saw my countrymen forced to be vicious—forced to hate each other—and degraded to the level of paupers and brutes. That is the reason I engaged in politics. I acknowledge, as the Solicitor-General has said, that I was but a weak assailant of the English power. I am not a good writer, and I am no orator. I had only two weeks' experience in conducting a newspaper until I was put into jail; but I am satisfied to direct the attention of my countrymen to everything I have written and said, and to rest my character on a fair and candid examination of what I have put forward as my opinions. I shall say nothing in vindication of my motives but this—that every fair and honest man, no matter how prejudiced he may be, if he calmly considers what I have written and said, will be satisfied that my motives were pure and honourable. I have nothing more to say."

Then the judge proceeded to pass sentence. In the course of his remarks he referred to the recommendation to mercy which came from the jury, whereupon Mr. Martin broke in. "I beg your lordship's pardon," he said, "I cannot condescend to accept 'mercy,' where I believe I have been morally right; I want justice—not mercy." But he looked for it in vain.

"Transportation for ten years beyond the seas" is spoken by the lips of the judge, and the burlesque of justice is at an end. Mr. Martin heard the sentence with perfect composure and self-possession, though the faces of his brothers and friends standing by, showed signs of the deepest emotion. "Remove the prisoner," were the next words uttered, and then John Martin, the pure-minded, the high-souled, and the good, was borne off to the convict's cell in Newgate.

Amongst the friends who clustered round the dock in which the patriot leader stood, and watched the progress of his trial with beating hearts, was Mr. James Martin, one of the prisoner's brothers. During the three long weary days occupied by the trial, his post had been by his brother's side listening to the proceedings with the anxiety and solicitude which a brother alone can feel, and revealing by every line of his countenance the absorbing interest with which he regarded the issue. The verdict of the jury fell upon him with the bewildering shock of an avalanche. He was stunned, stupified, amazed; he could hardly believe that he had heard the fatal words aright, and that "guilty" had been the verdict returned. *He* guilty! he whose life was studded by good deeds as stars stud the wintry sky; *he* guilty, whose kindly heart had always a throb for the suffering and the unfortunate, whose hand was ever extended to shield the oppressed, to succour the friendless, and to shelter the homeless and the needy; *he* "inspired by the devil," whose career had been devoted to an attempt to redress the sufferings of his fellow-countrymen, and whose sole object in life seemed to be to abridge the sufferings of the Irish people, to plant the doctrines of peace and good-will in every heart, and to make Ireland the home of harmony and concord, by rendering her prosperous and free. It was a lie, a calumny, a brutal fabrication! It was more than his sense of justice could endure, it was more than his hot Northern blood could tolerate. Beckoning a friend, he rushed with him into the street, and drove direct to the residence of Mr. Waterhouse, the foreman of the jury. The latter had barely returned from court, when he was waited upon by Mr. Martin, who indignantly charged him with having bullied the jury into recording a verdict of guilty—an accusation which current report made against him—and challenged the astonished juryman to mortal combat. Mr. Waterhouse was horror-struck by the proposal, to which he gasped out in response, a threat to call in the police. He never heard of anything so terribly audacious. He, a loyal Castle tradesman, who had "well and truly" tried the case according to the recognised acceptance of the words, and who had "true deliverance made" after the fashion in favour with the crown; he whose "perspicuity, wisdom, impartiality," &c., had been appealed to and belauded so often by the Attorney-General, to be challenged to a hostile meeting, which might end, by leaving a bullet lodged in his invaluable body. The bare idea of it fairly took his breath away, and with the terrible vision of pistols and bloodshed before his mind, he rushed to the police office and had his indignant visitor arrested. On entering the Green-street courthouse next day, Mr. Waterhouse told his woeful story to the judge. The judge was appalled by the disclosure; Mr. Martin was brought before him and sentenced to a month's imprisonment, besides being bound over to keep the peace towards Mr. Waterhouse and everyone else for a period of seven years.

A short time after Mr. John Martin's conviction, he and Kevin Izod O'Doherty were shipped off to Van Diemen's Land on board the "Elphinstone," where they arrived in the month of November, 1849. O'Brien, Meagher, MacManus, and O'Donoghue had arrived at the same destination a few days before. Mr. Martin resided in the district assigned to him until the year 1854, when a pardon, on the condition of their not returning to Ireland or Great Britain was granted to himself, O'Brien, and O'Doherty, the only political prisoners in the country at that time—MacManus, Meagher, O'Donoghue, and Mitchel having previously escaped. Mr. O'Brien and Mr. Martin sailed together in the "Norna" from Melbourne for Ceylon, at which port they parted, Mr. O'Brien turning northward to Madras, while Mr. Martin came on *via* Aden, Cairo, Alexandria, Malta, and Marseilles to Paris, where he arrived about the end of October, 1854. In June, 1856, the government made the pardon of Messrs. Martin, O'Brien, and O'Doherty, unconditional, and Mr. Martin then hastened to pay a visit to his family from whom he had been separated during eight years. After a stay of a few months he went back to Paris, intending to reside abroad during the remainder of his life, because he could not voluntarily live under English rule in Ireland. But the death of a near and dear member of his family, in October, 1858, imposed on him duties which he could only discharge by residence in his own home, and compelled him to terminate his exile. Living since then in his own land he has taken care to renew and continue his protest against the domination of England in Ireland. In January, 1864, acting on the suggestion of many well-known nationalists, he established in Dublin a Repeal Association called "The National League." The peculiar condition of Irish politics at the time was unfavourable to any large extension of the society; but notwithstanding this circumstance the League by its meetings and its publications rendered good service to the cause of Irish freedom. Mr. Martin has seen many who once were loud and earnest in their professions of patriotism lose heart and grow cold in the service of their country, but he does not weary of the good work. Patiently and zealously he still continues to labour in the national cause; his mission is not ended yet; and with a constancy which lapse of years and change of scene have not affected, he still clings to the hope of Ireland's regeneration, and with voice and pen supports the principles of patriotism for which he suffered. The debt that Ireland owes to him will not easily be acquitted, and if the bulk of his co-religionists are no longer to be found within the national camp, we can almost forgive them their shortcomings, when we remember that, within our own generation, the Presbyterians of Ulster have given to Ireland two such men as John Martin and John Mitchel.

Mr. Martin's name will re-appear farther on in another portion of this work, for the occasion of which we have here treated was not the only one on which his patriotic words and actions brought upon him the attention of "the authorities," and subjected him to the troubles of a state prosecution.

---

## W.S. O'BRIEN.

Loudly across the dark flowing tide of the Liffey, rolled the cheers of welcome and rejoicing that

burst from Conciliation Hall on that memorable day in January, '44, when William Smith O'Brien first stood beneath its roof, and presided over a meeting of Repealers. Many a time had the walls of that historic building given back the cheers of the thousands who gathered there to revel in the promises of the Liberator; many a time had they vibrated to the enthusiasm of the Irishmen who met there to celebrate the progress of the movement which was to give freedom and prosperity to Ireland; but not even in those days of monster meetings and popular demonstrations had a warmer glow of satisfaction flushed the face of O'Connell, than when the descendant of the Munster Kings took his place amongst the Dublin Repealers. "I find it impossible," exclaimed the great Tribune, "to give adequate expression to the delight with which I hail Mr. O'Brien's presence in the Association. He now occupies his natural position—the position which centuries ago was occupied by his ancestor, Brian Boru. Whatever may become of *me*, it is a consolation to remember that Ireland will not be without a friend such as William Smith O'Brien, who combining all the modern endowments of a highly-cultured mind, with intellectual gifts of the highest order, nervous eloquence, untiring energy, fervid love of country, and every other high qualification of a popular leader, is now where his friends would ever wish to see him—at the head of the Irish people." Six weeks before, a banquet had been given in Limerick to celebrate O'Brien's adhesion to the national cause, and on this occasion, too, O'Connell bore generous testimony to the value and importance of his accession. "His presence," said the Emancipator, in proposing Mr. O'Brien's health, "cannot prevent me here from expressing on behalf of the universal people of Ireland, their admiration and delight at his conversion to their cause. Receive the benefactor of Ireland, as such a benefactor should be received. It is certain that our country will never be deserted as long as she has William Smith O'Brien as one of her leaders."

There was much to account for the tumult of rejoicing which hailed Smith O'Brien's entry within the ranks of the popular party. His lineage, his position, his influence, his stainless character, his abilities, and his worth, combined to fit him for the place which O'Connell assigned him, and to rally round him the affection and allegiance of the Irish people. No monarch in the world could trace his descent from a longer line of illustrious men; beside the roll of ancestry to which he could point, the oldest of European dynasties were things of a day. When the towering Pyramids that overlook the Nile were still new; before the Homeric ballads had yet been chanted in the streets of an Eastern city; before the foundations of the Parthenon were laid on the Acropolis; before the wandering sons of Æneas found a home in the valley of the Tiber, the chieftains of his house enjoyed the conqueror's fame, and his ancestors swayed the sceptre of Erie. Nor was he unworthy of the name and the fame of the O'Briens of Kincora. Clear sighted and discerning; deeply endowed with calm sagacity and penetrating observance; pure minded, eloquent, talented and chivalrous; he comprised within his nature the truest elements of the patriot, the scholar, and the statesman. Unflinching attachment to the principles of justice, unswerving obedience to the dictates of honour, unalterable loyalty to rectitude and duty; these were the characteristics that distinguished him; and these were the qualities that cast their redeeming light round his failings and his errors, and wrung from the bitterest of his foes the tribute due to suffering worth. If nobility of soul, if earnestness of heart and singleness of purpose, if unflinching and self-sacrificing patriotism, allied to zeal, courage, and ability, could have redeemed the Irish cause, it would not be left to us to mourn for it to-day; and instead of the melancholy story we have now to relate, it might be given to us to chronicle the regeneration of the Irish nation.

William Smith O'Brien was born, at Dromoland, County Clare, on the 17th of October, 1803. He was the second son of Sir Edward O'Brien, and on the death of his kinsman, the last Marquis of Thomond, his eldest brother became Baron of Inchiquin. He was educated at Harrow and Trinity College, Cambridge; but his English education, however much it might have coloured his views during boyhood, did not seriously affect his innate love of justice, or warp the patriotic feelings which were developed in his earliest years. The associations into which he was cast, the tone of the society in which he moved, the politics of his family, and the modern traditions of his house, combined to throw him into the ranks of the people's enemies; and that these influences were not altogether barren of results is proved by the fact that O'Brien entered Parliament in 1826 as an Anti-Repealer, and exerted himself to prevent the return of O'Connell at the memorable election for Clare. But O'Brien was no factious opponent of the national interests; even while he acted thus, he had the welfare of his country sincerely at heart; he steered according to his lights, and when time and experience showed the falseness of his views, he did not hesitate to renounce them. To this period of his political career Mr. O'Brien often adverted in after life, with the frankness and candour that distinguished him. "When the proposal to seek for a Repeal of the Act of Union was first seriously entertained," said O'Brien, "I used all the influence I possessed to discountenance the attempt. I did not consider that the circumstances and prospects of Ireland then justified the agitation of this question. Catholic Emancipation had been recently achieved, and I sincerely believed that from that epoch a new course of policy would be adopted towards Ireland. I persuaded myself that thenceforth the statesmen of Great Britain would spare no effort to repair the evils produced by centuries of misgovernment—that the Catholic and Protestant would be admitted to share on equal terms in all the advantages resulting from our constitutional form of government—that all traces of an ascendancy of race or creed would be effaced—that the institutions of Ireland would be gradually moulded so as to harmonise with the opinions of its inhabitants, and that in regard of political rights, legislation for both kingdoms would be based upon the principle of perfect equality."

Fourteen years had elapsed from the date of Catholic Emancipation, when O'Brien startled the aristocrats of Ireland by renouncing his allegiance to their party, and throwing himself heart and soul into the vanguard of the people. He told his reasons for the change in bold convincing words.



He had seen that his expectations of justice were false and delusive. "The feelings of the Irish nation," he said, "have been exasperated by every species of irritation and insult; every proposal tending to develop the sources of our industry—to raise the character and improve the condition of our population, has been discountenanced, distorted, or rejected. Ireland, instead of taking its place as an integral portion of the great empire, which the valour of her sons has contributed to win, has been treated as a dependent tributary province; and at this moment, after forty-three years of nominal union, the affections of the two nations are so entirely alienated from each other, that England trusts for the maintenance of their connection, not to the attachment of the Irish people, but to the bayonets which menace our bosoms, and the cannon which she has planted in all our strongholds."

The prospects of the Repeal movement were not at their brightest when O'Brien entered Conciliation Hall. In England, and in Ireland too, the influence of O'Connell was on the wane, and with the dispersion of the multitudes that flocked on that Sunday morning in October, 1843, to listen to the Liberator on the plains of Clontarf, the peaceful policy which he advocated received its death blow. Over O'Connell himself, and some of the most outspoken of his associates, a State prosecution was impending; and the arm of the government was already stretched out to crush the agitation whose object they detested, and whose strength they had begun to fear. The accession of O'Brien, however, the prestige of his name, and the influence of his example, was expected to do much towards reviving the drooping fortunes of the Association. Nor was the anticipation illusory. From the day on which O'Brien became a Repealer, down to the date of the secession, the strongest prop of the Conciliation Hall was his presence and support; he failed indeed to counteract the corrupt influences that gnawed at the vitals of the Association and ultimately destroyed it; but while he remained within its ranks, the redeeming influence of his genius, his patriotism, and his worth, preserved it from the extinction towards which it was hastening.

At an early date the penetrating mind of O'Brien detected the existence of the evil which was afterwards to transform Conciliation Hall into a market for place hunters. "I apprehend," said he, in a remarkable speech delivered in January, '46, "more danger to Repeal from the subtle influence of a Whig administration, than from the coercive measures of the Tories." And he was right. Day by day, the subtle influence which he dreaded did its blighting work; and the success of those who sought the destruction of the Repeal Association through the machinery of bribes and places was already apparent, when on the 27th of July, 1846, O'Brien, accompanied by Mitchel, Meagher, Duffy, and others arose in sorrow and indignation, and quitted the Conciliation Hall for ever.

Six months later the Irish Confederation held its first meeting in the Round Room of the Rotundo. Meagher, Mitchel, Doheny, O'Brien, O'Gorman, Martin, and McGee were amongst the speakers; and amidst the ringing cheers of the densely thronged meeting, the establishment was decreed of the Irish Confederation, for the purpose—as the resolution declared—"of protecting our national interests, and obtaining the Legislative Independence of Ireland by the force of opinion, by the combination of all classes of Irishmen, and by the exercise of all the political, social, and moral influence within our reach." It will be seen that the means by which the Confederates proposed to gain their object, did not differ materially from the programme of the Repeal Association. But there was this distinction. Against place-hunting, and everything savouring of trafficking with the government, the Confederates resolutely set their faces; and in the next place, while prescribing to themselves nothing but peaceful and legal means for the accomplishment of their object, they scouted the ridiculous doctrine, that "liberty was not worth the shedding of a single drop of blood," and that circumstances might arise under which resort to the arbitration of the sword would be righteous and justifiable. In time, however, the Confederates took up a bolder and more dangerous position. As early as May, 1846, Lord John Russell spoke of the men who wrote in the pages of the *Nation*, and who subsequently became the leaders of the Confederation, "as a party looking to disturbance as its means, and having separation from England as its object." The description was false at the time, but before two years had elapsed its application became more accurate. A few men there were like Mitchel, who from the birth of the Confederation, and perhaps before it, abandoned all expectation of redress through the medium of Constitutional agitation; but it was not until the flames of revolution had wrapped the nations of the Continent in their fiery folds—until the barricades were up in every capital from Madrid to Vienna—and until the students' song of freedom was mingled with the paean of victory on many a field of death—that the hearts of the Irish Confederates caught the flame, and that revolution, and revolution alone, became the goal of their endeavours. When Mitchel withdrew from the Confederation in March, 1848, the principles of constitutional action were still in the ascendancy; when he rejoined it a month later, the cry "to the registries," was superseded by fiery appeals summoning the people to arms. In the first week of April, the doctrine which John Mitchel had long been propounding, found expression in the leading columns of the *Nation*:—"Ireland's necessity," said Duffy, "demands the desperate remedy of revolution." A few weeks later, the same declaration was made in the very citadel of the enemy's power. It was O'Brien who spoke, and his audience was the British House of Commons. With Messrs. Meagher and Hollywood, he had visited Paris to present an address of congratulation on behalf of the Irish people to the Republican government; and on taking his seat in the House of Commons after his return, he found himself charged by the Ministers of the Crown, with having gone to solicit armed intervention from France on behalf of the disaffected people of Ireland. O'Brien replied in a speech such as never was heard before or since within the walls of the House of Commons. In the midst of indescribable excitement and consternation, he proceeded to declare in calm deliberative accents—"that if he was to be arraigned as a criminal, he would gladly endure the

most ignominious death that could be inflicted on him rather than witness the sufferings and indignities he had seen inflicted by the British legislature on his countrymen. If it is treason," he exclaimed, "to profess disloyalty to this House and to the government of Ireland, by the parliament of Great Britain—if that be treason, I avow it. Nay, more, I say it shall be the study of my life to overthrow the dominion of this Parliament over Ireland." The yells and shouts with which these announcements were received shook the building in which he stood, and obliged him to remain silent for several moments after the delivery of each sentence; but when the uproar began to subside, the ringing tones of O'Brien rose again upon the air, and with the stoicism of a martyr, and the imperturbable courage of a hero, he proceeded. "Irish Freedom," he said, "must be won by Irish courage. Every statesman in the civilized globe looks upon Ireland as you look upon Poland, and upon your connection as entirely analogous to that of Russia with Poland. I am here to-night to tell you, that if you refuse our claims to legislative independence, you will have to encounter during the present year, the chance of a Republic in Ireland."

O'Brien returned to Ireland more endeared than ever to the hearts of his countrymen. And now the game was fairly afoot. Government and people viewed each other with steady and defiant glare, and girded up their loins for the struggle. On the one side the Confederate clubs were organized with earnestness and vigour, and the spirit of the people awakened by a succession of stirring and glowing appeals. "What if we fail?" asked the *Nation*; and it answered the question by declaring unsuccessful resistance under the circumstances preferable to a degrading submission. "What if we *don't* fail?" was its next inquiry, and the answer was well calculated to arouse the patriots of Ireland to action. On the other hand the authorities were not idle. Arm's Bills, Coercion Acts, and prosecutions followed each other in quick succession. Mitchel was arrested, convicted, and sent to Bermuda. Duffy, Martin, Meagher, Doheny, O'Doherty, and M'Gee were arrested—all of whom, except Duffy and Martin, were shortly afterwards liberated. Duffy's trial was fixed for August, and this was the time appointed by the Confederates for the outbreak of the insurrection. There were some who advocated a more prompt mode of action. At a meeting of the Confederates held on July 19th, after the greater portion of the country had been proclaimed, it was warmly debated whether an immediate appeal to arms should not be counselled. O'Brien and Dillon advocated delay; the harvest had not yet been reaped in; the clubs were not sufficiently organized throughout the country, and the people might easily conceal their arms until the hour arrived for striking a decisive blow. Against this policy a few of the more impetuous members protested. "You will wait," exclaimed Joe Brennan, "until you get arms from heaven, and angels to pull the triggers." But his advice was disregarded; and the meeting broke up with the understanding that with the first glance of the harvest sun, the fires of insurrection were to blaze upon the hill tops of Ireland, and that meanwhile organization and preparation were to engross the attention of the leaders. On Friday, July 21st, a war directory—consisting of Dillon, Reilly, O'Gorman, Meagher, and Father Kenyon was appointed; and on the following morning O'Gorman started for Limerick, Doheny for Cashel, and O'Brien for Wexford, to prepare the people for the outbreak.

It was war to the knife, and every one knew it. The forces of the government in Ireland were hourly increased in Dublin—every available and commanding position was occupied and fortified. "In the Bank of Ireland," says one who watched the progress of affairs with attentive gaze, "soldiers as well as cashiers were ready to settle up accounts. The young artists of the Royal Hibernian Academy and Royal Dublin Society had to quit their easels to make way for the garrison. The squares of old Trinity College resounded with the tramp of daily reviews; the Custom House at last received some occupation by being turned into a camp. The Linen Hall, the Rotundo, Holmes' Hotel, Alborough House, Dycer's Stables, in Stephen's-green—every institution, literary, artistic, and commercial, was confiscated to powder and pipe-clay. The barracks were provisioned as if for a siege; cavalry horses were shod with plates of steel, to prevent their being injured and thrown into disorder by broken bottles, iron spikes, or the like; and the infantry were occupied in familiarizing themselves with the art of fusilading footpaths and thoroughfares. Arms were taken from the people, and the houses of loyal families stocked with the implements of war."

But the national leaders had calculated on the preparations of the government; they knew the full measure of its military power, and were not afraid to face it; but there was one blow which they had not foreseen, and which came on them with the shock of a thunderbolt. On the very morning that O'Brien left for Wexford, the news reached Dublin that a warrant had been issued for his arrest, and that the suspension of the *Habeas Corpus* Act was resolved on by the government. "It appears strangely unaccountable to me," was Meagher's reflection in after years, "that whilst a consideration of our position, our project, and our resources was taking place; whilst the stormy future on which we were entering formed the subject of the most anxious conjecture, and the danger of it fell like wintry shadows around us; it seems strangely unaccountable to me that not an eye was turned to the facilities for the counteraction of our designs which the government had at their disposal; that not a word was uttered in anticipation of that bold astounding measure—the suspension of the *Habeas Corpus* Act—the announcement of which broke upon us so suddenly. The overlooking of it was a fatal inadvertance. Owing to it we were routed without a struggle, and were led into captivity without glory. We suffer not for a rebellion, but a blunder."

The few of the Confederate leaders at large in Dublin at the time—Duffy, Martin, Williams, and O'Doherty were in Newgate—held a hurried council, and their plans were speedily formed. They were to join Smith O'Brien at once, and commence the insurrection in Kilkenny. On the night of Saturday, July 22nd, M'Gee left for Scotland to prepare the Irishmen of Glasgow for action; and Meagher, Dillon, Reilly, M'Manus, O'Donoghue, and Leyne started southwards to place

themselves in communication with O'Brien. A week later the last of the national papers was suppressed, and the *Nation* went down, sword in hand as a warrior might fall, with the words of defiance upon its lips, and a prayer for the good old cause floating upwards with its latest breath.

O'Brien was in bed, when Meagher and Dillon arrived at Balinkee where he was stopping. The news of the suspension of the *Habeas Corpus* Act, and of the plans formed by the Confederates were speedily communicated to him. O'Brien manifested no surprise at the intelligence. He quietly remarked that the time for action had arrived; and that every Irishman was now justified in taking up arms against the government; dressed himself, and set out without losing an hour to inaugurate his hazardous enterprise at Enniscorthy. As the train drove along, the three friends occupied themselves with the important question where should they begin the outbreak. Wexford was mentioned, but the number of Confederates enrolled there were few, and the people were totally unprepared for a sudden appeal to arms; New Ross and Waterford were ruled against, because of the effectual assistance the gunboats stationed in the river could render the garrison of those towns. Against Kilkenny none of those objections applied; and the more they discussed the subject the more convinced did they become that the most fitting cradle for the infant genius of Irish liberty was the ancient "city of the Confederates." "Perfectly safe from all war steamers, gunboats, and floating batteries; standing on the frontiers of the three best fighting counties in Ireland—Waterford, Wexford, and Tipperary—the peasantry of which could find no difficulty in pouring to its relief; possessing from three to five thousand Confederates, most of whom were understood to be armed; the most of the streets being narrow, and presenting on this account the greatest facilities for the erection of barricades; the barracks lying outside the town, and the line of communication between the powerful portions of the latter and the former being intercepted by the old bridge over the Nore, which might be easily defended, or, at the most, very speedily demolished; no place," says Meagher, "appeared to us to be better adapted for the first scene of the revolution."

Towards Kilkenny they therefore took their way, haranguing the people in soul-stirring addresses as they proceeded. At Enniscorthy and at Graigue-na-mana their appeals were responded to with fervent enthusiasm; they called on the people to form themselves into organized bodies, and prepare to co-operate with the insurgents who were shortly to unfurl their banner beneath the shadow of St. Canice's; and the crowds who hung on their words vowed their determination to do so. But in Kilkenny, as in every town they visited, the patriot leaders found the greatest disinclination to take the initiative in the holy war. There as elsewhere the people felt no unwillingness to fight; but they knew they were ill prepared for such an emergency, and fancied the first blow might be struck more effectively elsewhere. "Who will draw the first blood?" asked Finton Lalor in the last number of the *Felon*; and the question was a pertinent one; there was a decided reluctance to draw it. It is far from our intention to cast the slightest reflection on the spirit or courage of the nationalists of 1848. We know that it was no selfish regard for their own safety made the leaders in Wexford, Kilkenny, and elsewhere, shrink from counselling an immediate outbreak in their localities; the people, as well as the men who led them, looked forward to the rising of the harvest moon, and the cutting of their crops, as the precursors of the herald that was to summon them to arms. Their state of organization was lamentably deficient; anticipating a month of quiet preparation, they had neglected to procure arms up to the date of O'Brien's arrival, and a few weeks would at least be required to complete their arrangements. In Kilkenny, for instance, not one in every eight of the clubmen possessed a musket, and even their supply of pikes was miserably small. But they were ready to do all that in them lay; and when O'Brien, Dillon, and Meagher quitted Kilkenny on Monday, July 24th, they went in pursuance of an arrangement which was to bring them back to the city of the Nore before the lapse of a week. They were to drive into Tipperary, visit Carrick, Clonmel, and Cashel, and summon the people of those towns to arms. Then, after the lapse of a few days, they were to return at the head of their followers to Kilkenny, call out the clubs, barricade the streets, and from the Council Chambers of the Corporation issue the first Revolutionary Edict to the country. They hoped that a week later the signal fires of insurrection would be blazing from every hill-top in Ireland; and that the sunlight of freedom, for which so many generations of patriots had yearned, would soon flood glebe and town, the heather-clad mountains, and pleasant vales of Innisfail. *Diis aliter visum*; the vision that glittered before their longing eyes melted away with the smoke of the first insurgent shot; and instead of the laurel of the conqueror they were decked with the martyr's palm.

On arriving in Callan the travellers were received with every demonstration of sympathy and welcome. The streets were blocked with masses of men that congregated to listen to their words. A large procession, headed by the temperance band, escorted them through the town, and a bonfire was lit in the centre of the main street. They told the people to provide themselves at once with arms, as in a few days they would be asked to march with the insurgent forces on Kilkenny—an announcement that was received with deafening applause. After a few hours' delay the three compatriots quitted Callan, and pursued their road to Carrick-on-Suir, where they arrived on the some evening and received a most enthusiastic reception. They addressed the excited multitude in impassioned words, promised to lead them to battle before many days, and called on them to practice patience and prudence in the interval. On the following day they quitted Carrick, and took their way to Mullinahone, where the people gathered in thousands to receive them. The number of men who assembled to meet them was between three and four thousand, of whom about three hundred were armed with guns, pistols, old swords, and pitchforks. The gathering was reviewed and drilled by the Confederates; and O'Brien, who wore a plaid scarf across his shoulders, and carried a pistol in his breast pocket, told them that Ireland would have a government of her own before many weeks.

On the evening of Tuesday, July 25th, the Confederate leaders arrived in Mullinahone, where they slept. On the following morning they addressed the people, who flocked into the town on hearing of their arrival. And here it was that O'Brien himself dealt the death blow of the movement. The peasantry, who came from their distant homes to meet him, were left the whole day long without food or shelter. O'Brien himself gave what money he had to buy them bread; but he told them in future they should provide for themselves, as he could allow no one's property to be interfered with. Hungry and exhausted, the men who listened to him returned at night to their homes; they were sensible enough to perceive that insurrection within the lines laid down by their leaders was impossible; the news that they were expected to fight on empty stomachs was spread amongst the people, and from that day forward the number of O'Brien's followers dwindled away.

On July 26th, O'Brien and his party first visited the village of Ballingarry, where he was joined by M'Manus, Doheny, Devin Reilly, and other prominent members of the Confederation. They took a survey of the village and its neighbourhood; addressed the crowd from the piers of the chapel gate, and slept in the house of one of the village shopkeepers. Next day they returned to Mullinahone and thence to Killenaule, where they were received with every demonstration of welcome and rejoicing. Bouquets fell in showers upon O'Brien; addresses were read, and the fullest and warmest co-operation was freely promised by the excited crowds that congregated in the streets.

The exact position which the Confederates had now assumed towards the Crown and government, is deserving of a moment's attention. Up to the last they carefully distinguished between resisting the acts of the government and disputing the sovereignty of the queen. They regarded the suspension of the *Habeas Corpus* Act as unconstitutional in itself; and when O'Brien told her Majesty's Ministers in the House of Commons, that it was they who were the traitors to the country, the Queen, and the Constitution, he did but express the opinions that underlay the whole policy of the Confederation. Even the passing of the *Habeas Corpus* Suspension Act was not quite sufficient to exhaust their patience; in order to fill the measure of the government's transgressions and justify a resort to arms against them, it was necessary in the opinion of O'Brien and his associates, that the authorities should attempt to carry into operation the iniquitous law they had passed; the arrest of O'Brien was to be the signal for insurrection; meanwhile, they were satisfied with organizing their forces for the fray, and preparing for offering an effective resistance to the execution of the warrant, whenever it should make its appearance. It was therefore that when at Killenaule, a small party of dragoons rode up to the town they were suffered to proceed unmolested; at the first notice of their coming, the people rushed to the streets and hastily threw up a barricade to intercept them. Dillon commanded at the barricade; beside him stood Patrick O'Donoghue, and a young man whose career as a revolutionist, was destined to extend far beyond the scenes in which he was then sharing; and whose name was one day to become first a terror to the government of England, and afterwards a by-word and a reproach amongst his countrymen. O'Donoghue and Stephens were both armed, and when the officer commanding the dragoons rode up to the barricade and demanded a passage, Stephens promptly covered him with his rifle, when his attention was arrested by a command from Dillon to ground his arms. The officer pledged his honour that he did not come with the object of arresting O'Brien; the barricade was taken down; and the dragoons passed scatheless through the town. Another opportunity had been lost, and the hearts of the most resolute of O'Brien's colleagues sunk lower than ever.

On Friday, O'Brien and his followers returned to Ballingarry, where they held a council on the prospects of the movement. It was clear that the case was a desperate one, that the chance of successful resistance was inevitably lost, and that nothing now awaited them—should they persist in their enterprise—but ruin and death. Only a couple of hundred men, wretchedly armed or not armed at all, adhered to their failing fortunes; and throughout the rest of the country the disaffected gave no sign. But O'Brien was unmovable; he would do his duty by his country, let the country answer for its duty towards him.

The collision came at last. On Saturday morning, July 29th, the constabulary of Thurles, Kilkenny, Cashel, and Callan received orders to march on the village of Ballingarry, for the purpose of arresting Smith O'Brien. On the previous day the government had issued a proclamation, declaring him guilty of treasonable practices, by appearing in arms against the Queen, and offering a reward of £500 for his apprehension; on the same day, £300 was offered for the arrest of Meagher, Dillon, and Doheny. Fired with the ambition of capturing the rebel party with his own forces, and winning for himself a deathless fame, Sub-Inspector Trant marched out in hot haste from Callan, at the head of forty-six policemen, and directed his steps towards Ballingarry, where it was known to him that O'Brien was still stopping. Between twelve and one o'clock they arrived at Farrenrory, within three miles of the village of Ballingarry. On arriving at this point the police found that effective measures had been adopted to dispute their further progress. Across the road before them a barricade had been thrown up, and behind it was arrayed a body of men, numbering from three to four hundred. Fearing to face the insurgent forces, the police turned off to the right, and rushed towards a slate house which they saw in the distance. The people saw the object of the movement, and at once gave chase; but the police had the advantage of a long start, and they succeeded in reaching the house and barring the door by which they entered, before their pursuers came up.

The die was cast, and the struggle so long watched for, and sighed for, had come at last. But it came not as it had been depicted by the tribune and poet; the vision that had flashed its radiancy

before the eager eyes that hungered for the redemption of Ireland, differed sadly from the miserable reality. The serried ranks of glittering steel, the files of gallant pikemen, the armed columns of stalwart peasants, pouring through gap and river course, the glimmering camp fires quivering through the mist, the waving banners, and the flashing swords—where were they now? Where were the thousands of matchless mould, the men of strength and spirit, whose footfalls woke the echoes one month before in a hundred towns as they marched to the meetings at which they swore to strike down the oppressor? Only a few months had passed since two thousand determined men had passed in review before O'Brien at Cork; scarcely six weeks since, similar sights were witnessed from the city of the Shannon to the winding reaches of the Boyne. Everywhere there were strength, and numbers, and resolution; where were they now in the supreme hour of the country's agony? A thousand times it had been sworn by tens of thousands of Irishmen, that the tocsin of battle would find them clustered round the good old flag to conquer or die beneath its shadow. And now, the hour had come, the flag of insurrection so often invoked was raised; but the patriot that raised it was left defenceless: *he* at least kept his word, but the promises on which he relied had broken like dissolving ice beneath his feet.

Around O'Brien there clustered on that miserable noontide, about four hundred human beings—a weak, hungry, and emaciated looking throng for the most part; their half naked forms, browned by the sun, and hardened by the winter winds—a motley gathering; amongst whom there were scores of fasting men, and hundreds through whose wretched dwellings the, wind and rain found free ingress. They were poor, they were weak, they were ignorant, they were unarmed! but there was one, thing at least which they possessed—that quality which Heaven bestowed on the Irish race, to gild and redeem their misfortunes. Of courage and resolution they had plenty: they understood little of the causes which led to the outbreak in which they participated; of Smith O'Brien or his associates few of them had heard up to their appearance at Ballingarry; but they knew that it was against the forces of the British government and on behalf of Ireland's independence they were called on to fight, and in this cause they were ready to shed their blood. Such was the party whom O'Brien gazed upon with a troubled mind on that eventful day. Even the attached companions who had so far attended him were no longer by his side; M'Manus, O'Donoghue, and Stephens were still there; but Meagher, Dillon, Doheny and O'Gorman had left at break of day to raise the standard of insurrection in other quarters. Of the men around him not more than twenty possessed firearms, about twice that number were armed with pikes and pitchforks; the remainder had but their naked hands and the stones they could gather by the wayside.

On the other side were forty-seven disciplined men splendidly armed, and ensconced moreover in a building possessing for the purpose of the hour the strength of a fortress. It stood on the brow of a hill overlooking the country in every direction; it consisted of two storeys with four windows in each, in front and rere; each gable being also pierced by a pair of windows. There were six little children in the house when the police entered it. Their mother, the Widow M'Cormick arrived on the spot immediately after the police had taken possession of her domicile, and addressing O'Brien she besought him to save her little ones from danger. On O'Brien's chivalrous nature the appeal was not wasted. Heedless of the danger to which he exposed himself he walked up to the window of the house. Standing at the open window with his breast within an inch of the bayonets of the two policemen who were on the inside, he called on them to give up their arms, and avoid a useless effusion of blood. "We are all Irishmen, boys" he said, "I only want your arms and I'll protect your lives." The reply was a murderous volley poured on the gathering outside. Some half drunken person in the crowd it appears had flung a stone at one of the windows, and the police needed no further provocation. The fire was returned by the insurgents, and O'Brien seeing that his efforts to preserve peace were futile, quitted the window and rejoined his companions. For nearly two hours the firing continued; the police well sheltered from the possibility of injury fired in all about 220 rounds, killing two men and wounding a number of others, amongst them James Stephens who was shot in the thigh. Long before an equal number of shots were fired from without, the ammunition of the insurgents was exhausted, and they could only reply to the thick falling bullets with the stones which the women present gathered for them in their aprons. It was clear that the house could not be stormed in this way; and M'Manus, with half-a-dozen resolute companions, rolled a cartload of hay up to the kitchen door with the intention of setting fire to it and burning down the house. But O'Brien would not permit it; there were children in the house, and their innocent lives should not be sacrificed. In vain did M'Manus entreat him for permission to fire his pistol into the hay and kindle the ready flames, O'Brien was inexorable; and the first and last battle of the insurrection was lost and won. The Rev. Mr. Fitzgerald, the priest of the parish, and his curate, Father Maher now appeared on the spot, and naturally used their influence to terminate the hopeless struggle, a large force of constabulary from Cashel soon after were seen approaching, and the people, who now saw the absolute uselessness of further resistance broke away to the hills. The game was up; the banner of Irish independence had again sunk to the dust; and O'Brien, who had acted throughout with preternatural coolness, and whose face gave no more indications of emotion than if it had been chiseled in marble, turned from the scene with a broken heart. For a length of time he resisted the entreaties of his friends and refused to leave the spot; at last their solicitations prevailed, and mounting a horse taken from one of the police he rode away.

From that fatal day down to the night of Saturday, August 5th, the police sought vainly for O'Brien. He slept in the peasant's hut on the mountain and he shared his scanty fare; a price which might well dazzle the senses of his poverty-stricken entertainers was on his head, and they knew it; over hill-side and valley swarmed the host of spies, detectives, and policemen placed on his track; but no hand was raised to clutch the tempting bribe, no voice whispered the

information for which the government preferred its gold. Amongst those too who took part in the affray at Ballingarry, and who subsequently were cast in shoals into prison, there were many from whom the government sought to extract information. Bribes and promises of pardon were held up before their eyes, menaces were freely resorted to, but amongst them the government sought vainly for an informer. Many, of them died in captivity or in exile; their homes were broken up; their wives and children left destitute and friendless; but the words that would give them liberty and wealth, and terminate the sufferings of themselves and their families were never spoken. Had O'Brien chosen to escape from the country like Doheny, O'Gorman, Dillon and other of his friends, it is probable he might have done so. He resolved however on facing the consequence of his acts and sharing the fate of the Irish rebel to the bitter end.

The rain fell cold and drearily in the deserted streets of Thurles on the night which saw the arrest of William Smith O'Brien. Away over the shadowy mountains in the distance, the swimming vapours cast their shroud, wrapping in their chilling folds the homes of the hunger-stricken prostrate race that sat by their fireless hearths. The autumn gale swept over the desolate land as if moaning at the ruin and misery that cursed it, and wailing the dirge of the high hopes and ardent purposes that a few short weeks before had gladdened the hearts of its people. Calmly and deliberately with folded arms O'Brien walked through the streets, and entered the Thurles Railway Station. He wore a black hat, a blue boat cloak, in which he was rather tightly muffled, and a light plaid trousers; in his hand he carried a large black stick. He walked to the ticket office and paid his fare to Limerick; then wrapping himself up in his cloak and folding his arms, again he walked slowly along the platform awaiting the arrival of the train. He had resolved on surrendering himself for trial, but he wished to pay one last visit to his home and family. That gratification however was denied him, he was recognised by an Englishman named Hulme, a railway guard; in an instant he was surrounded by police and detectives, and torn of with brutal violence to gaol. That same night an express train flashed northwards through the fog and mist bearing O'Brien a prisoner to Dublin. In the carriage in which he was placed sat General M'Donald, a Sub-Inspector of Constabulary and four policemen. On entering the train a pistol was placed at O'Brien's head, and he was commanded not to speak on peril of his life. Disregarding the injunction, he turned to M'Donald and asked him why he was so scandalously used. The General "had a duty to perform," and "his orders should be obeyed." "I have played the game and lost," said O'Brien, "and I am ready to pay the penalty of having failed; I hope that those who accompanied me may be dealt with in clemency; I care not what happens to myself."

On Thursday, September 28th, he was arraigned before a Special Commission on a charge of high treason at Clonmel. The trial lasted ten days, and ended in a verdict of guilty. It excited unprecedented interest throughout the country, and there are many of its incidents deserving of permanent record. Amongst the witnesses brought forward by the crown was John O'Donnell, a comfortable farmer, who resided near Ballingarry. "I won't be sworn," he said on coming on the table, "or give evidence under any circumstances. You may bring me out and put a file of soldiers before me, and plant twenty bullets in my breast, but while I have a heart there I will never swear for you." He expiated his patriotism by a long imprisonment. Nor was this a solitary instance of heroism; Richard Shea, a fine looking young peasant, on being handed the book declared that "he would not swear against such a gentleman," and he too was carried off to pass years within a British dungeon. But their sacrifices were unavailing; of evidence there was plenty against O'Brien; the police were overflowing with it, and the eloquence and ability of Whiteside were powerless to save him from a verdict of guilty.

The papers of the time are full of remarks on the firmness and self-possession displayed by O'Brien throughout the trial. Even the announcement of the verdict failed to disturb his composure, and when the usual question was asked he replied with calmness and deliberation:

"My lords, it is not my intention to enter into any vindication of my conduct, however much I might have desired to avail myself of this opportunity of so doing. I am perfectly satisfied with the consciousness that I have performed my duty to my country—that I have done only that which, in my opinion, it was the duty of every Irishman to have done; and I am now prepared to abide the consequences of having performed my duty to my native land. Proceed with your sentence."

A deep murmur, followed by a burst of applause filled the court as the noble patriot ceased speaking. Stepping back a pace, and folding his arms on his breast, O'Brien looked fixedly at the judge, and awaited the sentence of the court. Amidst the deepest sensation, Chief Justice Blackburne proceeded to discharge his task. O'Brien was sentenced to be hanged, beheaded, and quartered. "During the delivery of the sentence," says a writer of the period, "the most profound agitation pervaded in the court; as it drew towards the close, the excitement became more marked and intense; but when the last barbarous provisions of the sentence were pronounced, the public feeling could only manifest itself by stifled sobs and broken murmurs of sympathy for the heroic man, who, alone, was unmoved during this awful scene, whose lips alone did not quiver, whose hand alone did not tremble, but whose heart beat with the calm pulsation of conscious guiltlessness and unsullied honour."

Nine months later (July 29th, 1849), the brig "Swift" sailed from Kingstown harbour, bearing O'Brien, Meagher, M'Manus, and O'Donoghue into exile. In the month of November the vessel reached Hobart Town, where "tickets of leave" were offered to those gentlemen on condition of their residing each one within a certain district marked out for him, and giving their parole to make no attempt at escape while in possession of the ticket. Messrs. Meagher, M'Manus, and O'Donoghue accepted these terms; Mr. O'Brien refused them, and was consequently sent to an

island off the coast called Maria Island, where he was placed in strict custody and treated with great severity. The news of the indignities and the sufferings to which he was subjected, outraged the feelings of the Irish people in the neighbouring country, and ere long his sympathisers in Tasmania laid a plan for his escape. They hired a vessel to lie off the coast on a particular day, and send a boat on shore to take off the prisoner, who had been informed of the plot, and had arranged to be in waiting for his deliverers. This design would unquestionably have succeeded but for the treachery of the captain of the ship, who, before sailing to the appointed spot, had given the government information of the intended escape and the manner of it. What occurred on the arrival of the vessel we shall relate in the words of Mr. Mitchel, who tells the story in his "Jail Journal" as he heard it from Mr. O'Brien himself:

"At last as he wandered on the shore and had almost given up all hope of the schooner, the schooner hove in sight. To give time for her approach he walked into the woods for a space, that he might not alarm his guardian constable by his attention to her movements. Again he sauntered down towards the point with apparent carelessness, but with a beating heart. San Francisco was to be his first destination; and beyond that golden gate lay the great world, and home, and children, and an honourable life. The boat was coming, manned by three men; and he stepped proudly and resolutely to meet them on the shore. To be sure there was, somewhere behind him, one miserable constable with his miserable musket, but he had no doubt of being able to dispose of that difficulty with the aid of his allies, the boatmen. The boat could not get quite close to the beach, because they had to run her into a kind of cove where the water was calm and unencumbered with large tangled weeds. O'Brien, when he reached the beach, plunged into the water to prevent delay, and struggled through the thick matted seaweed to the boat. The water was deeper than he expected, and when he came to the boat he needed the aid of the boatmen to climb over the gunwale. Instead of giving him this aid the rascals allowed him to flounder there, and kept looking to the shore, where the constable had by this time appeared with his musket. The moment he showed himself, the three boatmen cried out together, 'We surrender!' and invited him on board; where he instantly took up a hatchet—no doubt provided by the ship for that purpose, and stove the boat. O'Brien saw he was betrayed, and on being ordered to move along with the constable and boatmen towards the station, he refused to stir—hoping, in fact, by his resistance, to provoke the constable to shoot him. However, the three boatmen seized on him, and lifted him up from the ground, and carried him wherever the constable ordered. His custody was thereafter made more rigorous, and he was shortly after removed from Maria Island to Port Arthur station."

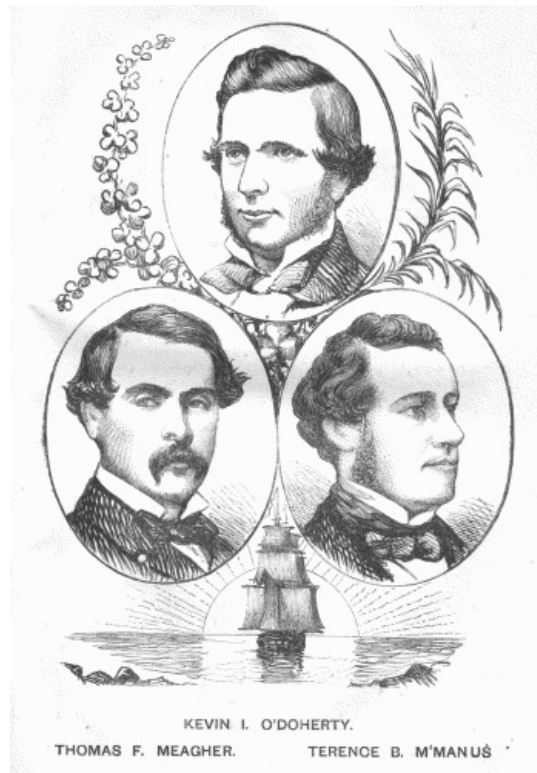
To this brief narrative the following "note" is appended in the work from which we have just quoted:—

"Ellis, the captain of the schooner, was some months after seized at San Francisco by Mr. M'Manus and others, brought by night out of his ship, and carried into the country to undergo his trial under a tree, whereupon, if found guilty, he was destined to swing. M'Manus set out his indictment; and it proves how much Judge Lynch's method of administering justice in those early days of California excelled anything we know of law or justice in Ireland—that Ellis, for want of sufficient and satisfactory evidence then producible, was acquitted by that midnight court, under that convenient and tempting tree."

Port Arthur station, to which Mr. O'Brien was removed from Maria Island, was a place of punishment for convicts who, while serving out their terms of transportation, had committed fresh offences against the law. After a detention there for some time, Mr. O'Brien, whose health was rapidly sinking under the rigours of his confinement, was induced, by letters, from his political friends to accept the ticket-of-leave and avail of the comparative liberty which they enjoyed. The government, on his acceptance of their terms, placed him first in the district of New Norfolk, and subsequently in that of Avoca, where he remained until the conditional pardon, already mentioned in these columns, was granted in 1854. He then left Australia, went on to Madras, where he made a stay of about a month; from thence he went to Paris and on to Brussels, where he was joined by his wife and children. He next made a tour in Greece, and was in that country when the unconditional pardon, which permitted him to return to his native land, was granted in the month of May, 1856, immediately after the close of the Crimean war. On Tuesday, July 8th, 1856, Mr. O'Brien stood once more upon his native soil after an exile of eight years. The news of his arrival was joyfully received by his fellow-countrymen, who welcomed him with every mark of respect and affection whenever he appeared among them. Thence-forward Mr. O'Brien took no active part in Irish politics, but he frequently offered advice and suggestions to his countrymen through the medium of letters and addresses in the *Nation*. In February, 1859, Mr. O'Brien made a voyage to America, and during the ensuing months travelled through a great portion of that country. After his return to Ireland he delivered, in November, 1859, an interesting series of lectures on his tour, in the Mechanics' Institute, Dublin. On July 1st, 1863, he lectured in the Rotundo, Dublin, for the benefit of a fund which was being raised for the relief of the wounded and destitute patriots of the Polish insurrection. In the early part of the year, 1864, the health of the illustrious patriot began rapidly to fail, and he was taken by his friends to England for a change of air. But the weight of many years of care and suffering was on him, and its effects could not be undone. On the 16th of June, 1864, at Bangor, the noble-hearted patriot breathed his last. His family had the honoured remains brought to Ireland for interment in the old burial-ground of his fathers. On Thursday morning at an early hour they reached Dublin on board the "Cambria" steamer. It was known that his family wished that no public demonstration should be made at his funeral, but the feelings of the citizens who desired to pay a tribute of respect to his memory could not be repressed. In the grey hours of the morning the people in

thousands assembled on the quays to await the arrival of the remains, and two steamers, which had been chartered for the purpose, proceeded, with large numbers on board, some distance into the harbour to meet the approaching vessel. All along the way, from the North Wall to the Kingsbridge railway station, the hearse bearing the patriot's body was accompanied by the procession of mourners, numbering about 15,000 men. At various stages of the journey similar scenes were witnessed. But the end was soon reached. In the churchyard of Rathronan, Co. Limerick, they laid him to rest. The green grass grows freshly around the vault in which he sleeps, and has long filled up the foot-prints of the multitude who broke the silence of that lonely spot by their sobs on the day he was buried; the winter gales will come and go, and touched by the breath of spring, the wild flowers will blossom there through succeeding years; but never again will a purer spirit, a nobler mind, a patriot more brave, more chivalrous, or more true, give his heart to the cause of Ireland, than the silvered-haired, care-burthened gentleman whom they bore from Cahirmoyle to his grave on the 24th day of June, 1864.

## THOMAS FRANCIS MEAGHER.



Early in 1846, when the Repeal Association was still powerful and great, and ere yet the country had ceased to throb to the magic of O'Connell's voice, there rose one day from amongst those who crowded the platform of Conciliation Hall, a well-featured, gracefully-built, dark-eyed young gentleman, towards whom the faces of the assembly turned in curiosity, and whose accents when he spoke, were those of a stranger to the audience. Few of them had heard of his name; not one of them—if the chairman, William Smith O'Brien be excepted—had the faintest idea of the talents and capacities he possessed, and which were one day to enrapture and electrify his countrymen. He addressed the meeting on one of the passing topics of the day; something in his manner savouring of affectation, something in the semi-Saxon lisp that struggled through his low-toned utterances, something in the total lack of suitable gesture, gave his listeners at the outset an unfavourable impression of the young speaker. He was boyish, and some did not scruple to hint conceited; he had too much of the fine gentleman about his appearance, and too little of the native brogue and stirring declamation to which his listeners had been accustomed. The new man is a failure, was the first idea that suggested itself to the audience: but he was not; and when he resumed his seat he had conquered all prejudices, and wrung the cheers of admiration from the meeting. Warming with his subject, and casting off the restraints that hampered his utterances at first, he poured forth a strain of genuine eloquence, vivified by the happiest allusions, and enriched by imagery and quotations as beautiful as they were appropriate, which startled the meeting from its indifference, and won for the young speaker the enthusiastic applause of his audience. O'Brien complimented him warmly on his success, and thus it was that the orator of Young Ireland made his debut on the political platform.

Meagher was not quite twenty-three years of age when his voice was first heard in Conciliation Hall. He was born in Waterford of an old Catholic family, which through good and ill had adhered to the national faith and the national cause; his school-boy days were passed partly at Clongoweswood College, and partly under the superintendence of the Jesuit Fathers at Stoneyhurst in Lancashire. His early years gave few indications of the splendid wealth of genius that slumbered within his breast. He took little interest in his classical or mathematical studies; but he was an ardent student of English literature, and his compositions in poetry and prose invariably carried away the prize. He found his father filling the Civic Chair in Waterford, when he returned from



Stoneyhurst to his native city. O'Connell was in the plenitude of his power; and from end to end of the land, the people were shaken by mighty thoughts and grand aspirations; with buoyant and unfaltering tread the nation seemed advancing towards the goal of Freedom, and the manhood of Ireland seemed kindling at the flame which glowed before the altar of Liberty. Into the national movement young Meagher threw himself with the warmth and enthusiasm of his nature. At the early age of twenty we find him presiding over a meeting of Repealers in his native city, called to express sympathy with the State Prisoners of '43, and he thence-forward became a diligent student of contemporary politics. He became known as an occasional speaker at local gatherings; but it was not until the event we have described that Meagher was fairly launched in the troubled tide of politics, and that his lot was cast for good or evil, with the leaders of the national party.

Up to the date of secession Meagher was a frequent speaker at the meetings of the Repeal Association. Day by day his reputation as a speaker extended, until at length he grew to be recognised as the orator of the party, and the knowledge that he was expected to speak was sufficient to crowd Conciliation Hall to overflowing. When the influence of the *Nation* party began to be felt, and signs of disunion appeared on the horizon, O'Connell made a vigorous effort to detach Meagher from the side of Mitchel, Duffy, and O'Brien. "These young Irishmen," he said, "will lead you into danger." "They may lead me into danger," replied Meagher, "but certainly not into dishonour."

Against the trafficking with the Whigs, which subsequently laid the Repeal Association in the dust, and shipwrecked a movement which might have ended in the disenthralment of Ireland, Meagher protested in words of prophetic warning. "The suspicion is abroad," he said, "that the national cause will be sacrificed to Whig supremacy, and that the people, who are now striding on to freedom, will be purchased back into factious vassalage. The Whigs calculate upon your apostacy, the Conservatives predict it." The place beggars, who looked to the Whigs for position and wealth, murmured as they heard their treachery laid bare and their designs dissected in the impassioned appeals by which Meagher sought to recall them to the path of patriotism and duty. It was necessary for their ends that the bold denouncer of corruption, and the men who acted with him, should be driven from the association; and to effect that object O'Connell was hounded on to the step which ended in the secession. The "peace resolutions" were introduced, and Meagher found himself called on to subscribe to a doctrine which his soul abhorred—that the use of arms was at all times unjustifiable and immoral. The Lord Mayor was in the chair, and O'Brien, John O'Connell, Denis Reilly, Tom Steele, and John Mitchel had spoken, when Meagher rose to address the assembly. The speech he delivered on that occasion, for brilliancy and lyrical grandeur has never been surpassed. It won for him a reception far transcending that of Shiel or O'Connell as an orator; and it gave to him the title by which he was afterwards so often referred to—"Meagher of the Sword." He commenced by expressing his sense of gratitude, and his attachment to O'Connell, "My lord," he said:—

"I am not ungrateful to the man who struck the fetters off my limbs while I was yet a child, and by whose influence my father, the first Catholic that did so for two hundred years, sat for the last two years in the civic chair of my native city. But, my lord," he continued, "the same God who gave to that great man the power to strike down one odious ascendancy in this country, and who enabled him to institute in this land the laws of religious equality—the same God gave to me a mind that is my own, a mind that has not been mortgaged to the opinion of any man or set of men, a mind that I was to use and not surrender."

Having thus vindicated freedom of opinion, the speaker went on to disclaim for himself the opinion that the Association ought to deviate from the strict path of legality. But he refused to accept the resolutions; because he said "there are times when arms alone will suffice, and when political ameliorations call for 'a drop of blood,' and for many thousand drops of blood." Then breaking forth into a strain of impassioned and dazzling oratory he proceeded:—

"The soldier is proof against an argument—but he is not proof against a bullet. The man that will listen to reason—let him be reasoned with. But it is the weaponed arm of the patriot that can alone prevail against battalions of despotism.

"Then, my lord, I do not condemn the use of arms as immoral, nor do I conceive it profane to say that the King of Heaven—the Lord of Hosts! the God of Battles!—bestows his benediction upon those who unsheath the sword in the hour of a nation's peril. From that evening on which, in the valley of Bethulia, he nerved the arm of the Jewish girl to smite the drunken tyrant in his tent, down to this our day, in which he has blessed the insurgent chivalry of the Belgian priest, His Almighty hand hath ever been stretched forth from His throne of Light to consecrate the flag of freedom—to bless the patriot's sword! Be it in the defence, or be it in the assertion of a people's liberty, I hail the sword as a sacred weapon; and if, my lord, it had sometimes taken the shape of the serpent, and reddened the shroud of the oppressor with too deep a dye, like the anointed rod of the High Priest, it has at other times, and as often, blossomed into celestial flowers to deck the freeman's brow.

"Abhor the sword—stigmatize the sword? No, my lord, for in the passes of the Tyrol it cut to pieces the banner of the Bavarian, and, through those cragged passes, struck a path to fame for the peasant insurrectionists of Inspruck! Abhor the sword—stigmatize the sword? No, my lord, for at its blow a giant nation

started from the waters of the Atlantic, and by its redeeming magic, and in the quivering of its crimsoned light the crippled colony sprang into the attitude of a proud Republic—prosperous, limitless, and invincible! Abhor the sword—stigmatize the sword? No, my lord, for it swept the Dutch marauders out of the fine old towns of Belgium—scourged them back to their own phlegmatic swamps—and knocked their flag and sceptre, their laws and bayonets, into the sluggish waters of the Scheldt.

"My lord, I learned that it was the right of a nation to govern itself, not in this hall, but on the ramparts of Antwerp; I learned the first article of a nation's creed upon those ramparts, where freedom was justly estimated, and where the possession of the precious gift was purchased by the effusion of generous blood. My lord, I honor the Belgians for their courage and their daring, and I will not stigmatize the means by which they obtained a citizen-king, a chamber of Deputies."

It was all he was permitted to say. With flushed face and excited gesture John O'Connell rose, and declared he could not sit and listen to the expression of such sentiments. Either Mr. Meagher or he should leave the Association; O'Brien interceded to obtain a hearing for his young friend, and protested against Mr. O'Connell's attempts to silence him. But the appeal was wasted, O'Brien left the hall in disgust, and with him Meagher, Duffy, Reilly, and Mitchel quitted it for ever.

Meagher's subsequent career in Ireland is soon told. He was a regular attendant at the meetings of the Confederation, of which he was one of the founders, and the fame of his eloquence, his manly appearance, and the charms of his youthful frankness contributed immensely towards the growth of the new organization. He always acted with O'Brien, whom he loved in his inmost soul, but he was respected and admired by every section of nationalists, the Mitchelites, the Duffyites, and we might even say the O'Connellites. When the country began to feel the influence of the whirlwind of revolution which swept over the continent, overturning thrones and wrecking constitutions as if they were built of cardboard, Meagher shared the wild impulse of the hour, and played boldly for insurrection and separation. He was one of the three gentlemen appointed to present the address from Ireland to the French Republican government in 1848; and in the speech delivered by him at the crowded meeting in the Dublin Music Hall before his departure, he counselled his countrymen to send a deputation to the Queen, asking her to convene the Irish parliament in the Irish capital. "If the claim be rejected," said Meagher, "if the throne stand as a barrier between the Irish people and the supreme right—then loyalty will be a crime, and obedience to the executive will be treason to the country. Depute your worthiest citizens to approach the throne, and before that throne let the will of the Irish people be uttered with dignity and decision. If nothing comes of this," he added, "if the constitution opens to us no path to freedom, if the Union be maintained in spite of, the will of the Irish people, if the government of Ireland insist on being a government of dragoons and bombadiers, of detectives and light infantry, then," he exclaimed in the midst of tumultuous cheering, "up with the barricades, and invoke the God of Battles!"

While the Republican spirit was in full glow in Ireland, Meagher astonished his friends by rushing down to Waterford and offering himself as a candidate for the post left vacant in parliament by the resignation of O'Connell. By this time the Confederates had begun to despair of a parliamentary policy, and they marvelled much to see their young orator rush to the hustings, and throw himself into the confusion and turmoil of an election contest. *Que le diable allait il faire dans cette galere* muttered his Dublin friends. Was not the time for hustings orations, and parliamentary agitation over now? Meagher, however, conceived, and perhaps wisely, that he could still do some good for his country in the House of Commons. He issued a noble address to the electors of his native city, in which he asked for their support on the most patriotic grounds. "I shall not meddle," he said, "with English affairs. I shall take no part in the strife of parties—all factions are alike to me. I shall go to the House of Commons to insist on the rights of this country to be held, governed, and defended by its own citizens, and by them alone. Whilst I live I shall never rest satisfied until the kingdom of Ireland has won a parliament, an army, and a navy of her own." Mitchel strongly disapproved of his conduct. "If Mr. Meagher were in parliament," said the *United Irishman*, "men's eyes would be attracted thither once more; some hope of 'justice' might again revive in this too easily deluded people." The proper men to send to parliament were according to Mitchel, "old placemen, pensioners, five pound Conciliation Hall Repealers." "We have no wish to dictate," concluded Mitchel in an article on the subject, full of the lurking satire and quiet humour that leavened his writings, "but if the electors of Waterford have any confidence in us, we shall only say that we are for Costello!"

"Costello" was defeated, however, but so was Meagher. The Young Ireland champion was stigmatized as a Tory by the Whigs, and as a rebel by the Tories; if *the people*, as Mitchel remarks had any power he would have been elected by an overwhelming majority, but the people had no votes, and Sir Henry Winston Barren was returned. Meagher went back to Dublin almost a convert to Mitchel's views, leaving Whig, Tory, and West Briton to exult over his discomfiture.

We have already seen what Meagher did when the gauge of battle was thrown down, and when "the day all hearts to weigh" was imagined to have arrived, we have seen how he accompanied O'Brien in his expedition from Wexford to Kilkenny, and thence to Tipperary; and how on the morning of July 29th, 1848, he left O'Brien at Ballingarry, little dreaming of the tragedy which was to make that day memorable, and expecting to be able to bring reinforcements to his leader

from other quarters before the crisis came. He failed however in his effort to spread the flames of insurrection. The chilling news of O'Brien's defeat—distorted and exaggerated by hostile tongues—was before him everywhere, and even the most resolute of his sympathisers had sense enough to see that their opportunity—if it existed at all—had passed away. On the 12th day of August, 1848, Meagher was arrested on the road between Clonoulty and Holycross, in Tipperary. He was walking along in company with Patrick O'Donoghue and Maurice R. Leyne, two of his intimate friends and fellow-outlaws, when a party of police passed them by. Neither of the three was disguised, but Meagher and Leyne wore frieze overcoats, which somewhat altered their usual appearance. After a short time the police returned; Meagher and his companions gave their real names on being interrogated, and they were at once arrested and taken in triumph to Thurles. The three friends bore their ill fortune with what their captors must have considered provoking nonchalance. Meagher smoked a cigar on the way to the station, and the trio chatted as gaily as if they were walking in safety on the free soil of America, instead of being helpless prisoners on their way to captivity and exile.

Meagher stood in the dock at Clonmel a week after O'Brien had quitted it a convict. He was defended by Mr. Whiteside and Isaac Butt, whose magnificent speech in his defence was perhaps the most brilliant display of forensic eloquence ever heard within the court in which he stood. Of course the jury was packed (only 18 Catholics were named on a jury-panel of 300), and of course the crown carried its point. On the close of the sixth day of the trial, the jury returned into court with a verdict of "guilty," recommending the prisoner to mercy on the ground of his youth.

Two days later he was brought back to the dock to receive sentence. He was dressed in his usual style, appeared in excellent health, and bore himself—we are told—throughout the trying ordeal, with fortitude and manly dignity. He spoke as follows:—

"My lords, it is my intention to say a few words only. I desire that the last act of a proceeding which has occupied so much of the public time, should be of short duration. Nor have I the indelicate wish to close the dreary ceremony of a state prosecution with a vain display of words. Did I fear that hereafter, when I shall be no more, the country I tried to serve would speak ill of me, I might, indeed, avail myself of this solemn moment to vindicate my sentiments and my conduct. But I have no such fear. The country will judge of those sentiments and that conduct in a light far different from that in which the jury by whom I have been convicted have viewed them, and by the country the sentence which you, my lords, are about to pronounce, will be remembered only as the severe and solemn attestation of my rectitude and truth. Whatever be the language in which that sentence be spoken, I know that my fate will meet with sympathy, and that my memory will be honoured. In speaking thus, accuse me not, my lords, of an indecorous presumption in the efforts I have made in a just and noble cause. I ascribe no main importance, nor do I claim for those efforts any high reward. But it so happens, and it will ever happen so, that they who have lived to serve their country—no matter how weak their efforts may have been—are sure to receive the thanks and blessings of its people. With my countrymen I leave my memory, my sentiments, my acts, proudly feeling that they require no vindication from me this day. A jury of my countrymen, it is true, have found me guilty of the crime of which I stood indicted. For this I entertain not the slightest feeling of resentment towards them. Influenced as they must have been by the charge of the Lord Chief Justice, they could perhaps have found no other verdict. What of that charge? Any strong observations on it I feel sincerely would ill-befit the solemnity of this scene; but I would earnestly beseech of you, my lord—you who preside on that bench—when the passions and the prejudices of this hour have passed away, to appeal to your own conscience, and ask of it, was your charge what it ought to have been, impartial and indifferent between the subject and the crown? My lords, you may deem this language unbecoming in me, and perhaps it may seal my fate; but I am here to speak the truth, whatever it may cost—I am here to regret nothing I have ever done, to regret nothing I have ever said—I am here to crave with no lying lip the life I consecrate to the liberty of my country. Far from it. Even here—here, where the thief, the libertine, the murderer, have left their foot-prints in the dust—here, on this spot, where the shadows of death surround me, and from which I see my early grave in an unanointed soil open to receive me—even here, encircled by these terrors, that hope which first beckoned me to the perilous sea on which I have been wrecked, still consoles, animates, and enraptures me. No; I do not despair of my poor old country—her peace, her liberty, her glory. For that country I can do no more than bid her hope. To lift this island up—to make her a benefactor to humanity, instead of being, as she is now, the meanest beggar in the world—to restore to her her native powers and her ancient constitution—this has been my ambition, and this ambition has been my crime. Judged by the law of England, I know this crime entails upon me the penalty of death; but the history of Ireland explains that crime and justifies it. Judged by that history, I am no criminal, you (addressing Mr. M'Manus) are no criminal, you (addressing Mr. O'Donoghue) are no criminal, and we deserve no punishment; judged by that history, the treason of which I stand convicted loses all its guilt, has been sanctified as a duty, and will be enobled as a sacrifice. With these sentiments I await the sentence of the court. I have done what I felt to be my duty. I have spoken now, as I did on every other occasion during my short life,

what I felt to be the truth. I now bid farewell to the country of my birth—of my passions—of my death; a country whose misfortunes have invoked my sympathies—whose factions I sought to quell—whose intelligence I prompted to a lofty aim—whose freedom has been my fatal dream. To that country I now offer as a pledge of the love I bore her, and of the sincerity with which I thought and spoke, and struggled for her freedom, the life of a young heart; and with that life, the hopes, the honours, the endearments of a happy, a prosperous, and honourable home. Proceed, then, my lords, with that sentence which the law directs—I am prepared to hear it—I trust I am prepared to meet its execution. I shall go, I think, with a light heart before a higher tribunal—a tribunal where a Judge of infinite goodness, as well as of infinite justice, will preside, and where, my lords, many many of the judgments of this, world will be reversed."

There is little more for us to add. Meagher arrived with O'Brien, O'Donoghue, and M'Manus in Van Dieman's Land in October, 1849, and escaped to America in 1852. He started the *Irish News* in New York, which he enriched by personal recollections of the stirring scenes in which he participated; but his career as a journalist closed abruptly with the outbreak of the war of Secession, when he raised a Zouave Company to join Corcoran's 69th Regiment, with which he fought gallantly at Bull's Run. Every one remembers how the gallantry of the Irish regiment in which Meagher served, saved the Federal forces from annihilation on that field of disaster. Subsequently he raised and commanded the Irish Brigade, which won imperishable laurels throughout the hard-fought campaigns that ended with the capture of Richmond. When Mr. Johnson became President of the United States, he appointed Meagher to the position of Governor of Montana Territory, in the far West, a post which he held until his death.

His end was sad and sudden. One dark wild night in July, 1867, a gentleman suddenly disappeared from the deck of the steamer on which he was standing, and fell into the great Missouri, where it winds its course by the hills of Montana. The accident was too sudden for availing assistance. A sudden slip, a splash, a faint cry, a brief struggle, and all was over; the hungry waters closed over him, and the rapid rolling current swept away his lifeless corpse. The finished scholar, the genial friend, the matchless orator, the ardent patriot was no more. Thomas Francis Meagher was dead.

---

## KEVIN IZOD O'DOHERTY.

Another bold, clever, and resolute opponent of British rule in Ireland was torn from the ranks of the popular leaders on the day that Kevin Izod O'Doherty was arrested. Amongst the cluster of talented and able men who led the Young Ireland phalanx, he was distinguished for his spirit and his mental accomplishments; amongst the organizers of the party his ready words, manly address, and ceaseless activity gave him a prominent position; amongst its journalists he was conspicuous for fearlessness, frankness, and ability. Over the surging waves of the excitement and agitation that convulsed the country during the period which ended with the affray at Ballingarry, and through the haze which time has cast over the attempted revolution of '48, his figure looms up in bold proportions, suggestive of mental capacity, fortitude of soul, and tenacity of purpose. For him, as for many of his brilliant associates, the paths of patriotism led down to proscription and pain; but O'Doherty fulminating the thunderbolts of the *Tribune*, or sowing the seeds of patriotism amongst the students of Dublin, was not one whit more self-possessed or undaunted than when standing a convict in the Greenstreet dock, he awaited the sentence of the court.

Kevin Izod O'Doherty was born of respectable Catholic parents in Dublin, in June, 1824. He received a liberal education, by which he profited extensively, showing even in his school-days strong evidences of natural ability, and talents, of more than average degree. He directed his attention to the medical profession on completing his education, and was in the full tide of lectures and hospital attendance when the development of the national sentiment that pervaded the year '48 drew him into the vortex of public life. He became a hard working and enthusiastic member of the Young Ireland party, and was one of the founders of the Students' and Polytechnic Clubs, which were regarded by the leaders in Dublin as the *elite* of the national force in the capital. When Mitchel was struck down and his paper suppressed, O'Doherty was one of those who resolved that the political guidance which the *United Irishman* was meant to afford, should not be wanting to the people. In conjunction with Richard Dalton Williams—"Shamrock" of the *Nation*—he established the *Irish Tribune*, the first number of which saw the light on the 10th of June, 1848. There could be no mistake about the objects of the *Tribune*, or the motives of its founders in establishing it. The British government could ill afford to endure the attacks on their exactions and usurpations thundered forth weekly in its articles. Its career was cut short by the mailed hand of authority at its fifth number, and on the 10th of July, '48, Kevin Izod O'Doherty was an inmate of Newgate prison.

On the 10th of August he was placed at the bar of Green-street court-house, and arraigned on a charge of treason-felony, and a vigorous effort was made by the crown to convict him. The attempt, however, was a failure; the jury-panel had not been juggled as effectively as usual, and a disagreement of the jury was the consequence. The crown, however, had no idea of relaxing its grasp of its victim; after John Martin's conviction O'Doherty was put forward again, and a new jury selected to try him. Again were the government defeated; the second jury like the first

refused to agree to a verdict of guilty, and were discharged without convicting the prisoner. A third time was O'Doherty arraigned, and this time the relentless hatred of his persecutors was gratified by a verdict of guilty. The speech delivered by Mr. O'Doherty after conviction was as follows:—

"My lords—I did hope, I confess, that upon being placed in this dock for the third time, after two juries of my fellow-citizens had refused to find a verdict against me, that while my prosecutors would have been scrupulous in their care in attempting to uphold their law, they would not have violated the very spirit of justice."

Judge Crampton.—"I have a great difficulty in preventing you from making any observations that may occur to you to be of service; but if you mean to cast imputations of obloquy upon the law officers of the crown, the court cannot permit that."

Mr. O'Doherty—"I only wish to mention a matter of fact. The Attorney-General stated that there were only three Roman Catholics set aside on my jury."

Judge Crampton again interposed, and requested the prisoner not to pursue this line of observation.

Mr. O'Doherty.—"I would feel much obliged if your lordship would permit me to mention a few more words with reference to my motives throughout this affair."

"I had but one object and purpose in view. I did feel deeply for the sufferings and privations endured by my fellow-countrymen. I did wish by all means, consistent with a manly and honourable resistance to assist in putting an end to that suffering. It is very true, and I will confess it, that I desired an open resistance of the people to that government, which, in my opinion entailed these sufferings upon them. I have used the words open and honourable resistance, in order that I might refer to one of the articles brought in evidence against me, in which the writer suggests such things as flinging burning hoops on the soldiery. My lords, these are no sentiments of mine. I did not write that article. I did not see it, or know of it until I read it when published in the paper. But I did not bring the writer of it here on the table. Why? I knew that if I were to do so, it would be only handing him over at the court-house doors to what one of the witnesses has very properly called the fangs of the Attorney-General. With respect to myself I have no fears. I trust I will be enabled to bear my sentence with all the forbearance due to what I believe to be the opinion of twelve conscientious enemies to me, and I will bear with due patience the wrath of the government whose mouthpiece they were; but I will never cease to deplore the destiny that gave me birth in this unhappy country, and compelled me, as an Irishman, to receive at your hands a felon's doom, for discharging what I conceived—and what I still conceive to be my duty. I shall only add, that the fact is, that instead of three Roman Catholic jurors being set aside by the Attorney-General, there were thirteen; I hold in my hand a list of their names, and out of the twelve jurors he permitted to be sworn there was not one Roman Catholic."

Mr. O'Doherty was sentenced to transportation for ten years. He sailed for Van Dieman's Land in the same ship that bore John Martin into exile. In the course of time he, like Martin and O'Brien, was set at liberty on condition of his residing anywhere out of "the United Kingdom." He came on to Paris, and there resumed his medical studies. He paid, however, one secret and hurried visit to Ireland. He came to wed and bear away with him, to share his fortune in other lands, a woman in every way worthy of him—one whose genius and talents, like his own, had been freely given to the cause of Ireland, and whose heart had long been his in the bonds of a most tender attachment. "Eva," one of the fair poetesses of the *Nation*, was the plighted wife of O'Doherty. Terrible must have been the shock to her gentle nature when her patriot lover was borne off a convict, and shipped for England's penal settlements in the far southern seas. She believed, however, they would meet again, and she knew that neither time nor distance could chill the ardour of their mutual affection. The volumes of the *Nation* published during his captivity contain many exquisite lyrics from her pen mourning for the absent one, with others expressive of unchanging affection, and the most intense faith in the truth of her distant lover. "The course of true love" in this case ended happily. O'Doherty, as we have stated, managed to slip across from Paris to Ireland, and returned with "Eva" his bride. In 1856 the pardons granted to the exiles above named was made unconditional, and in the following year O'Doherty returned to Ireland, where he took out his degrees with great *eclat*; he then commenced the practice of medicine and surgery in Dublin, and soon came to be ranked amongst the most distinguished and successful members of his profession. After remaining some years in Ireland, Mr. O'Doherty sailed far away seawards once again, and took up his abode under the light of the Southern Cross. He settled in a rising colony of Australia, where he still lives, surrounded by troops of friends, and enjoying the position to which his talents and his high character entitle him.

---

## TERENCE BELLEW M'MANUS.

The excitement caused by the startling events of which this country was the scene in the summer

of 1848 extended far beyond the shores of Ireland. Away beyond the Atlantic the news from Ireland was watched for with glistening eyes by the exiles who dwelt by the shores of Manhattan or in the backwoods of Canada. Amongst the Irish colony in England the agitation was still greater. Dwelling in the hearts of the monster towns of England, the glow of the furnace lighting up their swarthy faces; toiling on the canals, on the railways, in the steamboats; filling the factories, plying their brawny hands where the hardest work was to be done; hewers of wood, and drawers of water; living in the midst of the English, yet separated from them by all the marks of a distinctive nationality, by antagonistic feelings, by clashing interests, by jarring creeds; such was the position of the men who carried the faith, the traditions, the politics, and the purpose of Ireland into the heart of the enemy's country. With their countrymen at home they were united by the warmest ties of sympathy and affection. In London, in Manchester, in Birmingham, in Leeds, Confederate Clubs were established, and active measures taken for co-operating with the Young Ireland leaders in whatever course they might think proper to adopt. In Liverpool those clubs were organized on the most extensive scale; thousands of Irishmen attended their weekly meetings, and speeches rivalling those delivered at the Rotundo and at the Music Hall in fervour and earnestness were spoken from their platforms. Amongst the Irishmen who figured prominently at these gatherings there was one to whom the Irish in Liverpool looked up with peculiar confidence and pride. He was young, he was accomplished, he was wealthy, he filled a highly respectable position in society; his name was connected by everyone with probity and honour; and, above all, he was a nationalist, unselfish, enthusiastic, and ardent. The Irishmen of Liverpool will not need to be told that we speak of Terence Bellew M'Manus.

The agitation of 1848 found M'Manus in good business as a shipping agent, his income being estimated by his Liverpool friends at ten or twelve hundred a year. His patriotism was of too genuine a nature to be merged in his commercial success, and M'Manus readily abandoned his prospects and his position when his country seemed to require the sacrifice. Instantly on discovering that the government were about to suspend the *Habeas Corpus* Act in Ireland, he took the steamer for Dublin, bringing with him the green and gold uniform which he owned in virtue of being a general of the '82 Club. In the same steamer came two detectives sent specially to secure his arrest in Dublin. M'Manus drove from the quay, where he landed, to the *Felon* Office. He discovered that all the Confederate leaders out of prison had gone southwards on hostile thoughts intent; and M'Manus resolved on joining them without a moment's hesitation. Having managed to give the detectives the slip, he journeyed southwards to Tipperary and joined O'Brien's party at Killenaule. He shared the fortunes of the insurgent leaders until the dispersion at Ballingarry, where he fought with conspicuous bravery and determination. He was the first to arrive before the house in which the police took refuge, and the last to leave it. The Rev. Mr. Fitzgerald, P.P., an eye witness, gives an interesting account of M'Manus' conduct during the attack on the Widow M'Cormack's house. He says:—

"With about a dozen men more determined than the rest, was M'Manus, who indeed throughout the whole day showed more courage and resolution than anyone else. With a musket in his hand, and in the face of the enemy, he reconnoitered the place, and observed every accessible approach to the house, and with a few colliers, under cover of a cart-load of hay, which they pushed on before them, came up to the postern-door of the kitchen. Here with his own hand he fired several pistol-shots, to make it ignite, but from the state of the weather, which was damp and heavy, and from the constant down-pour of rain on the previous day, this attempt proved quite unsuccessful. With men so expert at the use of the pickaxe, and so large a supply of blasting powder at the collieries, he could have quickly undermined the house, or blown it up; but the circumstance of so many children being shut in with the police, and the certainty that, if they persevered, all would be involved in the same ruin, compelled him and his associates to desist from their purpose."

When it became useless to offer further resistance, M'Manus retired with the peasantry to the hills, and dwelt with them for several days. Having shaved off his whiskers, and made some other changes in his appearance, he succeeded in running the gauntlet though the host of spies and detectives on his trail, and he was actually on board a large vessel on the point of sailing for America from Cork harbour when arrested by the police. His discovery was purely accidental; the police boarded the vessel in chase of an absconding defaulter, but while prosecuting the search one of the constables who had seen M'Manus occasionally in Liverpool recognised him. At first he gave his name as O'Donnell, said he was an Irish-American returning westward, after visiting his friends in the old land. His answers, however, were not sufficiently consistent to dissipate the constable's suspicion. He was brought ashore and taken handcuffed before a magistrate, whereupon he avowed his name, and boldly added that, he did not regret any act he had done, and would cheerfully go through it again.

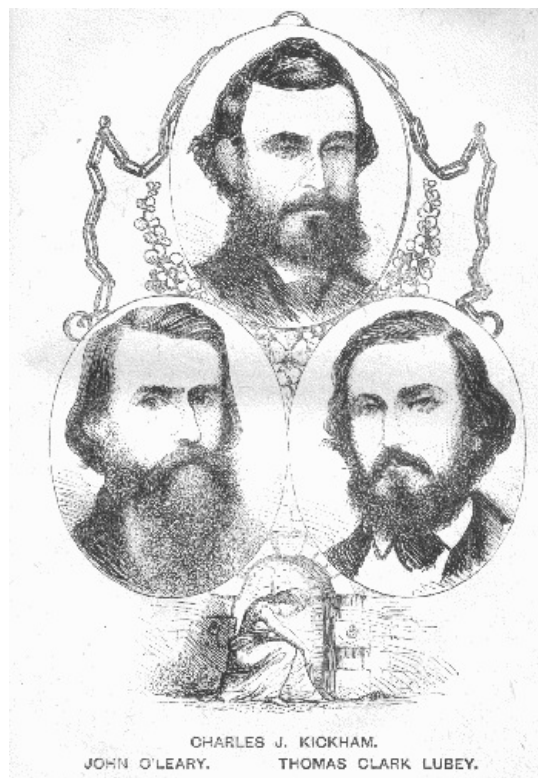
On the 10th of October, 1848, he was brought to trial for high treason in Clonmel. He viewed the whole proceedings with calm indifference, and when the verdict of guilty was brought in he heard the announcement with unaltered mien. A fortnight later he was brought up to receive sentence; Meagher and O'Donoghue had been convicted in the interim, and the three confederates stood side by side in the dock to hear the doom of the traitor pronounced against them. M'Manus was the first to speak in reply to the usual formality, and his address was as follows:—

"My lords—I trust I am enough of a Christian and enough of a man to understand

the awful responsibility of the question which has been put to me. Standing upon my native soil—standing in an Irish court of justice, and before the Irish nation—I have much to say why the sentence of death, or the sentence of the law, should not be passed upon me. But upon entering into this court I placed my life—and what is of more importance to me, my honour—in the hands of two advocates, and if I had ten thousand lives and ten thousand honours, I should be content to place them all in the watchful and glorious genius of the one, and the patient zeal and talent of the other. I am, therefore, content, and with regard to that I have nothing to say. But I have a word to say, which no advocate, however anxious and devoted he may be, can utter for me. I say, whatever part I may have taken in the straggle for my country's independence, whatever part I may have acted in my short career, I stand before you, my lords, with a free heart and a light conscience, to abide the issue of your sentence. And now, my lords, this is, perhaps, the fittest time to put a sentence upon record, which is this—that standing in this dock, and called to ascend the scaffold—it may be to-morrow—it may be now—it may be never—whatever the result may be, I wish to put this on record, that in the part I have taken I was not actuated by enmity towards Englishmen—for among them I have passed some of the happiest days of my life, and the most prosperous; and in no part which I have taken was I actuated by enmity towards Englishmen individually, whatever I may have felt of the injustice of English rule in this island; I therefore say, that it is not because I loved England less, but because I loved Ireland more, that I now stand before you."

In 1851, M'Manus escaped from captivity in Van Dieman's Land, and he soon after settled in California where he died. His funeral was the greatest ever witnessed upon earth. From the shores of the Pacific thousands of miles away, across continents and oceans they brought him, and laid his ashes to rest in the land of his birth. On the 10th day of November, 1861, that wonderful funeral passed through the streets of Dublin to Glasnevin, and those who saw the gathering that followed his coffin to the grave, the thousands of stalwart men that marched in solemn order behind his bier will never forget the sight. A silent slab unlettered and unmarked shows the spot where his remains were interred; no storied urn or animated bust, no marble column or commemorative tablet has been consecrated to his memory, but the history of his life is graven in the hearts of his countrymen, and he enjoys in their affectionate remembrance, a monument more enduring than human hands could build him.

## THOMAS CLARKE LUBY.



Looking along the course of Irish history, it is easy to point out certain periods in which England could have found an opportunity for making terms with the Irish nation, healing some of the old wounds and mitigating in some degree the burning sense of wrong and the desire of vengeance that rankled in the hearts of the Irish race. There were lulls in the struggle, intervals of gloomy calm, occasions when the heart of Ireland might have been touched by generous deeds, and when the offer of the olive branch, or even a few of its leaves, would have had a blessed effect. But England never availed of them—never for an instant sought to turn them to good account. She preferred when Ireland was defeated, prostrate, and forlorn, to taunt her with her failure, scoff at her sufferings, and add to her afflictions. Such was her conduct during the mournful time that

followed on the attempted insurrection of 1848.

It was an appalling time, in whose death-laden atmosphere political action was impossible. The famine had made of the country one huge graveyard. A silence fell upon the land, lately so clamorous for her rights, so hopeful, and so defiant. The Repeal organization spoke no more; the tramp of the Confederate Clubs was no longer heard in the streets; O'Connell was dead; the Young Ireland leaders were fugitives or prisoners; and the people were almost bewildered by a sense of their great calamity. Then, if England had stooped to raise her fallen foe, offered her some kindly treatment, and spoken some gracious words, the bitterness of the old quarrel might have been in some degree assuaged, even though its cause should not be entirely obliterated. But England did not choose to take that politic and Christian course. She found it much pleasanter to chuckle over the discomfiture of the Irish patriots, to ridicule the failure of their peaceable agitation, to sneer at their poor effort in arms, to nickname, and misrepresent, and libel the brave-hearted gentleman who led that unlucky endeavour; and above all to felicitate herself on the reduction that had taken place in the Irish population. That—from her point of view—was the glorious part of the whole affair. The Irish were "gone with a vengeance!"—not all of them, but a goodly proportion, and others were going off every day. Emigrant ships clustered in the chief ports, and many sought their living freights in those capacious harbours along the Atlantic coast which nature seemed to have shaped for the accommodation of a great commerce, but where the visit of any craft larger than a fishing smack was a rare event. The flaming placards of the various shipping-lines were posted in every town in Ireland,—on the chapel-gates, and the shutters of closed shops, and the doors of tenantless houses; and there appeared to be in progress a regular breaking up of the Irish nation. This, to the English mind, was positively delightful. For here was the Irish question being settled at last, by the simple process of the transference of the Irish people to the bottom of the deep sea, or else to the continent of America—nearly the same thing as far as England was concerned, for in neither place—as it seemed to her—could they ever more trouble her peace, or have any claim on those fruits of the Irish soil which were needed for the stomachs of Englishmen. There they could no longer pester her with petitions for Tenant Right, or demands for a Repeal of the Union. English farmers, and drovers, and labourers, loyal to the English government, and yielding no sort of allegiance to the Pope, would cross the Channel and take possession of the deserted island, which would thenceforth be England's in such a sense as it never was before. O magnificent consummation! O most brilliant prospect, in the eyes of English statesmen! They saw their way clear, they understood their game; it was to lighten in no degree the pressure which they maintained upon the lives of the Irish people, to do nothing that could tend to render existence tolerable to them in Ireland, or check the rush of emigration. Acting in conformity with this shallow and false estimate of the situation, they allowed to drift away unused the time which wise statesmen would have employed in the effectuation of conciliatory and tranquilising measures, and applied themselves simply to the crushing out from the Irish mind of every hope of improved legislation, and the defeat of every effort to obtain it. Thus when the people—waking up from the stupefaction that followed on the most tragic period of the famine—began to breathe the breath of political life again, and, perceiving the danger that menaced the existence of the peasant classes, set on foot an agitation to procure a reform of the land-laws, the government resolutely opposed the project; defeated the bills which the friends of the tenantry brought into parliament; and took steps, which proved only too successful, for the break up of the organization by which the movement was conducted. And then, when Frederick Lucas was dead, and Mr. Duffy had gone into exile, and the patriot priests were debarred from taking part in politics, and Messrs. John Sadlier and William Keogh were bought over by bribes of place and pay, the government appeared to think that Irish patriotism had fought in its last ditch, and received its final defeat.

But they were mistaken. The old cause that had survived so many disasters was not dead yet. While the efforts of the Tenant Righters in Ireland were being foiled, and their party was being scattered, a couple of Irishmen, temporarily resident in Paris, fugitive because of their connexion with the events of '48, were laying the foundations of a movement more profoundly dangerous to England, than any of those with which she had grappled since the days of Wolfe Tone and Lord Edward Fitzgerald. Those men were John O'Mahony and James Stephens.

Since then their names have been much heard of, and the organization of which they were the originators has played an important part in Irish history. But at the period of which we are now writing, the general public knew nothing of O'Mahony or of Stephens beyond the fact that they were alleged to have taken some part in the recent insurrectionary demonstrations. Stephens, who was then a very young lad, had been present at the Ballingarry attack, and had been severely wounded by the fire of the police. He managed to crawl away from the spot to a ditch side, where he was lost sight of. A report of his death was put into circulation, and a loyal journal published in Kilkenny—the native town of the young rebel, who in this instance played his first trick on the government—referred to his supposed decease in terms which showed that the rule *de mortuis nil nisi bonum* found acceptance with the editor. The following are the words of the obituary notice which appeared in the *Kilkenny Moderator* on or about the 19th of August, 1848:

—

"Poor James Stephens, who followed Smith O'Brien to the field, has died of the wound which he received at Ballingarry whilst acting as aide-de-camp to the insurgent leader. Mr. Stephens was a very amiable, and apart from politics, most inoffensive young man, possessed of a great deal of talent, and we believe he was a most excellent son and brother. His untimely and melancholy fate will be much regretted by a numerous circle of friends."



It is said that his family very prudently fostered this delusion by going into mourning for the loss of young James—the suggestion of which clever ruse probably came from the dear boy himself. A short time afterwards he managed to escape, disguised as a lady's maid, to France. As one may gather from the paragraph above quoted, the family were much respected in the locality. Mr. Stephens, father of the future C.O.I.R., was clerk in the establishment of a respectable auctioneer and bookseller in Kilkenny. He gave his children a good education, and sent young James to a Catholic seminary with a view to his being taught and trained for the priesthood. But circumstances prevented the realization of this design, and before any line of business could be marked out for young Stephens, the political events above referred to took place and shaped his future career.

John O'Mahony was a different stamp of man. He belonged to the class known as gentlemen-farmers, and of that class he was one of the most respected. His family owned a considerable tract of land in the southern part of the County of Tipperary, of which they had been occupants for many generations. He was well educated, of studious habits, and thoroughly imbued with patriotic feeling, which came to him as a hereditary possession. When the Young Ireland leaders were electrifying the country by their spirited appeals to the patriotism and bravery of the Irish race, and the population in all the chief centres of intelligence were crystalizing into semi-military organizations, O'Mahony was not apathetic or inactive. One of the strongest of the Confederate clubs—which were thick sown in the contiguous districts of the Counties of Cork, Waterford, and Tipperary—was under his presidency; and when in July, 1848, the leaders of the movement scattered themselves over the country for the purpose of ascertaining the degree of support they would receive if they should decide on unfurling the green banner, his report of the state of affairs in his district was one of their most cheering encouragements.

A few days afterwards the outbreak under O'Brien occurred at Ballingarry. The failure of that attempt, and the irresolute manner in which it was conducted, had disheartened the country, but the idea of allowing the struggle to rest at that point was not universally entertained by the leaders of the clubs; and John O'Mahony was one of those who resolved that another attempt should be made to rally the people to the insurrectionary standard. He acted up to his resolution. On the night of the 12th of September there were signal-fires on the slopes of Slievenamon and the Comeragh mountains, and the district between Carrick-on-Suir and Callan was in a state of perturbation. Next day the alarm was spread in all directions. The gentry of the disturbed districts rushed into the nearest towns for protection; police from the outlying barracks were called in to reinforce the threatened stations, and troops were hastily summoned from Dublin and the neighbouring garrisons. Meanwhile parties of the insurgents began to move about. One proceeded to the police station at the Slate-quarries, and finding it deserted—the policemen having retired on Piltown—burned it to the ground. Another attempted the destruction of Grany bridge, to delay the advance of the soldiery. A third proceeded to attack the Glenbower station. The defenders of the barracks were in a rather critical position when another party of police, on their way from the Nine-Mile-House station to Carrick, came upon the spot, and the combined force speedily put their half-armed assailants to flight, with a loss to the latter of one man severely wounded and one killed. An attack was made on the barrack at Portlaw, but with a like result; two men were stricken dead by the bullets of the police. The people soon afterwards scattered to their homes, and the soldiery and police had nothing to do but hunt up for the leaders and other parties implicated in the movement. John O'Mahony narrowly escaped capture on three or four occasions. He lingered in the country, however, until after the conviction of the state prisoners at Clonmel, when it became clear to him that the cause was lost for a time; and he then took his way to Paris, whither several of his fellow outlaws, for whose arrest the government had offered large rewards, had gone before him.

In that famous centre of intellect and of intrigue, the focus of political thought, the fountain-head of great ideas, John O'Mahony and James Stephens pondered long over the defeat that had come upon the Irish cause, and in their ponderings bethought them that the reason of the failure which they deplored was to be found in the want of that quiet, earnest, secret preparation, by means of which the Continental revolutionists were able to produce from time to time such volcanic effects in European politics, and cause the most firmly-rooted dynasties to tremble for their positions. The system of secret conspiracy—that ancient system, "old as the universe, yet not outworn"—a system not unknown in Ireland from the days of the Attacots to those of the Whiteboys—the system of Sir Phelim O'Neill and of Theobald Wolfe Tone—that system, as developed, refined, and elaborated by the most subtle intellects of modern times, those two men proposed to propagate among the Irish race at home and abroad. They divided the labour between them. O'Mahony took the United States of America for his field of action, and Stephens took the Old Country.

It was in the year 1858 that the first symptoms indicative of the work to which James Stephens had set himself made their appearance in the extreme south-west of Ireland. Whispers went about that some of the young men of Kenmare, Bantry, and Skibbereen were enrolled in a secret sworn organization, and were in the habit of meeting for the purpose of training and drilling. Indeed the members of the new society took little pains to conceal its existence; they seemed rather to find a pride in the knowledge which their neighbours had of the fact, and relied for their legal safety on certain precautions adopted in the manner of their initiation as members. When informed firstly by well known nationalists in a private manner, and subsequently by public remonstrances addressed to them by Catholic clergymen and the national journals, that the government were on their track, they refused to believe it; but ere long they suffered grievously for their incredulity and want of prudence. In the early days of December, 1858, the swoop of the government was made on the members of the "Phoenix Society" in Cork and Kerry, and arrests

followed shortly after in other parts of the country. The trials in the south commenced at Tralee in March, 1859, when a conviction was obtained against a man named Daniel O'Sullivan, and he was sentenced to penal servitude for ten years. The remaining cases were adjourned to the next assizes, and when they came on in July, 1859, the prisoners put in a plea of guilty, and were set at liberty on the understanding that if their future conduct should not be satisfactory to the authorities, they would be called up for sentence. Amongst the Cork prisoners who took this course was Jeremiah O'Donovan (Rossa), whose name has since then been made familiar to the public.

Those events were generally supposed to have extinguished the Phoenix conspiracy. And many of Ireland's most sincere friends hoped that such was the case. Recognising fully the peculiar powers which a secret society can bring to bear against the government, they still felt a profound conviction that the risks, or rather the certain cost of liberty and life involved in such a mode of procedure, formed more than a counterpoise for the advantages which it presented. They were consequently earnest and emphatic in their endeavours to dissuade their countrymen from treading in the dangerous paths in which their steps were dogged by the spy and the informer. The Catholic clergy were especially zealous in their condemnation of secret revolutionary societies, urged thereto by a sense of their duty as priests and patriots. But there were men connected with the movement both in America and Ireland, who were resolved to persevere in their design of extending the organization among the Irish people, despite of any amount of opposition from any quarter whatsoever. In pursuit of that object they were not over scrupulous as to the means they employed; they did not hesitate to violate many an honourable principle, and to wrong many an honest man; nor did they exhibit a fair share of common prudence in dealing with the difficulties of their position; but unexpected circumstances arose to favour their propagandism, and it went ahead despite of all their mistakes and of every obstacle. One of those circumstances was the outbreak of the civil war in America, which took place in April, 1861. That event seemed to the leaders of the Irish revolutionary organization, now known as the Fenian Brotherhood, to be one of the most fortunate for their purposes that could have happened. It inspired the whole population of America with military ardour, it opened up a splendid school in which the Irish section of the people could acquire a knowledge of the art of war, which was exactly what was needed to give real efficacy to their endeavours for the overthrow of British dominion in Ireland. Besides, there appeared to be a strong probability that the line of action in favour of the Southern States which England, notwithstanding her proclamation of neutrality, had adopted from an early stage of the conflict, would speedily involve her in a war with the Federal government. These things constituted a prospect dazzling to the eyes of the Irishmen who had "gone with a vengeance." Their hearts bounded with joy at the opportunities that appeared to be opening on them. At last the time was near, they believed, when the accumulated hate of seven centuries would burst upon the power of England, not in the shape of an undisciplined peasantry armed with pikes, and scythes, and pitchforks, as in 1798—not in the shape of a half famished and empty-handed crowd, led to battle by orators and poets, as in 1848, but in the shape of an army, bristling with sharp steel, and flanked with thunderous cannon—an army skilled in the modern science of war, directed by true military genius, and inspired by that burning valour which in all times was one of the qualities of the Irish race. Influenced by such hopes and feelings, the Irish of the Northern States poured by thousands into the Federal ranks, and formed themselves into regiments that were at the same time so many Fenian circles. In the Southern army, too, there were many Irishmen who were not less determined to give to their native land the benefit of their military experience, as soon as the troubles of their adopted country should be brought to an end. Fenianism, with that glow of light upon it, spread like a prairie-fire through the States. The ranks of the organization swelled rapidly, and money contributions poured like a tide into its treasury. The impulse was felt also by the society in Ireland. It received a rapid development, and soon began to put on a bold front towards the government, and a still more belligerent one towards all Irishmen who, while claiming the character of patriots, declined to take part in the Fenian movement or recommend it to their countrymen. In November, 1863, the brotherhood started the *Irish People* newspaper in Dublin, for the double purpose of propagating their doctrines and increasing the revenues of the society. James Stephens was the author of this most unfortunate project. The men whom he selected for working it out were Thomas Clarke Luby, John O'Leary, and Charles Joseph Kickham.

From the date of its establishment up to the month of September, 1865—a period of nearly two years—the *Irish People* occupied itself in preaching what its editors regarded as the cardinal doctrines of the society, which were:—That constitutional agitation for the redress of Ireland's grievances was worse than useless; that every man taking part in such agitation was either a fool or a knave; that in political affairs clergymen should be held of no more account than laymen; and that the only hope for Ireland lay in an armed uprising of the people. These doctrines were not quite new; not one of them was absolutely true; but they were undoubtedly held by many thousands of Irishmen, and the Fenian society took care to secure for the journal in which they were advocated, a large circulation. The office of the *Irish People* soon came to be regarded as, what it really was, the head quarters of the Fenian organization in Ireland. To it the choice spirits of the party resorted for counsel and direction; thither the provincial organisers directed their steps whenever they visited Dublin; into it poured weekly from all parts of the country an immense mass of correspondence, which the editors, instead of destroying after it had passed through their hands, foolishly allowed to accumulate upon their shelves, though every word of it was fraught with peril to the lives and liberties of their friends. In their private residences also they were incautious enough to keep numerous documents of a most compromising character. There is but one way of accounting for their conduct in this matter. They may have supposed that

the legal proceedings against them, which they knew were certain to take place at one time or another, would be conducted in the semi-constitutional fashion which was adopted towards the national journals in 1848. If the staff of the *Irish People* had received a single day's notice that they were about to be made amenable to the law, it is possible that they would have their houses and their office immediately cleared of those documents which afterwards consigned so many of their countrymen to the horrors of penal servitude. But they saw no reason to suppose that the swoop was about to be made on them. On the fifteenth day of September, 1865, there were no perceptible indications that the authorities were any more on the alert in reference to Fenian affairs than they had been during the past twelve months. It was Friday; the *Irish People* had been printed for the next day's sale, large batches of the paper had been sent off to the agents in town and country, the editors and publishing clerks had gone home to rest after their week's labours—when suddenly, at about half-past nine o'clock in the evening, a strong force of police broke into the office, seized the books, manuscripts, papers, and forms of type, and bore them off to the Castle yard. At the same time arrests of the chief Fenian leaders were being made in various parts of the city. The news created intense excitement in all circles of society, and more especially amongst the Fenians themselves, who had never dreamed of a government *coup* so sudden, so lawless, and so effective. The government had now thrown off the mask of apathy and impassiveness which it had worn so long, and it commenced to lay its strong hand upon its foes. Amongst the men who filled the prison cells on that miserable autumn evening were John O'Leary, Thomas Clarke Luby, and Jeremiah O'Donovan (Rossa). Before the crown was ready to proceed with their trial, the third editor of the paper, Charles J. Kickham, was added to their company, having been arrested with James Stephens, Edward Duffy, and Hugh Brophy, on the 11th November, at Fairfield House, near Dublin.

On Monday, November 27th, 1865, the state trials commenced before a Special Commission in the Courthouse, Green-street—the scene of so many a previous grapple between British law and the spirit of Irish patriotism. Mr. Justice Keogh and Mr. Justice Fitzgerald were the presiding judges. There was a long list of prisoners to be tried. James Stephens might have been honoured with the first place amongst them, were it not that two days previously, to the unspeakable horror and surprise of the government and all its friends, he had effected his escape, or rather, we might say, obtained, by the aid of friendly hands, his release from Richmond prison. In his regretted absence, the crown commenced their proceedings by placing Thomas Clarke Luby in the dock to answer to a charge of treason-felony.

He stood up to the bar, between the jailors that clustered about him, a quiet-faced, pale, and somewhat sad-looking man, apparently of about forty years of age. A glance around the courthouse showed him but few friendly faces—for, owing to the terrors felt by the judges, the crown prosecutors and other officials of the law, who dreaded the desperate resolves of armed conspirators, few were admitted into the building except policemen, detectives, and servants of the crown in one capacity or another. In one of the galleries, however, he recognised his wife—daughter of J. De Jean Fraser, one of the sweetest poets of the '48 period—with the wife of his fellow-prisoner, O'Donovan Rossa, and the sister of John O'Leary. A brief smile of greeting passed between the party, and then all thoughts were concentrated on the stern business of the day.

There was no chance of escape for Thomas Clarke Luby or for his associates. The crown had a plethora of evidence against them, acquired during the months and years when they appeared to be all but totally ignorant of the existence of the conspiracy. They had the evidence of the approver, Nagle, who had been an employè of the *Irish People* office and a confidential agent of James Stephens up to the night of the arrests, but who during the previous eighteen months had been betraying every secret of theirs to the government. They had the evidence of a whole army of detectives; but more crushing and fatal than all, they had that which was supplied by the immense store of documents captured at the *Irish People* office and the houses of some of the chief members of the conspiracy. Of all those papers the most important was one found at the residence of Mr. Luby, in which James Stephens, being at the time about to visit America delegated his powers over the organization in Ireland, England, and Scotland to Thomas Clarke Luby, John O'Leary, and Charles J. Kickham. This, which was referred to during the trials as the "executive document," was worded as follows:—

"I hereby empower Thomas Clarke Luby, John O'Leary and Charles J. Kickham a committee of organization, or executive, with the same supreme control over the home organization, England, Ireland, and Scotland, as that exercised by myself. I further empower them to appoint a committee of military inspection, and a committee of appeal and judgment, the functions of which committee will be made known to every member of them. Trusting to the patriotism and abilities of the executive, I fully endorse their actions beforehand. I call on every man in our ranks to support and be guided by them in all that concerns the military brotherhood.

"J. STEPHENS."

Not all the legal ingenuity and forensic eloquence of their talented counsel, Mr. Butt, could avail to save the men who, by the preservation of such documents as the foregoing, had fastened the fetters on their own limbs. The trial of Mr. Luby concluded on the fourth day of the proceedings—Friday, December 1st 1865—with a verdict of guilty. The prisoner heard the announcement with composure, and then, in response to the question usual in such cases, addressed the court as follows:—

"Well, my lords and gentlemen, I don't think any person present here is surprised at the verdict found against me. I have been prepared for this verdict ever since I was arrested, although I thought it my duty to fight the British government inch by inch. I felt I was sure to be found guilty, since the advisers of the Crown took what the Attorney-General was pleased the other day to call the 'merciful course.' I thought I might have a fair chance of escaping, so long as the capital charge was impending over me; but when they resolved on trying me under the Treason-Felony Act, I felt that I had not the smallest chance. I am somewhat embarrassed at the present moment as to what I should say under the circumstances. There are a great many things that I would wish to say; but knowing that there are other persons in the same situation with myself, and that I might allow myself to say something injudicious, which would peril their cases, I feel that my tongue is to a great degree tied. Notwithstanding, there are two or three points upon which I would say a few words. I have nothing to say to Judge Keogh's charge to the jury. He did not take up any of the topics that had been introduced to prejudice the case against me; for instance, he did not take this accusation of an intention to assassinate, attributed to my fellow-prisoners and myself. The Solicitor-General in his reply to Mr. Butt, referred to those topics. Mr. Barry was the first person who advanced those charges. I thought they were partially given up by the Attorney-General in his opening statement, at least they were put forward to you in a very modified form; but the learned Solicitor-General, in his very virulent speech, put forward those charges in a most aggravated manner. He sought even to exaggerate upon Mr. Barry's original statement. Now, with respect to those charges—in justice to my character—I must say that in this court, there is not a man more incapable of anything like massacre or assassination than I am. I really believe that the gentlemen who have shown so much ability in persecuting me, in the bottom of their hearts believe me incapable of an act of assassination or massacre. I don't see that there is the smallest amount of evidence to show that I ever entertained the notion of a massacre of landlords and priests. I forget whether the advisers of the crown said I intended the massacre of the Protestant clergymen. Some of the writers of our enlightened press said that I did. Now, with respect to the charge of assassinating the landlords, the only thing that gives even the shadow of a colour to that charge is the letter signed—alleged to be signed—by Mr. O'Keefe. Now, assuming—but by no means admitting, of course—that the letter was written by Mr. O'Keefe, let me make a statement about it. I know the facts that I am about to state are of no practical utility to me now, at least with respect to the judges. I know it is of no practical utility to me, because I cannot give evidence on my own behalf, but it may be of practical utility to others with whom I wish to stand well. I believe my words will carry conviction—and carry much more conviction than any words of the legal advisers of the crown can—to more than 300,000 of the Irish race in Ireland, England, and America. Well, I deny absolutely, that I ever entertained any idea of assassinating the landlords, and the letter of Mr. O'Keefe—assuming it to be his letter—is the only evidence on the subject. My acquaintance with Mr. O'Keefe was of the slightest nature. I did not even know of his existence when the *Irish People* was started. He came, after that paper was established a few months, to the office, and offered some articles—some were rejected, some we inserted, and I call the attention of the legal advisers of the Crown to this fact, that amongst the papers which they got, those that were Mr. O'Keefe's articles had many paragraphs scored out; in fact we put in no article of his without a great deal of what is technically called 'cutting down.' Now, that letter of his to me was simply a private document. It contained the mere private views of the writer; and I pledge this to the court as a man of honour—and I believe in spite of the position in which I stand, amongst my countrymen I am believed to be a man of honour, and that if my life depended on it, I would not speak falsely about the thing—when I read that letter, and the first to whom I gave it was my wife, I remember we read it with fits of laughter at its ridiculous ideas. My wife at the moment said—'Had I not better burn the letter?' 'Oh no,' I said, looking upon it as a most ridiculous thing, and never dreaming for a moment that such a document would ever turn up against me, and produce the unpleasant consequences it has produced—mean the imputation of assassination and massacre, which has given me a great deal more trouble than anything else in this case. That disposes—as far as I can at present dispose of it—of the charge of wishing to assassinate the landlords. As to the charge of desiring to assassinate the priests, I deny it as being the most monstrous thing in the world. Why, surely, every one who read the articles in the paper would see that the plain doctrine laid down there was—to reverence the priests so long as they confined themselves to their sacerdotal functions; but when the priest descended to the arena of politics he became no more than any other man, and would just be regarded as any other man. If he was a man of ability and honesty, of course he would get the respect that such men get in politics—if he was not a man of ability there would be no more thought of him than of a shoemaker or any one else. This is the teaching of the *Irish People* with regard to the priests. I believe the *Irish People* has done a great deal of good, even amongst those who do not believe in its revolutionary doctrines. I believe the revolutionary doctrines of the *Irish People* are good. I believe nothing

can ever save Ireland except independence; and I believe that all other attempts to ameliorate the condition of Ireland are mere temporary expedients and make shifts——"

Mr. Justice Keogh—"I am very reluctant to interrupt you, Mr. Luby."

Mr. Luby—"Very well, my lord, I will leave that. I believe in this way the *Irish People* has done an immensity of good. It taught the people not to give up their right of private judgment in temporal matters to the clergy; that while they revered the clergy upon the altar, they should not give up their consciences in secular matters to the clergy. I believe that is good. Others may differ from me. No set of men I believe ever set themselves earnestly to any work, but they did good in some shape or form."

Judge Keogh—"I am most reluctant, Mr. Luby, to interrupt you, but do you think you should pursue this!"

Mr. Luby—"Very well, I will not. I think that disposes of those things. I don't care to say much about myself. It would be rather beneath me. Perhaps some persons who know me would say I should not have touched upon the assassination charge at all—that in fact I have rather shown weakness in attaching so much importance to it. But, with regard to the entire course of my life, and whether it be a mistaken course or not will be for every man's individual judgment to decide—this I know, that no man ever loved Ireland more than I have done—no man has ever given up his whole being to Ireland to the extent I have done. From the time I came to what has been called the years of discretion, my entire thought has been devoted to Ireland. I believed the course I pursued was right; others may take a different view. I believe the majority of my countrymen this minute, if, instead of my being tried before a petty jury, who, I suppose, are bound to find according to British law—if my guilt or innocence was to be tried by the higher standard of eternal right, and the case was put to all my countrymen—I believe this moment the majority of my countrymen would pronounce that I am not a criminal, but that I have deserved well of my country. When the proceedings of this trial go forth into the world, people will say the cause of Ireland is not to be despaired of, that Ireland is not yet a lost country—that as long as there are men in any country prepared to expose themselves to every difficulty and danger in its service, prepared to brave captivity, even death itself if need be, that country cannot be lost. With these words I conclude."

On the conclusion of this address, Judge Keogh proceeded to pass sentence on the prisoner. The prisoner's speech, he said, was in every way creditable to him; but the bench could not avoid coming to the conclusion that, with the exception of James Stephens, he was the person most deeply implicated in the conspiracy. The sentence of the court was that he be kept in penal servitude for a term of twenty years. Mr. Luby heard the words without any apparent emotion—gave one sad farewell glance to his wife and friends, and stepping down the little stairs from the dock, made way for the next prisoner.

---

## JOHN O'LEARY.

While the jury in the case of Thomas Clarke Luby were absent from the court deliberating on and framing their verdict, John O'Leary was put forward to the bar.

He stepped boldly to the front, with a flash of fire in his dark eyes, and a scowl on his features, looking hatred and defiance on judges, lawyers, jurymen, and all the rest of them. All eyes were fixed on him, for he was one of those persons whose exterior attracts attention and indicates a character above the common. He was tall, slightly built, and of gentlemanly deportment; every feature of his thin angular face gave token of great intellectual energy and determination, and its pallid hue was rendered almost death-like by contrast with his long black hair and flowing moustache and beard. Easy it was to see that when the government placed John O'Leary in the dock they had caged a proud spirit, and an able and resolute enemy. He had come of a patriot stock, and from a part of Ireland where rebels to English rule were never either few or faint-hearted. He was born in the town of Tipperary, of parents whose circumstances were comfortable, and who, at the time of their decease, left him in possession of property worth a couple of hundred pounds per annum. He was educated for the medical profession in the Queen's College, Cork, spent some time in France, and subsequently visited America, where he made the acquaintance of the chief organisers of the Fenian movement, by whom he was regarded as a most valuable acquisition to the ranks of the brotherhood. After his return to Ireland he continued to render the Fenian cause such services as lay in his power, and when James Stephens, who knew his courage and ability, invited him to take the post of chief editor of the Fenian organ which he was about to establish in Dublin, O'Leary readily obeyed the call, and accepted the dangerous position. In the columns of the *Irish People* he laboured hard to defend and extend the principles of the Fenian organization until the date of his arrest and the suppression of the paper.

The trial lasted from Friday, the 1st, up to Wednesday, the 6th of December, when it was closed with a verdict of guilty and a sentence of twenty years' penal servitude—Mr. Justice Fitzgerald

remarking that no distinction in the degree of criminality could be discovered between the case of the prisoner and that of the previous convict. The following is the address delivered by O'Leary, who appeared to labour under much excitement, when asked in the usual terms if he had any reason to show why sentence should not be passed upon him:—

"I was not wholly unprepared for this verdict, because I felt that the government which could so safely pack the bench could not fail to make sure of its verdict."

Mr. Justice Fitzgerald—"We are willing to hear anything in reason from you, but we cannot allow language of that kind to be used."

Mr. O'Leary—"My friend Mr. Luby did not wish to touch on this matter from a natural fear lest he should do any harm to the other political prisoners; but there can be but little fear of that now, for a jury has been found to convict me of this conspiracy upon the evidence. Mr. Luby admitted that he was technically guilty according to British law; but I say that it is only by the most torturing interpretation that these men could make out their case against me. With reference to this conspiracy there has been much misapprehension in Ireland, and serious misapprehension. Mr. Justice Keogh said in his charge against Mr. Luby that men would be always found ready for money, or for some other motive, to place themselves at the disposal of the government; but I think the men who have been generally bought in this way, and who certainly made the best of the bargain, were agitators and not rebels. I have to say one word in reference to the foul charge upon which that miserable man, Barry, has made me responsible."

Mr. Justice Fitzgerald—"We cannot allow that tone of observation."

Mr. O'Leary continued—"That man has charged me—I need not defend myself or my friends from the charge. I shall merely denounce the moral assassin. Mr. Justice Keogh the other day spoke of revolutions, and administered a lecture to Mr. Luby. He spoke of cattle being driven away, and of houses being burned down, that men would be killed, and so on. I would like to know if all that does not apply to war as well as to revolution? One word more, and I shall have done. I have been found guilty of treason or treason-felony. Treason is a foul crime. The poet Dante consigned traitors to, I believe, the ninth circle of hell; but what kind of traitors? Traitors against king, against country, against friends and benefactors. England is not my country; I have betrayed no friend, no benefactor. Sidney and Emmet were legal traitors, Jeffreys was a loyal man, and so was Norbury. I leave the matter there."

One hour after the utterance of these words John O'Leary, dressed in convict garb, his hair clipped, and his beard shaved off, was the occupant of a cell in Mountjoy prison, commencing his long term of suffering in expiation of the crime of having sought to obtain self-government for his native land.

---

## JEREMIAH O'DONOVAN (ROSSA).

In one of the preceding pages we have mentioned the fact that at the Cork Summer Assizes of 1859, a conviction was recorded against Jeremiah O'Donovan (Rossa) for his complicity in the Phoenix conspiracy, and he was then released on the understanding that if he should be found engaging in similar practices, the crown would bring him up for judgment. It is characteristic of the man that with this conviction hanging like a mill-stone about his neck, he did not hesitate to take an active and an open part with the promoters of the Fenian movement. He travelled through various parts of Ireland in furtherance of the objects of the society; he visited America on the same mission, and when the *Irish People* was started he took the position of business manager in that foredoomed establishment.

He was brought into the dock immediately after John O'Leary had been taken from it; but on representing that certain documents which he had not then at hand were necessary for his defence, he obtained a postponement of his trial for a few days. When he was again brought up for trial he intimated to the court that he meant to conduct his own defence. And he entered upon it immediately. He cross-examined the informers in fierce fashion, he badgered the detectives, he questioned the police, he debated with the crown lawyers, he argued with the judges, he fought with the crown side all round. But it was when the last of the witnesses had gone off the table that he set to the work in good earnest. He took up the various publications that had been put in evidence against him, and claimed his legal right to read them all through. One of them was the file of the *Irish People* for the whole term of its existence! Horror sat upon the faces of judges, jurymen, sheriffs, lawyers, turnkeys, and all, when the prisoner gravely informed them that as a compromise he would not insist upon reading the advertisements! The bench were unable to deny that the prisoner was entitled to read, if not the entire, at any rate a great portion of the volume, and O'Donovan then applied himself to the task, selecting his readings more especially from those articles in which the political career of Mr. Justice Keogh was made the subject of animadversion. Right on he read, his lordship striving to look as composed and indifferent as possible, while every word of the bitter satire and fierce invective written against him by Luby and O'Leary was being launched at his heart. When articles of that class were exhausted, the prisoner turned to the most treasonable and seditious documents he could find, and commenced

the reading of them, but the judges interposed; he claimed to be allowed to read a certain article—Judge Keogh objected—he proposed to read another—that was objected to also—he commenced to read another—he was stopped—he tried another—again Judge Keogh was down on him—then another—and he fared no better. So the fight went on throughout the live-long day, till the usual hour of adjournment had come and gone, and the prisoner himself was feeling parched, and weary, and exhausted. Observing that the lights were being now renewed, and that their lordships appeared satisfied to sit out the night, he anxiously inquired if the proceedings were not to be adjourned till morning. "Proceed, sir," was the stern reply of the judge, who knew that the physical powers of the prisoner could not hold out much longer. "A regular Norbury," gasped O'Donovan. "It's like a '98 trial." "You had better proceed, sir, with propriety," exclaimed the judge. "When do you propose stopping, my lord?" again inquired the prisoner. "Proceed, sir," was the reiterated reply. O'Donovan could stand it no longer. He had been reading and speaking for eight hours and a half. With one final protest against the arrangement by which Judge Keogh was sent to try the cases of men who had written and published such articles against him, he sat down, exclaiming that, "English law might now take its course."

Next day the jury handed down their verdict of guilty. The Attorney-General then addressed the court, and referred to the previous conviction against the prisoner. O'Donovan was asked, what he had to say in reference to that part of the case? and his reply was that "the government might add as much as they pleased to the term of his sentence on that account, if it was any satisfaction to them." And when the like question was put to him regarding the present charge, he said:—

"With the fact that the government seized papers connected with my defence and examined them—with the fact that they packed the jury—with the fact that the government stated they would convict—with the fact that they sent Judge Keogh, a second Morbury, to try me—with these facts before me, it would be useless to say anything."

Judge Keogh proceeded to pass sentence. "The prisoner," he said, "had entertained those criminal designs since the year 1859;" whereupon O'Donovan broke in with the remark that he was "an Irishman since he was born." The judge said, "he would not waste words by trying to bring him to a sense of his guilt;" O'Donovan's reply was—"It would be useless for you to try it." The judge told him his sentence was, that he be kept in penal servitude for the term of his natural life. "All right, my lord," exclaimed the unconquerable rebel, and with a smile to the sympathising group around him, he walked with a light step from the dock.

The court was then adjourned to the 5th of January. 1866; and next day the judges set off for Cork city, to dispose of the Fenian prisoners there awaiting trial.

---

## **BRYAN DILLON, JOHN LYNCH, AND OTHERS.**

On Wednesday, December 16th, the trial of O'Donovan (Rossa) was brought to a conclusion in Dublin. Next morning, away went judges, crown lawyers, spies, detectives, and informers for the good city of Cork, where another batch of men accused of conspiring against British rule in Ireland—"the old crime of their race"—were awaiting the pronouncement of British law upon their several cases. Cork city in these days was known to be one of the *foci* of disaffection; perhaps it was its chief stronghold. The Metropolis may have given an absolutely larger number of members to the Fenian organization, but in proportion to the number of its population the Southern city was far more deeply involved in the movement. In Dublin, the seat of British rule in Ireland, many influences which are but faintly represented in other parts of the country, are present and active to repress the national ardour of the people. Those influences are scarcely felt in the city of Saint Finbar. Not in Ireland is there a town in which the national sentiment is stronger or more widely diffused than in Cork. The citizens are a warm-hearted, quick-witted and high-spirited race, gifted with fine moral qualities, and profoundly attached to the national faith in religion and politics. Merchants, traders, professional men, shopkeepers, artisans, and all, are comparatively free from the spells of Dublin Castle, and the result is visible in their conduct. The crown looks dubiously and anxiously upon a Cork jury; the patriot, when any work for Ireland is in hand, looks hopefully to the Cork people. The leaders of the Fenian movement thoroughly understood these facts, and devoted much of their time and attention to the propagation of their society among men so well inclined to welcome it. Their labours, if labours they could be called, were rewarded with a great measure of success. The young men of Cork turned into the organization by hundreds. There was no denying the fact; every one knew it; evidences of it were to be seen on all sides. The hope that was filling their hearts revealed itself in a thousand ways: in their marchings, their meetings, their songs, their music. The loyal party in the neighbourhood grew alarmed, and the government shared their apprehensions. At the time of which we write, the opinion of the local magistracy and that of the authorities at Dublin Castle was that Cork was a full-charged mine of "treason."

Thither was the Commission now sped, to carry terror, if the "strong arm of the law" could do it, into the hearts of those conspirators "against the royal name, style, and dignity" of her Majesty Queen Victoria. As no one in the Castle could say to what desperate expedients those people might have recourse, it was thought advisable to take extraordinary precautions to ensure the safety of the train which carried those important personages, her Majesty's judges, lawyers, witnesses and informers, through the Munster counties and on to the city by the Lee. "Never before" writes the special correspondent of the *Nation*, "had such a sight been witnessed on an

Irish railway as that presented on Thursday along the line between Dublin and Cork. Armed sentries paced each mile of the railway; the platforms of the various stations through which the trains passed were lined with bodies of constabulary, and the bridges and viaducts on the way were guarded by a force of military, whose crimson coats and bright accoutrements stood out in bold relief from the dark ground on which they were stationed, against the grey December sky. As a further measure of precaution a pilot engine steamed in advance of the train in which their lordships sat, one carriage of which was filled with armed police. And so, in some such manner as Grant or Sheridan might have journeyed along the Petersburg and Lynchburg railway while the flag of the Confederacy floated in Richmond, the two judges travelled down in safety to the headquarters of Fenianism in Munster."

Immediately on their arrival in Cork, the judges proceeded to the court-house and formally opened the business of the Commission. Next day Charles Underwood O'Connell and John M'Afferty were placed in the dock. These two men belonged to a class which formed the hope of the Fenian organization, and which the government regarded as one of the most dangerous elements of the conspiracy. They were Irish-American soldiers, trained to war, and inured to the hardships of campaigning in the great struggle which had but recently closed in America. They were a sample of the thousands of Irishmen who had acquired in that practical school the military knowledge which they knew was needed for the efficient direction of an insurrectionary movement in Ireland, and, who were now burning for the time and opportunity to turn that knowledge to account. It was known that many of these men were, as quietly and secretly as might be, dropping into Queenstown as steamer after steamer arrived from the Land of the West, and were moving about through the Southern counties, inspiring the hearts of the Brotherhood by their presence and their promises, and imparting to them as much military instruction as was possible under the circumstances. To hunt down these "foreign emissaries" as the crown lawyers and the loyal prints were pleased to call them, and to deter others from following in their footsteps, was naturally a great object with the government, and when they placed Charles Underwood O'Connell and John M'Afferty in the dock they felt they had made a good beginning. And these were representative men in their way. "It was a strange fate," says the writer from whom we have already quoted, "which had brought these men together in a felon's dock. They had been born in different lands—they had been reared thousands of miles apart—and they had fought and won distinction under different flags, and on opposing sides in the American war. M'Afferty, born of Irish parents in Ohio, won his spurs in the Confederate army. O'Connell, who emigrated from Cork little more than two years ago, after the ruin of his family by a cruel act of confiscation and eviction, fought under the Stars and Stripes, and, like M'Afferty, obtained a captain's commission as the reward of his services. Had they crossed each others path two years ago they would probably have fought *a la mort*, but the old traditions which linger in spite of every circumstance in the hearts of Irishmen were strong in both, and the cause of Ireland united them, only alas, that they might each of them pay the cost of their honest, if imprudent enthusiasm, by sharing the same prison in Ireland, and falling within the grasp of the government which they looked on as the oppressor of their fatherland."

M'Afferty however was not fated to suffer on that occasion. Proof of his foreign birth having been adduced, the court held that his arrest on board the steamer in Queenstown harbour, when he had committed no overt act evidencing a treasonable intent, was illegal, and his trial was abandoned. The trial of Underwood O'Connell was then postponed for a few days, and two men reputed to be "centres" of the organization in Cork, were brought to the bar.

They were Bryan Dillon and John Lynch. Physically, they presented a contrast to the firm-built and wiry soldiers who had just quitted the dock. Dillon was afflicted with curvature of the spine, the result of an accident in early life, and his companion was far gone in that blighting and fatal disease, consumption. But though they were not men for the toils of campaigning, for the mountain march, and the bivouac, and the thundering charge of battle, they had hearts full of enthusiasm for the cause in which they were engaged, and heads that could think, and plot, and plan, for its advancement.

We need not here go through the sad details of their trials. Our purpose is to bring before our readers the courage and the constancy of the martyrs to the cause of Irish nationality, and to record the words in which they gave expression to the patriotic sentiments that inspired them. It is, however, to be recollected that many of the accused at these commissions—men as earnest, as honest, and as devoted to the cause of their country as any that ever lived—made no such addresses from the dock as we can include in this volume. All men are not orators, and it will often occur that one who has been tried for life and liberty in a British court of law, on the evidence of spies and informers, will have much to press upon his mind, and many things more directly relevant to the trial than any profession of political faith would be, to say when called upon to show reason why sentence should not be passed upon him. The evidence adduced in these cases is usually a compound of truth and falsehood. Some of the untruths sworn to are simply blunders, resulting from the confused impressions and the defective memory of the witnesses, others are deliberate inventions, made, sworn to, backed up, and persevered in for the purpose of insuring a successful result for the prosecution. Naturally the first impulse of the accused, when he is allowed to speak for himself, is to refer to these murderous falsehoods; and in the excitement and trouble of those critical moments, it is all that some men can venture to do. Such criticisms of the prosecution are often valuable to the prisoner from a moral point of view, but rarely have they any influence upon the result of the trial. All things considered, it must be allowed that they act best who do not forget to speak the words of patriotism, according to the measure of their abilities, before the judge's fiat has sealed their lips, and the hand of British law



has swept them away to the dungeon or the scaffold.

"Guilty" was the verdict returned by the jury against Bryan Dillon and John Lynch. The evidence against them indeed was strong, but its chief strength lay in the swearing of an approver named Warner, a callous and unscrupulous wretch, from whose mind the idea of conscience seemed to have perished utterly. If there was any check upon the testimony of this depraved creature, it existed only in some prudential instinct, suggesting to him that even in such cases as these a witness might possibly overdo his work, and perhaps in a caution or two given him in a private and confidential manner by some of the managers of the prosecution. Warner's evidence in this case was conclusive to the minds of all who chose to believe it; and therefore it was that those prisoners had not long been occupants of the dock when the question was put to them what they had to say why sentence should not be passed on them. In reply Bryan Dillon said:—

"My lords, I never was for one minute in Warner's company. What Warner swore about me was totally untrue. I never was at a meeting at Geary's house. The existence of the Fenian organization has been proved sufficiently to your lordships. I was a centre in that organization; but it does not follow that I had to take the chair at any meeting, as it was a military organization. I do not want to conceal anything. Warner had no connexion with me whatever. With respect to the observation of the Attorney-General, which pained me very much, that it was intended to seize property, it does not follow because of my social station that I intended to seize the property of others. My belief in the ultimate independence of Ireland is as fixed as my religious belief—"

At this point he was interrupted by Judge Keogh, who declared he could not listen to words that were, in fact, a repetition of the prisoner's offence. But it was only words of this kind that Bryan Dillon cared to say at the time; and as the privilege of offering some remarks in defence of his political opinions—a privilege accorded to all prisoners in trials for treason and treason-felony up to that time—had been denied to him, he chose to say no more. And then the judge pronounced the penalty of his offending, which was, penal servitude for a term of ten years.

John Lynch's turn to speak came next. Interrogated in the usual form, he stood forward, raised his feeble frame to its full height, and with a proud, grave smile upon his pallid features, he thus addressed the court:—

"I will say a very few words, my lords. I know it would be only a waste of public time if I entered into any explanations of my political opinions—opinions which I know are shared by the vast majority of my fellow-countrymen. Standing here as I do will be to them the surest proof of my sincerity and honesty. With reference to the statement of Warner, all I have to say is, and I say it honestly and solemnly, that I never attended a meeting at Geary's, that I never exercised with a rifle there, that I never learned the use of the rifle, nor did any of the other things he swore to. With respect to my opinions on British rule in this country—"

Mr. Justice Keogh—"We can't hear that."

The Prisoner—"All I have to say is, that I was not at Geary's house for four or five months before my arrest, so that Warner's statement is untrue. If, having served my country honestly and sincerely be treason, I am not ashamed of it. I am now prepared to receive any punishment British law can inflict on me."

The punishment decreed to this pure-minded and brave-spirited patriot was ten years of penal servitude. But to him it was practically a sentence of death. The rigours and horrors of prison life were more than his failing constitution could long endure; and but a few months from the date of his conviction elapsed when his countrymen were pained by the intelligence that the faithful-hearted John Lynch filled a nameless grave in an English prison-yard. He died in the hospital of Woking prison on the 2nd day of June, 1866.

When Bryan Dillon and John Lynch were removed from the dock (Tuesday, December 19th), two men named Jeremiah Donovan and John Duggan were put forward, the former charged with having been a centre in the Fenian organization, and the latter with having sworn some soldiers into the society. Both were found guilty. Donovan made no remarks when called upon for what he had to say. Duggan contradicted the evidence of the witnesses on several points, and said:—

"I do not state those things in order to change the sentence I am about to receive. I know your lordships' minds are made up on that. I state this merely to show what kind of tools the British government employ to procure those convictions. I have only to say, and I appeal to any intelligent man for his opinion, that the manner in which the jury list was made out for these trials clearly shows that in this country political trials are a mere mockery."

At this point the judge cut short the prisoner's address, and the two men were sentenced, Donovan to five years and Duggan to ten years of penal servitude.

The trial of Underwood O'Connell was then proceeded with. It concluded on December 21st, with a verdict of guilty. In response to the question which was then addressed to him he spoke at considerable length, detailing the manner of his arrest, complaining of the horrible indignities to which he had been subjected in prison, and asserting that he had not received a fair and impartial trial. He spoke amidst a running fire of interruptions from the court, and when he came

to refer to his political opinions his discourse was peremptorily suppressed. "The sentiments and hopes that animate me," he said, "are well known." "Really we will not hear those observations," interposed Mr. Justice Keogh. "It has been brought forward here," said the prisoner, "that I held a commission in the 99th regiment—in Colonel O'Mahony's regiment. Proud as I am of having held a commission in the United States service, I am equally proud of holding command under a man—." Here his speech was stopped by the judges, and Mr. Justice Keogh proceeded to pass sentence. In the course of his address his lordship made the following observations:—

"You, it appears, went to America; you entered yourself in the American army, thus violating, to a certain extent, your allegiance as a British subject. But that is not the offence you are charged with here to-day. You say you swore allegiance to the American Republic, but no man by so doing can relieve himself from his allegiance to the British Crown. From the moment a man is born in this country he owes allegiance, he is a subject."

Hearing these words, and remembering the great outcry that was being made by the friends of the government against the Irish-American Fenians on the ground that they were "foreigners," the prisoner interposed the apt remark on his lordship's legal theory:—

"If that is so, why am I charged with bringing over foreigners—John O'Mahony is no foreigner?"

To that remark Judge Keogh did not choose to make any reply. It overturned him completely. Nothing could better exhibit the absurdity of railing against those Irishmen as "foreigners" in one breath, and in the next declaring their allegiance to the British Crown perpetual and inalienable. His lordship may have winced as the point was so quickly and neatly brought home to him; but at all events he went on with his address and informed the prisoner that his punishment was to be ten years of penal servitude. Upon which, the comment of the prisoner as he quitted the dock, was that he hoped there would be an exchange of prisoners before that time.

In quick succession four men named Casey, Began, Hayes, and Barry, were tried, convicted, and sentenced. Each in turn impugned the evidence of the informer Warner, protested against the constitution of the juries, and attempted to say a few words declaratory of their devotion to the cause of Ireland. But the judges were quick to suppress every attempt of this kind, and only a few fragments of sentences are on record to indicate the thoughts to which these soldiers of liberty would have given expression if the opportunity had not been denied to them.

John Kennealy was the next occupant of the dock. He was a young man of high personal character, and of great intelligence, and was a most useful member of the organization, his calling—that of commercial traveller—enabling him to act as agent and missionary of the Society without attracting to himself the suspicion which would be aroused by the movements of other men. In his case also the verdict was given in the one fatal word. And when asked what he had to say for himself, his reply was in these few forcible and dignified sentences:—

"My lord, it is scarcely necessary for me to say anything. I am sure from the charge of your lordship, the jury could find no other verdict than has been found. The verdict against me has been found by the means by which political convictions have always been found in this country. As to the informer, Warner, I have only to say that directly or indirectly I never was in the same room with him, nor had he any means of knowing my political opinions. As to my connexion with Mr. Luby, I am proud of that connexion. I neither regret it, nor anything else I have done, politically or otherwise."

On the conclusion of this trial, on Saturday, January 2nd, 1866, two other cases were postponed without option of bail; some other persons were allowed to stand out on sureties, and we read that "John McAfferty and William Mackay, being aliens, were admitted to bail on their own recognizance, and Judge Keogh said that if they left the country they would not be required up for trial when called." We read also, in the newspapers of that time, that "The prisoners McAfferty and Mackay when leaving the courts were followed by large crowds who cheered them loudly through the streets."

The Cork Commission was then formally closed, and next day the judges set off to resume in Dublin the work of trying Irish conspirators against the rule of England over their native land.

---

## CHARLES JOSEPH KICKHAM.

In the year 1825, in the village of Mullinahone, County. Tipperary, Charles J. Kickham first saw the light. His father, John Kickham, was proprietor of the chief drapery establishment in that place, and was held in high esteem by the whole country round about for his integrity, intelligence, and patriotic spirit. During the boyhood of young Kickham the Repeal agitation was at its height, and he soon became thoroughly versed in its arguments, and inspired by its principles, which he often heard discussed in his father's shop and by his hearth, and amongst all his friends and acquaintances. Like all the young people of the time, and a great many of the old ones, his sympathies went with the Young Ireland party at the time of their withdrawal from the Repeal ranks. In 1848 he was the leading spirit of the Confederation Club at Mullinahone, which he was mainly instrumental in founding; and after the *fiasco* at Ballinacorney he was obliged to

conceal himself for some time, in consequence of the part he had taken in rousing the people of his native village to action. When the excitement of that period had subsided, he again appeared in his father's house, resumed his accustomed sports of fishing and fowling, and devoted much of his time to literary pursuits, for which he had great natural capacity, and towards which he was all the more inclined because of the blight put upon his social powers by an unfortunate accident which occurred to him when about the age of thirteen years. He had brought a flask of powder near the fire, and was engaged either in the operation of drying it or casting some grains into the coals for amusement, when the whole quantity exploded. The shock and the injuries he sustained nearly proved fatal to him; when he recovered, it was with his hearing nearly quite destroyed, and his sight permanently impaired. But Kickham had the poet's soul within him, and it was his compensation for the losses he had sustained. He could still hold communion with nature and with his own mind, and could give to the national cause the service of a bold heart and a finely-cultivated intellect. Subsequent to the decadence of the '48 movement he wrote a good deal in prose and verse, and contributed gratuitously to various national publications. His intimate acquaintance with the character and habits of the peasantry gave a great charm to his stories and sketches of rural life; and his poems were always marked by grace, simplicity, and tenderness. Many of them have attained a large degree of popularity amongst his countrymen in Ireland and elsewhere, and taken a permanent place in the poetic literature of the Irish race. Amongst these, his ballads entitled "Patrick Sheehan," "Rory of the Hill," and "The Irish Peasant Girl" are deserving of special mention. To these remarks it remains to be added that as regards personal character, Charles J. Kickham was one of the most amiable of men. He was generous and kindly by nature, and was a pious member of the Catholic Church, to which his family had given priests and nuns.

Such was the man whom the myrmidons of the law placed in the dock of Green-street court-house, when on January 5th, 1866, after the return of the judges from Cork, the Commission was re-opened in Dublin. His appearance was somewhat peculiar. He was a tall, strong, rough-bearded man, with that strained expression of face which is often worn by people of dim sight. Around his neck he wore an india-rubber tube, or ear trumpet, through which any words that were necessary to be addressed to him were shouted into his ear by some of his friends, or by his solicitor. His trial did not occupy much time, for on the refusal of the crown lawyers and judges to produce the convict Thomas Clarke Luby, whom he conceived to be a material witness for his defence, he directed his lawyers to abandon the case, and contented himself with reading to the court some remarks on the evidence which had been offered against him. The chief feature in this address was his denial of all knowledge of the "executive document." He had never seen or heard of it until it turned up in connexion with those trials. Referring to one of the articles with the authorship of which he was charged, he said he wondered how any Irishman, taking into consideration what had occurred in Ireland during the last eighty-four years, could hesitate to say to the enemy—"Give us our country to ourselves and let us see what we can do with it." Alluding to a report that the government contemplated making some concession to the claims of the Catholic bishops, he remarked that concessions to Ireland had always been a result of Fenianism in one shape or another, and that he believed the present manifestation of the national spirit would have weight, as former ones had, with the rulers of the country. As regards the landed class in Ireland, the *Irish People*, he contended, had said nothing more than was said by Thomas Davis, whose works every one admired. That eminent Irishman, afflicted and stung to the heart by witnessing the system of depopulation which was going on throughout the country, had written these words:—

"God of Justice, I sighed, send your Spirit  
down  
On those lords so cruel and proud,  
And soften their hearts, and relax their frown,  
Or else, I cried aloud,  
Vouchsafe Thy strength to the peasant's hand  
To drive them at length from out the land."

He had not gone farther than the writer of these lines, and now, he said, they might send him to a felon's doom if they liked.

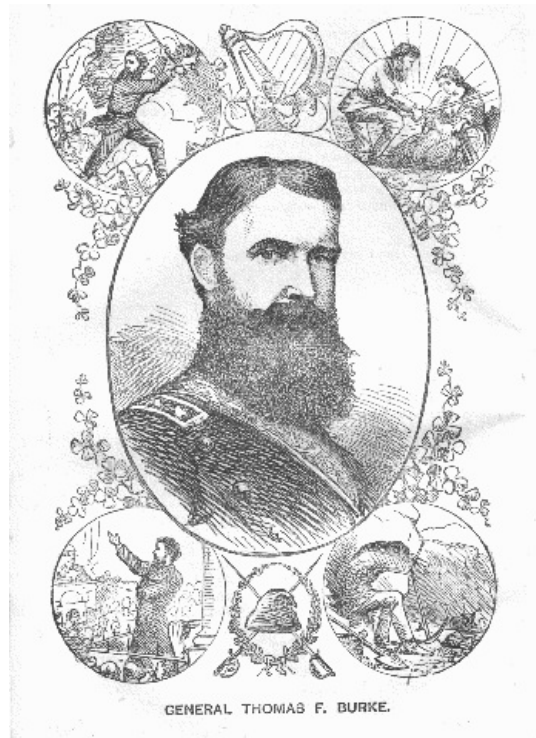
And they did send him to it. Judge Keogh, before passing sentence, asked him if he had any further remarks to make in reference to his case. Mr. Kickham briefly replied:—

"I believe, my lords, I have said enough already. I will only add that I am convicted for doing nothing but my duty. I have endeavoured to serve Ireland, and now I am prepared to suffer for Ireland."

Then the judge, with many expressions of sympathy for the prisoner, and many compliments in reference to his intellectual attainments, sentenced him to be kept in penal servitude for fourteen years. His solicitor, Mr. John Lawless, announced the fact to him through his ear trumpet. Charles J. Kickham bowed to the judges, and with an expression of perfect tranquility on his features, went into captivity.

---

**GENERAL THOMAS F. BURKE.**



The year of grace, 1867, dawned upon a cloudy and troublous period in Irish politics. There was danger brewing throughout the land; under the crust of society the long confined lava of Fenianism effervesced and glowed. There were strange rumours in the air; strange sounds were heard at the death of night on the hill-sides and in the meadows; and through the dim moonlight masses of men were seen in secluded spots moving in regular bodies and practising military evolutions. From castle and mansion and country seat the spectre of alarm glided to and fro, whispering with bloodless lips of coming convulsions and slaughter, of the opening of the crater of revolution, and of a war against property and class. Symptoms of danger were everywhere seen and felt; the spirit of disaffection had not been crushed; it rode on the night wind and glistened against the rising sun; it filled rath and fort and crumbling ruin with mysterious sounds; it was seen in the brightening eyes and the bold demeanour of the peasantry; in the signals passing amongst the people; in their secret gatherings and closely guarded conclaves. For years and years Fenianism had been threatening, boasting, and promising, and now the fury of the storm, long pent-up, was about to burst forth over the land—the hour for action was at hand.

Between the conviction of Luby, O'Leary, and Kickham, and the period at which we are now arrived, many changes of importance had taken place in the Fenian organization. In America, the society had been revolutionized—it had found new leaders, new principles, new plans of action; it had passed through the ordeal of war, and held its ground amidst flashing swords and the smoke of battle; it had survived the shocks of division, disappointment, and failure; treachery, incapacity and open hostility had failed to shatter it; and it grew apace in strength, influence, and resources. At home Fenianism, while losing little in numerical strength, had declined in effectiveness, in prestige, in discipline, and in organization. Its leaders had been swept into the prisons, and though men perhaps as resolute stepped forward to fill the vacant places, there was a loss in point of capacity and intelligence, and to the keen observer it became apparent that the Fenian Society in Ireland had attained to the zenith of its power on the day that the *Irish People* office was sacked by the police. Never again did the prospects of Fenianism, whatever they might then have been, look equally bright; and when the brotherhood at length sprang to action, they fought with a sword already broken to the hilt, and under circumstances the most ominous and inauspicious.

The recent history of the Fenian movement is so thoroughly understood that anything like a detailed account of its changes and progress is, in these pages, unnecessary. We shall only say that when James Stephens arrived in America in May, 1866, after escaping from Richmond Prison, he found the society in the States split up into two opposing parties between whom a violent quarrel was raging. John O'Mahony had been deposed from his position of "Head Centre" by an all but unanimous vote of the Senate, or governing body of the association, who charged him and his officials with a reckless and corrupt expenditure of the society's funds, and these in turn charged the Senate party with the crime of breaking up the organization for mere personal and party purposes. A large section of the society still adhered to O'Mahony, in consideration of his past services in their cause; but the greater portion of it, and nearly all its oldest, best-known and most trusted leaders gave their allegiance to the Senate and to its elected President, William R. Roberts, an Irish merchant of large means, of talent and energy, of high character and unquestionable devotion to the cause of his country. Many friends of the brotherhood hoped that James Stephens would seek to heal the breach between these parties, but the course he took was not calculated to effect that purpose. He denounced the "senators" in the most extravagant terms, and invited both branches of the organization to unite under himself as supreme and irresponsible leader and governor of the entire movement. The O'Mahony section did not answer very heartily to this invitation; the Senate party indignantly rejected it, and commenced to

occupy themselves with preparations for an immediate grapple with British power in Canada. Those men were thoroughly in earnest, and the fact became plain to every intelligence, when in the latter part of May, 1866, the Fenian contingents from the various States of the Union began to concentrate on the Canadian border. On the morning of the 1st of June some hundreds of them crossed the Niagara river, and took possession of the village of Fort Erie on the Canadian side. They were soon confronted with detachments of the volunteer force which had been collected to resist the invasion, and at Limestone Ridge they were met by the "Queen's Own" regiment of volunteers from Toronto, under the command of Colonel Booker. A smart battle ensued, the result of which was that the "Queen's Own" were utterly routed by the Irish under Colonel John O'Neill, and forced to run in wild confusion for a town some miles distant, Colonel Booker on his charger leading the way and distancing all competitors. Had the Irish been allowed to follow up this victory it is not unlikely that they would have swept Canada clear of the British forces, and then, according to their programme, made that country their base of operations against British power in Ireland. But the American government interfered and put an effectual stopper on their progress; they seized the arms of the Irish soldiers on the frontier, they sent up large parties of the States soldiery to prevent the crossing of hostile parties into British territory, and stationed war-vessels in the river for the same purpose. Reinforcements being thus cut off from them, the victors of Limestone Ridge found themselves under the necessity of re-crossing the river to the American shore, which they did on the night of the 2nd of June, bringing with them the flags and other trophies which they had captured from the royal troops.

The first brush between the Fenian forces and the Queen's troops inspired the former with high hopes, and with great confidence in their capacity to humble "the English red below the Irish green," if only they could start on any thing like fair terms. But now that the American government had forbidden the fight in Canada, what was to be done? James Stephens answered that question. He would have a fight in Ireland—the right place, he contended, in which to fight *for* Ireland. The home organization was subject to his control and would spring to arms at his bidding. He would not only bid them fight, but would lead them to battle, and that at no distant day. The few remaining months of 1866 would not pass away without witnessing the commencement of the struggle. So he said, and so he swore in the most solemn manner at various public meetings which he had called for the purpose of obtaining funds wherewith to carry on the conflict. The prudence of thus publishing the date which he had fixed for the outbreak of the insurrection was very generally questioned, but however great might be his error in this respect, many believed that he would endeavour to make good his words. The British government believed it, and prepared for the threatened rising by hurrying troops and munitions of war across to Ireland, and putting the various forts and barracks in a state of thorough defence. As the last days and nights of 1866 wore away, both the government and the people expected every moment to hear the first crash of the struggle. But it came not. The year 1867 came in and still all was quiet. What had become of James Stephens? The astonished and irate Fenians of New York investigated the matter, and found that he was peacefully and very privately living at lodgings in some part of that city, afraid to face the wrath of the men whom he had so egregiously deceived. We need not describe the outburst of rage and indignation which followed on the discovery; suffice it to say that the once popular and powerful Fenian leader soon found it prudent to quit the United States and take up his abode in a part of the world where there were no Fenian circles and no settlements of the swarming Irish race.

Amongst the men who had rallied round James Stephens in America there were many whose honesty was untainted, and who had responded to his call with the full intention of committing themselves, without regard to consequences, to the struggle which he promised to initiate. They believed his representations respecting the prospects of an insurrection in Ireland, and they pledged themselves to fight by his side and perish, if necessary, in the good old cause, in defence of which their fathers had bled. They scorned to violate their engagements; they spurned the idea of shrinking from the difficulty they had pledged themselves to face, and resolved that come what may the reproach of cowardice and bad faith should never be uttered against them. Accordingly, in January, '67, they began to fend in scattered parties at Queenstown, and spread themselves through the country, taking every precaution to escape the suspicion of the police. They set to work diligently and energetically to organize an insurrectionary outbreak; they found innumerable difficulties in their path; they found the people almost wholly unarmed; they found the wisest of the Fenian leaders opposed to an immediate outbreak, but still they persevered. How ably they performed their work there is plenty of evidence to show, and if the Irish outbreak of '67 was short-lived and easily suppressed, it was far from contemptible in the pre-concert and organization which it evidenced.

One hitch did occur in the accomplishment of their designs. On Wednesday, February 13th, the exciting news was flashed throughout the land that the Fenians had broken into insurrection at Kerry. The news was true. The night of the 12th of February had been fixed for a simultaneous rising of the Fenians in Ireland; but the outbreak had been subsequently postponed, and emissaries were despatched to all parts of the country with the intelligence of the change of date. The change of date was everywhere learned in time to prevent premature action except at Cahirciveen, in the west of Kerry, where the members of the Brotherhood, acting upon the orders received, unearthed their arms, and gaily proceeded towards Killarney to form a junction with the insurgents whom they imagined had converged from various parts of the county in that town. Before many hours had elapsed they discovered their mistake—they heard before arriving at Killarney that they were the only representatives of the Irish Republic that had appeared in the field, and turning to the mountains they broke up and disappeared.

Short-lived as was their escapade, it filled the heart of England with alarm. In hot haste the *Habeas Corpus* Suspension Act, which had been permitted to lapse a month before, was re-enacted; the arrests and police raids was renewed, and from the Giant's Causeway to Cape Clear the gaols were filled with political prisoners. Still the Irish-Americans worked on; some of them were swept off to prison, but the greater number of them managed to escape detection, and spite of the vigilance of the authorities, and the extraordinary power possessed by the government and its officials, they managed to carry on the business of the organization, to mature their plans, and to perfect their arrangements for the fray.

We do not propose to write here a detailed account of the last of the outbreaks which, since the Anglo-Norman invasion, have periodically convulsed our country. The time is not yet come when the whole history of that extraordinary movement can be revealed, and such of its facts, as are now available for publication, are fresh in the minds of our readers. On the night of the 5th of March, the Fenian bands took the field in Dublin, Louth, Tipperary, Cork, Waterford, Limerick, and Clare. They were, in all cases, wretchedly armed, their plans had been betrayed by unprincipled associates, and ruin tracked their venture from the outset. They were everywhere confronted by well-armed, disciplined men, and their reckless courage could not pluck success for the maze of adverse circumstances that surrounded them. The elements, too, befriended England as they had often done before. Hardly had the insurgents left their homes when the clear March weather gave place to the hail and snow of mid-winter. The howling storm, edged by the frost and hail, swept over mountain and valley, rendering life in the open air all but impossible to man. The weather in itself would have been sufficient to dispose of the Fenian insurgents. Jaded and exhausted they returned to their homes, and twenty-four hours after the flag of revolt had been unfurled the Fenian insurrection was at an end.

Amongst the Irish officers who left America to share in the expected battle for Irish rights, a conspicuous place must be assigned Thomas F. Burke. He was born at Fethard, county Tipperary, on the 10th of December, 1840, and twelve years later sailed away towards the setting sun, his parents having resolved on seeking a home in the far West. In New York, young Burke attended the seminary established by the late Archbishop Hughes, where he received an excellent education, after which he was brought up to his father's trade—that of house painter. For many years he worked steadily at his trade, contributing largely to the support of his family. The outbreak of the war, however, acted in the same manner on Burke's temperament as on thousands of his fellow-countrymen. He threw aside his peaceful avocation and joined the Confederate army. He served under General Patrick Cleburne, who died in his arms, and he fought side by side with the son of another distinguished exile, John Mitchel. When the war had closed, he returned a Brevet-General, northwards, with a shattered limb and an impaired constitution. In June, 1865, he joined the Wolfe Tone Circle of the Fenian Brotherhood in New York, and was appointed soon afterwards to act as organizer in the Brotherhood for the district of Manhattan. He filled this post with great satisfaction to his associates, and continued to labour energetically in this capacity until his departure for Ireland, at the close of 1866.

Tipperary was assigned to Burke as the scene of his revolutionary labours in Ireland. He arrived in Clonmel early in February, where he was arrested on suspicion, but was immediately discharged—his worn appearance and physical infirmity giving strong corroboration of his assertion, that he had come to Ireland for the benefit of his health. On the night of the insurrection he placed himself at the head of the Fenian party that assembled in the neighbourhood of Tipperary, but he quickly saw the folly of attempting a revolution with the scanty band of unarmed men that rallied round him. On the evening of the 6th his followers were attacked by a detachment of soldiers at Ballyhurst Fort, about three miles from Tipperary; Burke saw the uselessness of resistance, and advised his followers to disperse—an injunction which they appear to have obeyed. Burke himself was thrown from his horse and captured. He was conveyed to the jail of Tipperary, and was brought to trial in the Greenstreet court-house, in Dublin, on the 24th of April following. He was convicted of high treason, and sentenced to death in the usual form. The following speech delivered by him after conviction is well worthy of a place in the Irish heart:—

"My lords—It is not my intention to occupy much of your time in answering the question—what I have to say why sentence should not be passed upon me? But I may, with your permission, review a little of the evidence that has been brought against me. The first evidence that I would speak of is that of Sub-Inspector Kelly, who had a conversation with me in Clonmel. He states that he asked me either how was my friend, or what about my friend, Mr. Stephens, and that I made answer and said, that he was the most idolised man that ever had been, or that ever would be in America. Here, standing on the brink of my grave, and in the presence of the Almighty and ever-living God, I brand that as being the foulest perjury that ever man gave utterance to. In any conversation that occurred the name of Stephens was not mentioned. I shall pass from that, and then touch on the evidence of Brett. He states that I assisted in distributing the bread to the parties in the fort, and that I stood with him in the waggon or cart. This is also false. I was not in the fort at the time; I was not there when the bread was distributed. I came in afterwards. Both of these assertions have been made and submitted to the men in whose hands my life rested, as evidence made on oath by these men—made solely and purely for the purpose of giving my body to an untimely grave. There are many points, my lords, that have been sworn to here to prove my complicity in a great many acts it has been alleged I took part in. It is

not my desire now, my lords, to give utterance to one word against the verdict which has been pronounced upon me. But fully conscious of my honour as a man, which has never been impugned, fully conscious that I can go into my grave with a name and character unsullied, I can only say that these parties, actuated by a desire either of their own aggrandisement, or to save their paltry miserable lives, have pandered to the appetite, if I may so speak, of justice, and my life shall pay the forfeit. Fully convinced and satisfied of the righteousness of my every act in connection with the late revolutionary movement in Ireland, I have nothing to recall—nothing that I would not do again, nothing for which I should feel the blush of shame mantling my brow; my conduct and career, both here as a private citizen, and in America—if you like—as a soldier, are before you; and even in this, my hour of trial, I feel the consciousness of having lived an honest man, and I will die proudly, believing that if I have given my life to give freedom and liberty to the land of my birth, I have done only that which every Irishman and every man whose soul throbs with a feeling of liberty should do. I, my lords, shall scarcely—I feel I should not at all—mention the name of Massey. I feel I should not pollute my lips with the name of that traitor, whose illegitimacy has been proved here—a man whose name even is not known, and who, I deny point blank, ever wore the star of a colonel in the Confederate army. Him I shall let rest. I shall pass him, wishing him, in the words of the poet:—

"May the grass wither from his feet;  
The woods deny him shelter; earth a  
home;  
The dust a grave; the sun his light:  
And heaven its God!"

"Let Massey remember from this day forth that he carries with him, as my able and eloquent counsel (Mr. Dowse) has stated, a serpent that will gnaw his conscience, will carry about him in his breast a living hell from which he can never be separated. I, my lords, have no desire for the name of a martyr; I seek not the death of a martyr; but if it is the will of the Almighty and Omnipotent God that my devotion for the land of my birth shall be tested on the scaffold, I am willing there to die in defence of the right of men to free government—the right of an oppressed people to throw off the yoke of thralldom. I am an Irishman by birth, an American by adoption; by nature a lover of freedom—an enemy to the power that holds my native land in the bonds of tyranny. It has so often been admitted that the oppressed have a right to throw off the yoke of oppression, even by English statesmen, that I do not deem it necessary to advert to the fact in a British court of justice. Ireland's children are not, never were, and never will be, willing or submissive slaves; and so long as England's flag covers one inch of Irish soil, just so long will they believe it to be a divine right to conspire, imagine, and devise means to hurl it from power, and to erect in its stead the God-like structure of self-government. I shall now, my lords, before I go any further, perform one important duty to my learned, talented, and eloquent counsel. I offer them that which is poor enough, the thanks, the sincere and heartfelt thanks of an honest man. I offer them, too, in the name of America, the thanks of the Irish people. I know that I am here without a relative—without a friend—in fact, 3,000 miles away from my family. But I know that I am not forgotten there. The great and generous Irish heart of America to-day feels for me—to-day sympathises with and does not forget the man who is willing to tread the scaffold—aye, defiantly—proudly, conscious of no wrong—in defence of American principles—in defence of liberty. To Messrs. Butt, Dowse, O'Loughlen, and all the counsel for the prisoners, for some of whom I believe Mr. Curran will appear, and my very able solicitor, Mr. Lawless, I return individually and collectively, my sincere and heartfelt thanks.

"I shall now, my lords, as no doubt you will suggest to me, think of the propriety of turning my attention to the world beyond the grave. I shall now look only to that home where sorrows are at an end, where joy is eternal. I shall hope and pray that freedom may vet dawn on this poor down-trodden country. It is my hope, it is my prayer, and the last words that I shall utter will be a prayer to God for forgiveness, and a prayer for poor old Ireland. Now, my lords; in relation to the other man, Corridon, I will make a few remarks. Perhaps before I go to Corridon, I should say much has been spoken on that table of Colonel Kelly, and of the meetings held at his lodgings in London. I desire to state, I never knew where Colonel Kelly's lodgings were. I never knew where he lived in London, till I heard the informer, Massey, announce it on the table. I never attended a meeting at Colonel Kelly's; and the hundred other statements that have been made about him. I now solemnly declare on my honour as a man—as a dying man—these statements have been totally unfounded and false from beginning to end. In relation to the small paper that was introduced here, and brought against me as evidence, as having been found on my person in connexion with that oath, I desire to say that that paper was not found on my person. I knew no person whose name was on that paper. O'Beirne, of Dublin, or those other delegates you heard of, I never saw or met. That paper has been put in there for some purpose. I can swear

positively it is not in my handwriting. I can also swear I never saw it; yet it is used as evidence against me. Is this justice? Is this right? Is this manly? I am willing if I have transgressed the laws to suffer the penalty, but I object to this system of trumping up a case to take away the life of a human being. True, I ask for no mercy. I feel that, with my present emaciated frame and somewhat shattered constitution, it is better that my life should be brought to an end than that I should drag out a miserable existence in the prison dens of Portland. Thus it is, my lords, I accept the verdict. Of course my acceptance of it is unnecessary, but I am satisfied with it. And now I shall close. True it is there are many feelings that actuate me at this moment. In fact, these few disconnected remarks can give no idea of what I desire to state to the court. I have ties to bind me to life and society as strong as any man in this court can have. I have a family I love as much as any man in this court loves his family. But I can remember the blessing I received from an aged mother's lips as I left her the last time. She, speaking as the Spartan mother did, said—'Go, my boy, return either with your shield or upon it.' This reconciles me—this gives me heart. I submit to my doom; and I hope that God will forgive me my past sins. I hope also, that inasmuch as He has for seven hundred years preserved Ireland, notwithstanding all the tyranny to which she has been subjected, as a separate and distinct nationality, He will also assist her to retrieve her fallen fortunes—to rise in her beauty and majesty, the Sister of Columbia, the peer of any nation in the world."

General Burke, as our readers are well aware, was not executed. The government shrank from carrying out the barbarous sentence of the law, and his punishment was changed to the still more painful, if less appalling fate, of penal servitude for life. Of General Burke's private character we have said little; but our readers will be able to understand it from the subjoined brief extracts from two of his letters. On the very night previous to his trial he wrote to his mother from Kilmainham Prison:—

... "On last Easter Sunday I partook of Holy Communion at a late mass, I calculated the difference of time between this longitude and yours, for I knew that you and my dear sisters were partaking of the sacrament at early mass on that day, as was your wont, and I felt that our souls were in communion together."

We conclude with the following letter from General Burke, which has never before been published, and which we are sure will be of deep interest to our readers. It is addressed to the reverend gentleman who had been his father confessor in Clonmel:—

"KILMAINHAM GOAL,

"*4th, Month of Mary.*

"DEAR REV. FATHER,

"... I am perfectly calm and resigned, with my thoughts firmly centered with hope in the goodness and mercy of that kind Redeemer, whose precious blood was shed for my salvation; as also in the mediation and intercession of His Blessed Mother, who is my Star of Hope and Consolation. I know, dear father, I need not ask you to be remembered in your prayers, for I feel that in your supplication to the Throne of Mercy I have not been forgotten.... I have only one thought which causes me much sorrow, and that is that my good and loving mother will break down under the weight of her affliction, and, oh, God, I who loved her more than the life which animates the hand that writes to be the cause of it! This thought unmans and prostrates me. I wrote to her at the commencement of my trial, and told her how I thought it would terminate, and spoke a long and last farewell. I have not written since; it would break my heart to attempt it; but I would ask you as an especial favour that you would write to her and tell her I am happy and reconciled to the will of God who has given me this opportunity of saving my immortal soul. I hope to hear from you before I leave this world."

"Good-bye, father, and that God may bless you in your ministry is the prayer of an obedient child of the church."

"THOMAS F. BURKE."

---

## **CAPTAIN JOHN M'AFFERTY.**

It is not Irish-born men alone whose souls are filled with a chivalrous love for Ireland, and a stern hatred of her oppressor. There are amongst the ranks of her patriots none more generous, more resolute, or more active in her cause than the children born of Irish parents in various parts of the world. In London, Liverpool, Manchester, Birmingham, Glasgow, and all the large towns of Great Britain, throughout the United States, and in the British colonies, many of the best known and most thorough-going "Irishmen" are men whose place of birth was not beneath the Irish skies, and amongst them are some who never saw the shores of the Green Isle. One of these men was Captain John M'Afferty. He was born of Irish parents in the State of Ohio, in the year 1838,



and at their knees he heard of the rights and wrongs of Ireland, learned to sympathise with the sufferings of that country, and to regard the achievement of its freedom as a task in which he was bound to bear a part. He grew up to be a man of adventurous and daring habits, better fitted for the camp than for the ordinary ways of peaceful life; and when the civil war broke out he soon found his place in one of those regiments of the Confederacy whose special duty lay in the accomplishment of the most hazardous enterprises. He belonged to the celebrated troop of Morgan's guerillas, whose dashing feats of valour so often filled the Federal forces with astonishment and alarm. In the latter part of 1865 he crossed over to this country to assist in leading the insurrection which was then being prepared by the Fenian organization. He was arrested, as already stated in these pages, on board the steamer at Queenstown before he had set foot on Irish soil; when brought to trial at Cork, in the month of December, the lawyers discovered that being an alien, and having committed no overt act of treason within the Queen's dominions, there was no case against him, and he was consequently discharged. He then went back to America, took an active part in some Fenian meetings, made a speech at one of them which was held at Jones's Wood, and when the report of the proceedings appeared in print, he, with a sense of grim humour, posted a copy containing his oration to the governor of Mountjoy Prison, Dublin. In the latter part of 1866, when James Stephens was promising to bring off immediately the long-threatened insurrection, M'Afferty again crossed the ocean, and landed in England. There he was mainly instrumental in planning and organizing that extraordinary movement, the raid on Chester, which took place on Monday, 11th of February, 1867. It is now confessed, even by the British authorities themselves, that but for the timely intimation of the design given by the informer Corridon, M'Afferty and his party would probably have succeeded in capturing the old Castle, and seizing the large store of arms therein contained. Finding their movements anticipated, the Fenian party left Chester as quietly as they had come, and the next that was heard of M'Afferty was his arrest, and that of his friend and companion John Flood, on the 23rd of February, in the harbour of Dublin, after they had got into a small boat from out of the collier "New Draper," which had just arrived from Whitehaven. M'Afferty was placed in the dock of Green-street court-house for trial on Wednesday, May 1st, while the jury were absent considering their verdict in the case of Burke and Doran. On Monday, May the 6th, he was declared guilty by the jury. On that day week a Court of Appeal, consisting of ten of the Irish judges, sat to consider some legal points raised by Mr. Butt in the course of the trial, the most important of which was the question whether the prisoner, who had been in custody since February 23rd, could be held legally responsible for the events of the Fenian rising which occurred on the night of the 5th of March. Their lordships gave an almost unanimous judgment against the prisoner on Saturday, May 18th, and on the Monday following he was brought up for sentence, on which occasion, in response to the usual question, he spoke as follows:—

"My lords—I have nothing to say that can, at this advanced stage of the trial, ward off that sentence of death, for I might as well hurl my complaint (if I had one) at the orange trees of the sunny south, or the tall pine trees of the bleak north, as now to speak to the question why sentence of death should not be passed upon me according to the law of the land; but I do protest loudly against the injustice of that sentence. I have been brought to trial upon a charge of high treason against the government of Great Britain, and guilt has been brought home to me upon the evidence of one witness, and that witness a perjured informer. I deny distinctly that there have been two witnesses to prove the overt act of treason against me. I deny distinctly that you have brought two independent witnesses to two overt acts. There is but one witness to prove the overt act of treason against me. I grant that there has been a cloud of circumstantial evidence to show my connection (if I may please to use that word) with the Irish people in their attempt for Irish independence, and I claim that as an American and as an alien, I have a reason and a right to sympathise with the Irish people or any other people who may please to revolt against that form of government by which they believe they are governed tyrannically. England sympathised with America. She not only sympathised, but she gave her support to both parties; but who ever heard of an Englishman having been arrested by the United States government for having given his support to the Confederate States of America and placed on his trial for high treason against the government? No such case ever has been. I do not deny that I have sympathised with the Irish people—I love Ireland—I love the Irish people. And, if I were free to-morrow, and the Irish people were to take the field for independence, my sympathy would be with them; I would join them if they had any prospect whatever of independence, but I would not give my sanction to the useless effusion of blood, however done; and I state distinctly that I had nothing whatever to do, directly or indirectly, with the movement that took place in the county of Dublin. I make that statement on the brink of my grave. Again, I claim that I have a right to be discharged of the charge against me by the language of the law by which I have been tried. That law states that you must have two independent witnesses to prove the overt act against the prisoner. That is the only complaint I have to make, and I make that aloud. I find no fault with the jury, no complaint against the judges. I have been tried and found guilty. I am perfectly satisfied that I will go to my grave. I will go to my grave like a gentleman and a Christian, although I regret that I should be cut off at this stage of my life—still many an noble Irishman fell in defence of the rights of my southern clime. I do not wish to make any flowery speech to win sympathy in the court of justice. Without any further remarks I will now accept

the sentence of the court."

Mr. Justice Fitzgerald then in the "solemn tone of voice" adopted on such occasions proceeded to pass sentence in the usual form, fixing the 12th day of June as the date on which the execution should take place.

The prisoner heard the sentence without giving the slightest symptoms of emotion, and then spoke as follows:—

"I will accept my sentence as becomes a gentleman and a Christian. I have but one request to ask of the tribunal, and that is that after the execution of the sentence my remains shall be turned over to Mr. Lawless to be by him interred in consecrated ground as quietly as he possibly can. I have now, previous to leaving the dock, once more to return my grateful and sincere thanks to Mr. Butt, the star of the Irish bar, for his able and devoted defence on behalf of me and my friends. Mr. Butt, I thank you. I also return the same token of esteem to Mr. Dowse, for the kind and feeling manner in which he alluded to the scenes in my former life. Those kind allusions recall to my mind many moments—some bright, beautiful, and glorious—and yet some sad recollections arise of generous hopes that floated o'er me, and now sink beyond the grave. Mr. Butt, please convey to Mr. Dowse my grateful and sincere thanks. Mr. Lawless, I also return you my thanks for your many acts of kindness—I can do no more."

He was not executed however. The commutation of Burke's sentence necessitated the like course in all the other capital cases, and M'Afferty's doom was changed to penal servitude for life.

---

## EDWARD DUFFY.

On the day following that on which M'Afferty's sentence was pronounced, the trial of three men, named John Flood, Edward Duffy, and John Cody was brought to a conclusion. When they were asked what they had to say why sentence should not be passed on them, Cody denied with all possible earnestness the charge of being president of an assassination committee, which had been brought against him. Flood—a young man of remarkably handsome exterior—declared that the evidence adduced against himself was untrue in many particulars. He alluded to the Attorney-General's having spoken of him as "that wretched man, Flood." "My lords," said he, "if to love my country more than my life makes me a wretched man, then I am a very wretched man indeed." Edward Duffy, it might be supposed by anyone looking at his emaciated frame, wasted by consumption, and with the seal of death plainly set on his brow, would not be able to offer any remarks to the court; but he roused himself to the effort. The noble-hearted young fellow had been previously in the clutches of the government for the same offence. He was arrested with James Stephens and others at Fairfield House, in November, 1865, but after a brief imprisonment was released in consideration of the state of his health, which seemed such as would not leave him many days to live. But, few or many, Duffy could not do otherwise than devote them to the cause he had at heart. He was re-arrested at Boyle on the 11th of March, and this time the government took care they would not quit their hold of him. The following is the speech which, by a great physical effort, he delivered from the dock, his dark eyes brightening, and his pallid features lighting up with the glow of an earnest and lofty enthusiasm while he spoke:—

"The Attorney-General has made a wanton attack on me, but I leave my countrymen to judge between us. There is no political act of mine that I in the least regret. I have laboured earnestly and sincerely in my country's cause, and I have been actuated throughout by a strong sense of duty. I believe that a man's duty to his country is part of his duty to God, for it is He who implants the feeling of patriotism in the human breast. He, the great searcher of hearts, knows that I have been actuated by no mean or paltry ambition—that I have never worked for any selfish end. For the late outbreak I am not responsible; I did all in my power to prevent it, for I knew that, circumstanced as we then were, it would be a failure. It has been stated in the course of those trials that Stephens was for peace. This is a mistake. It may be well that it should not go uncontradicted. It is but too well known in Ireland that he sent numbers of men over here to fight, promising to be with them when the time would come. The time did come, but not Mr. Stephens. He remained in France to visit the Paris Exhibition. It may be a very pleasant sight, but I would not be in his place now. He is a lost man—lost to honour, lost to country. There are a few things I would wish to say relative to the evidence given against me at my trial, but I would ask your lordships to give me permission to say them after sentence. I have a reason for asking to be allowed to say them after sentence has been passed."

The Chief Justice—"That is not the usual practice. Not being tried for life, it is doubtful to me whether you have a right to speak at all. What you are asked to say is why sentence should not be passed upon you, and whatever you have to say you must say now."

"Then, if I must say it now I declare it before my God that what Kelly swore against me on the table is not true. I saw him in Ennisgroven, but that I ever spoke to him on any political subject I declare to heaven I never did. I knew him

from a child in that little town, herding with the lowest and vilest. Is it to be supposed I'd put my liberty into the hands of such a character? I never did it. The next witness is Corridon. He swore that at the meeting he referred to I gave him directions to go to Kerry to find O'Connor, and put himself in communication with him. I declare to my God every word of that is false. Whether O'Connor was in the country or whether he had made his escape, I know just as little as your lordships; and I never heard of the Kerry rising until I saw it in the public papers. As to my giving the American officers money that night, before my God, on the verge of my grave, where my sentence will send me, I say that also is false. As to the writing that the policeman swore to in that book, and which is not a prayer-book, but the 'Imitation of Christ,' given to me by a lady to whom I served my time, what was written in that book was written by another young man in her employment. That is his writing not mine. It is the writing of a young man in the house, and I never wrote a line of it."

The Lord Chief Justice—"It was not sworn to be in your handwriting."

"Yes, my lord, it was. The policeman swore it was in my hand-writing."

The Lord Chief Justice—"That is a mistake. It was said to be like yours."

"The dream of my life has been that I might be fighting for Ireland. The jury have doomed me to a more painful, but not less glorious death. I now bid farewell to my friends and all who are dear to me.

"There is a world where souls  
are free,  
Where tyrants taint not  
nature's bliss;  
If death that bright world's  
opening be,  
Oh, who would live a slave  
in this.'

"I am proud to be thought worthy of suffering for my country; when I am lying in my lonely cell I will not forget Ireland, and my last prayer will be that the God of liberty may give her strength to shake off her chains."

John Flood and Edward Duffy were then sentenced each to fifteen years of penal servitude, and Cody to penal servitude for life.

Edward Duffy's term of suffering did not last long. A merciful Providence gave his noble spirit release from its earthly tenement before one year from the date of his sentence had passed away. On the 21st of May, 1867, his trial concluded; on the 17th of January, 1868, the patriot lay dead in his cell in Millbank Prison, London. The government permitted his friends to remove his remains to Ireland for interment; and they now rest in Glasnevin Cemetery, Dublin, where friendly hands oft renew the flowers on his grave, and many a heartfelt prayer is uttered that God would give the patriot's soul eternal rest, and "let perpetual light shine unto him."

---

## STEPHEN JOSEPH MEANY.

The connexion of Stephen Joseph Meany with Irish politics dates back to 1848, when he underwent an imprisonment of some months in Carrickfergus Castle, under the provisions of the *Habeas Corpus* Suspension Act. He had been a writer on one of the national newspapers of that period, and was previously a reporter for a Dublin daily paper. He joined the Fenian movement in America, and was one of the "Senators" in O'Mahony's organization. In December, 1866, he crossed over to England, and in the following month he was arrested in London, and was brought in custody across to Ireland. His trial took place in Dublin on the 16th of February, 1867, when the legality of the mode of his arrest was denied by his counsel, and as it was a very doubtful question, the point was reserved to be considered by a Court of Appeal. This tribunal sat on May the 13th, 1867, and on May the 18th, their decision confirming the conviction was pronounced. It was not until the 21st of the following month, at the Commission of Oyer and Terminer that he was brought up for sentence. He then delivered the following able address to show "why sentence should not be passed on him":—

"My lords—There are many reasons I could offer why sentence should not—could not—be pronounced upon me according to law, if seven months of absolute solitary imprisonment, and the almost total disuse of speech during that period, had left me energy enough, or even language sufficient to address the court. But yielding obedience to a suggestion coming from a quarter which I am bound to respect, as well indeed as in accordance with my own feelings, I avoid everything like speech-making for outside effect. Besides, the learned counsel who so ably represented me in the Court of Appeal, and the eminent judges who in that court gave judgment for me, have exhausted all that could be said on the law of the case. Of their arguments and opinions your lordships have judicial knowledge. I need not say that both in interest as in conviction I am in agreement with the

constitutional principles laid down by the minority of the judges in that court, and I have sufficient respect for the dignity of the court—sufficient regard to what is due to myself—to concede fully and frankly to the majority a conscientious view of a novel and, it may be, a difficult question.

"But I do not ask too much in asking that before your lordships proceed to pass any sentence you will consider the manner in which the court was divided on that question—to bear in mind that the minority declaring against the legality and the validity of the conviction was composed of some of the ablest and most experienced judges of the Irish bench or any bench—to bear in mind that one of these learned judges who had presided at the Commission Court was one of the most emphatic in the Court of Criminal Appeal in declaring against my liability to be tried; and moreover—and he ought to know—that there was not a particle of evidence to sustain the cause set up at the last moment, and relied upon by the crown, that I was an 'accessory before the fact' to that famous Dublin overt act, for which, as an afterthought of the crown, I was in fact tried. And I ask you further to bear in mind that the affirmance of the conviction was not had on fixed principles of law—for the question was unprecedented—but on a speculative view of a suppositious case, and I must say a strained application of an already overstrained and dangerous doctrine—the doctrine of constructive criminality—the doctrine of making a man at a distance of three thousand miles or more, legally responsible for the words and acts of others whom he had never seen, and of whom he had never heard, under the fiction, or the 'supposition,' that he was a co-conspirator. The word 'supposition' is not mine, my lords; it is the word put forward descriptive of the point by the learned judges presiding at my trial; for I find in the case prepared by these judges for the Court of Criminal Appeal the following paragraph:—

"Sufficient evidence was given on the part of the crown of acts of members of the said association in Ireland not named in the indictment in promotion of the several objects aforesaid, and done within the county of the city of Dublin, to sustain some of the overt acts charged in the indictment supposing them to be the acts of the defendant himself.'

"Fortified by such facts—with a court so divided, and with opinions so expressed—I submit that, neither according to act of parliament, nor in conformity with the practice at common law, nor in any way in pursuance of the principles of that apocryphal abstraction, that magnificent myth—the British constitution—am I amenable to the sentence of this court—or any court in this country. True, I am in the toils, and it may be vain to discuss how I was brought into them. True, my long and dreary imprisonment—shut away from all converse or association with humanity, in a cell twelve feet by six—the humiliations of prison discipline—the hardships of prison fare—the handcuffs, and the heartburnings—this court and its surroundings of power and authority—all these are 'hard practical facts,' which no amount of indignant protests can negative—no denunciation of the wrong refine away; and it may be, as I have said, worse than useless—vain and absurd—to question the right where might is predominant. But the invitation just extended to me by the officer of the court means, if it means anything—if it be not like the rest, a solemn mockery—that there still is left to me the poor privilege of complaint. And I do complain. I complain that law and justice have been alike violated in my regard—I complain that the much belauded attribute 'British fair play' has been for me a nullity—I complain that the pleasant fiction described in the books as 'personal freedom' has had a most unpleasant illustration in my person—and I furthermore and particularly complain that by the design and contrivance of what are called 'the authorities,' I have been brought to this country, not for trial but for condemnation—not for justice but for judgment.

"I will not tire the patience of the court, or exhaust my own strength, by going over the history of this painful case—the kidnapping in London on the mere belief of a police-constable that I was a Fenian in New York—the illegal transportation to Ireland—the committal for trial on a specific charge, whilst a special messenger was despatched to New York to hunt up informers to justify the illegality and the outrage, and to get a foundation for any charge. I will not dwell on the 'conspicuous absence' of fair play, in the crown at the trial having closed their cases without any reference to the Dublin transaction, but, as an afterthought, suggested by their discovered failure, giving in evidence the facts and circumstances of that case, and thus succeeding in making the jury convict me for an offence with which up to that moment the crown did not intend to charge me. I will not say what I think of the mockery of putting me on trial in the Commission Court in Dublin for alleged words and acts in New York, and though the evidence was without notice, and the alleged overt acts without date, taunting me with not proving an *alibi*, and sending that important ingredient to a jury already ripe for a conviction. Prove an *alibi* to-day in respect of meetings held in Clinton Hall, New York, the allegations relating to which only came to my knowledge yesterday! I will not refer with any bitter feeling to the fact that whilst the validity of the conviction so obtained was still pending in the Court of

Criminal Appeal, the Right Hon. and Noble the Chief Secretary for Ireland declared in the House of Commons that 'that conviction was the most important one at the Commission'—thus prejudicing my case, I will not say willingly; but the observation was, at least, inopportune, and for me unfortunate.

"I will not speak my feeling on the fact that in the arguments in the case in the Court for Reserved Cases, the Right Hon. the Attorney-General appealed to the passions—if such can exist in judges—and not to the judgment of the court, for I gather from the judgment of Mr. Justice O'Hagan, that the right hon. gentleman made an earnest appeal 'that such crimes' as mine 'should not be allowed to go unpunished'.—forgetful, I will not say designedly forgetful, that he was addressing the judges of the land, in the highest court of the land, on matters of law, and not speaking to a pliant Dublin jury on a treason trial in the court-house of Green-street.

"Before I proceed further, my lords, there is a matter which, as simply personal to myself I should not mind, but which as involving high interests to the community, and serious consequences to individuals, demand a special notice. I allude to the system of manufacturing informers. I want to know, if the court can inform me, by what right a responsible officer of the crown entered my solitary cell at Kilmainham prison on Monday last—unbidden and unexpected—uninvited and undesired. I want to know what justification there was for his coming to insult me in my solitude and in my sorrow—ostensibly informing me that I was to be brought up for sentence on Thursday, but in the same breath adroitly putting to me the question if I knew any of the men recently arrested near Dungarvan, and now in the prison of Kilmainham. Coming thus, with a detective dexterity, carrying in one hand a threat of sentence and punishment—in the other as a counterpoise and, I suppose an alternative, a temptation to treachery. Did he suppose that seven months of imprisonment had so broken my spirit, as well as my health, that I would be an easy prey to his blandishments? Did he dream that the prospect of liberty which newspaper rumour and semi-official information held out to me was too dear to be forfeited for a trilling forfeiture of honour? Did he believe that by an act of secret turpitude I would open my prison doors only to close them the faster on others who may or may not have been my friends—or did he imagine he had found in me a Massey to be moulded and manipulated into the service of the crown, or a Corridon to have cowardice and cupidity made the incentives to his baseness. I only wonder how the interview ended as it did; but I knew I was a prisoner, and self-respect preserved my patience and secured his safety. Great, my lords, as have been my humiliation in prison, hard and heart-breaking as have been the ordeals through which I have passed since the 1st of December last, there was no incident or event of that period fraught with more pain on the one hand, or more suggestiveness on the other, than this sly and secret attempt at improvising an informer. I can forget the pain in view of the suggestiveness; and unpleasant as is my position here to-day, I am almost glad of the opportunity which may end in putting some check to the spy system in prisons. How many men have been won from honour and honesty by the stealthy visit to the cell is more of course than I can say—how many have had their weakness acted upon, or their wickness fanned into flame by which means I have no opportunity of knowing—in how many frailty and folly may have blossomed into falsehood it is for those concerned to estimate. There is one thing, however, certain—operating in this way is more degrading to the tempter than to the tempted; and the government owes it to itself to put an end to a course of tactics pursued in its name, which in the results can only bring its humiliation—the public are bound in self-protection to protect the prisoner from the prowling visits of a too zealous official.

"I pass over all these things, my lords, and I ask your attention to the character of the evidence on which alone my conviction was obtained. The evidence of a special, subsidized spy, and of an infamous and ingrate informer.

"In all ages, and amongst all peoples, the spy has been held in marked abhorrence. In the amnesties of war there is for him alone no quarter; in the estimate of social life no toleration; his self-abasement excites contempt, not compassion; his patrons despise while they encourage; and they who stoop to enlist the services shrink with disgust from the moral leprosy covering the servitor. Of such was the witness put forward to corroborate the informer, and still not corroborating him. Of such was that phenomenon, a police spy, who declared himself an unwilling witness for the crown! There was no reason why in my regard he should be unwilling—he knew me not previously. I have no desire to speak harshly of Inspector Doyle; he said in presence of the Crown Solicitor, and was not contradicted, that he was compelled by threats to ascend the witness table; he may have had cogent reasons for his reluctance in his own conscience. God will judge him.

"But how shall I speak of the informer, Mr. John Devany? What language should be employed in describing the character of one who adds to the guilt of perfidy to

his associates the crime of perjury to his God?—the man who eating of your bread, sharing your confidence, and holding, as it were, your very purse-strings, all the time meditates your overthrow and pursues it to its accomplishment? How paint the wretch who, under pretence of agreement in your opinions, worms himself into your secrets only to betray them; and who, upon the same altar with you, pledges his faith and fealty to the same principles, and then sells faith, and fealty, and principles, and you alike, for the unhallowed Judas guerdon? Of such, on his own confession was that distinguished upholder of the British crown and government, Mr. Devany. With an affrontery that did not falter, and knew not how to blush, he detailed his own participation in the acts for which he was prosecuting me as a participator. And is the evidence of a man like that—a conviction obtained upon such evidence—any warrant for a sentence depriving me of all that make life desirable or enjoyable?

"He was first spy for the crown—in the pay of the crown, under the control of the crown, and think you he had any other object than to do the behests of the crown?

"He was next the traitor spy, who had taken that one fatal step, from which in this life there is no retrogression—that one plunge in infamy from which there is no receding—that one treachery for which there is no earthly forgiveness; and, think you, he hesitated about a prejury more or less to secure present pay and future patronage? Here was one to whom existence offers now no prospect save in making his perfidy a profession, and think you he was deterred by conscience from recommending himself to his patrons? Think you that when at a distance of three thousand miles from the scenes he professed to describe, he could lie with impunity and invent without detection, he was particular to a shade in doing his part of a most filthy bargain? It is needless to describe a wretch of that kind—his own actions speak his character. It were superfluous to curse him, his whole existence will be a living, a continuing curse. No necessity to use the burning words of the poet and say:—

"May life's unblessed cup for  
him  
Be drugged with treacheries to  
the brim.'

"Every sentiment in his regard of the country he has dishonoured, and the people he has humbled, will be one of horror and hate. Every sigh sent up from the hearts he has crushed and the homes he has made desolate, will be mingled with execrations on the name of the informer. Every heart-throb in the prison cells of this land where his victims count time by corroding his thought—every grief that finds utterance from these victims in the quarries of Portland will go up to heaven freighted with curses on the Nagles, the Devanys, the Masseys, the Gillespies, the Corridons, and the whole host of mercenary miscreants, who, faithless to their friends and recreant to their professions, have, paraphrasing the words of Moore, taken their perfidy to heaven seeking to make accomplice of their God—wretches who have embalmed their memories in imperishable infamy, and given their accursed names to an inglorious immortality. Nor will I speculate on their career in the future. We have it on the best existing authority that a distinguished informer of antiquity seized with remorse, threw away his blood-money, 'went forth and hanged himself.' We know that in times within the memory of living men a government actually set the edifying and praiseworthy example of hanging an informer when they had no further use of his valuable services—thus *dropping* his acquaintance with effect. I have no wish for such a fate to any of the informers who have cropped out so luxuriantly in these latter days—a long life and a troubled conscience would, perhaps, be their correct punishment—though certainly there would be a consistent compensation—a poetic justice—in a termination so exalted to a career so brilliant.

"I leave these fellows and turn for a moment to their victims. And, I would here, without any reference to my own case, earnestly implore that sympathy with political sufferers should not be merely telescopic in its character, 'distance lending enchantment to the view;' and that when your statesmen sentimentalize upon, and your journalists denounce far-away tyrannies—the horrors of Neapolitan dungeons—the abridgement of personal freedom in Continental countries—the exercise of arbitrary power by irresponsible authority in other lands—they would turn their eyes homeward, and examine the treatment and the sufferings of their own political prisoners. I would, in all sincerity, suggest that humane and well-meaning men, who exert themselves for the remission of the death-penalty as a mercy, would rather implore that the doors of solitary and silent captivity should be remitted to the more merciful doom of an immediate relief from suffering by immediate execution—the opportunity of an immediate appeal from man's cruelty to God's justice. I speak strongly on this point because I feel it deeply. I speak not without example. At the Commission at which I was tried there was tried also and sentenced a young man named Stowell. I well

remember that raw and dreary morning, the 12th March, when handcuffed to Stowell I was sent from Kilmainham Prison to the County Gaol of Kildare. I well remember our traversing, so handcuffed, from the town of Sailing to the town of Naas, ankle deep in snow and mud, and I recall now with pain our sad foreboding of that morning. These in part have been fulfilled. Sunday after Sunday I saw poor Stowell at chapel in Naas Gaol drooping and dying. One such Sunday—the 12th May—passed and I saw him no more. On Wednesday, the 15th, he was, as they say, *mercifully* released from prison, but the fiat of mercy had previously gone forth from a higher power—the political convict simply reached his own home to die, with loving eyes watching by his death-bed. On Sunday, the 19th May, he was consigned to another prison home in Glasnevin Cemetery. May God have mercy on his soul—may God forgive his persecutors—may God give peace and patience to those who are doomed to follow.

"Pardon this digression, my lords, I could not avoid it. Returning to the question, why sentence should not be pronounced upon me, I would ask your lordships' attention to the fact showing, even in the estimate of the crown, the case is not one for sentence.

"On the morning of my trial, and before the trial, terms were offered to me by the crown. The direct proposition was made through my solicitor, through the learned counsel who so ably defended me, through the Governor of Kilmainham Prison—by all three—that if I pleaded guilty to the indictment, I should get off with six months' imprisonment. Knowing the pliancy of Dublin juries in political cases, the offer was, doubtless, a tempting one. Valuing liberty, it was almost resistless—in view of a possible penal servitude—but having regard to principle, I spurned the compromise. I then gave unhesitatingly, as I would now give, the answer, that not for a reduction of the punishment to six hours would I surrender faith—that I need never look, and could never look, wife or children, friends or family, in the face if capable of such a selfish cowardice. I could not to save myself imperil the safety of others—I could not plead guilty to an indictment in which six others were distinctly charged by name as co-conspirators with me—one of those six since tried, convicted, and sentenced to death—I could not consent to obtain my own pardon at their expense—furnish the crown with a case in point for future convictions, and become, even though indirectly, worthy to rank with that brazen battalion of venal vagabonds, who have made the Holy Gospel of God the medium of barter for their unholy gain, and obtained access to the inmost heart of their selected victim only to coin its throbbing into the traitor's gold and traffic on its very life-blood.

"Had I been charged simply with my own words and deeds I would have no hesitation in making acknowledgement. I have nothing to repent and nothing to conceal—nothing to retract and nothing to countermand; but in the language of the learned Lord Chief Baron in this case, I could not admit 'the preposterous idea of thinking by deputy' any more than I could plead guilty to an indictment which charge others with crime. Further, my lords, I could not acknowledge culpability for the acts and words of others at a distance of three thousand miles—others whom I had never seen, of whom I had never heard, and with whom I never had had communication. I could not admit that the demoniac atrocities, described as Fenian principles by the constabulary-spy Talbot, ever had my sanction or approval or the sanction or approval of any man in America.

"If, my lords, six months' imprisonment was the admeasurement of the law officers of the crown as an adequate punishment for my alleged offence—assuming that the court had jurisdiction to try and punish—then, am I now entitled to my discharge independent of all other grounds of discharge, for I have gone through seven months of an imprisonment which could not be excelled by demon ingenuity in horror and in hardship—in solitude, in silence and in suspense. Your lordships will not only render further litigation necessary by passing sentence for the perhaps high crime—but still the untried crime—of refusing to yield obedience to the crown's proposition for my self-abasement. You will not, I am sure, visit upon my rejection of Mr. Anderson's delicate overture—you will not surely permit the events occurring, unhappily occurring, since my trial to influence your judgments. And do not, I implore you, accept as a truth, influencing that judgement, Talbot's definition of the objects of Feminism. Hear what Devany, the American informer, describes them to be. 'The members,' he says, 'were *pledged by word of honour* to promote love and harmony amongst all classes of Irishmen and to labour for the independence of Ireland.' Talbot says that in Ireland 'the members are *bound by oath* to seize the property of the country and murder all opposed to them.' Can any two principles be more distinct from each other? Could there be a conspiracy for a common object by such antagonistic means? To murder all opposed to your principles may be an effectual way of producing unanimity, but the quality of love and harmony engendered by such a patent process, would be extremely equivocal. Mr. Talbot, for the purposes of his evidence, must have borrowed a leaf from the History of the French Revolution, and adopted as singularly telling and appropriate for effect the saying

attributed to Robespierre: 'Let us cut everybody's throat but our own, and then we are sure to be masters.'

"No one in America, I venture to affirm, ever heard of such designs in connexion with the Fenian Brotherhood. No one in America would countenance such designs. Revolutionists are not ruffians or rapparees. A judge from the bench at Cork, and a noble lord in his place in parliament, bore testimony to that fact, in reference to the late movement; and I ask you, my lords—I would ask the country from this court—for the sake of the character of your countrymen—to believe Devany's interpretation of Fenianism—tainted traitor though he be—rather than believe that the kindly instincts of Irishmen, at home and abroad—their generous impulses—their tender sensibilities—all their human affections, in a word—could degenerate into the attributes of the assassin, as stated by that hog-in-armour, that crime-creating Constable Talbot.

"Taking other ground, my lords, I object to any sentence upon me. I stand at this bar a declared citizen of the United States of America, entitled to the protection of such citizenship; and I protest against the right to pass any sentence in any British court for acts done, or words spoken, or alleged to be done or spoken, on American soil, within the shades of the American flag, and under the sanction of American institutions. I protest against the assumption that would in this country limit the right of thought, or control the liberty of speech in an assemblage of American citizens in an American city. The United States will, doubtless, respect and protect her neutrality laws and observe the comity of nations, whatever they may mean in practice, but I protest against the monstrous fiction—the transparent fraud—that would seek in ninety years after the evacuation of New York by the British to bring the people of New York within the vision and venue of a British jury—that in ninety years after the last British bayonet had glistened in an American sunlight, after the last keel of the last of the English fleet ploughed its last furrow in the Hudson or the Delaware—after ninety years of republican independence—would seek to restore that city of New York and its institutions to the dominion of the crown and government of Great Britain. This is the meaning of it, and disguise it as you may, so will it be interpreted beyond the Atlantic. Not that the people of America care one jot whether S.J. Meany were hanged, drawn, and quartered to-morrow, but that there is a great principle involved. Personally, I am of no consequence; politically, I represent in this court the adopted citizen of America—for, as the *New York Herald*, referring to this case, observed, if the acts done in my regard are justifiable, there is nothing to prevent the extension of the same justice to any other adopted citizen of the States visiting Great Britain. It is, therefore, in the injustice of the case the influence lies, and not in the importance of the individual.

"Law is called 'the perfection of reason.' Is there not danger of its being regarded as the very climax of absurdity if fictions of this kind can be turned into realities on the mere caprice of power. As a distinguished English journalist has suggested in reference to the case, 'though the law may doubtless be satisfied by the majority in the Court of Appeal, yet common sense and common law would be widely antagonistic if sentence were to follow a judgment so obtained.'

"On all grounds then I submit, in conclusion, this is not a case for sentence. Waving for the purpose the international objection, and appealing to British practice itself, I say it is not a fair case for sentence. The professed policy of that practice has ever been to give the benefit of doubt to the prisoner. Judges in their charges to juries have ever theorized on this principle, and surely judges themselves will not refuse to give practical effect to the theory. If ever there was a case which more than another was suggestive of doubt, it is surely one in which so many judges have pronounced against the legality of the trial and the validity of the conviction on which you are about to pass sentence. Each of these judges, be it remembered, held competent in his individuality to administer the criminal law of the country—each of whom, in fact, in his individuality does so administer it unchallenged and unquestioned.

"A sentence under such circumstances, be it for a long period or a short would be wanting in the element of moral effect—the effect of example—which could alone give it value, and which is professedly the aim of all legal punishment. A sentence under such circumstances would be far from reassuring to the public mind as to the 'certainties' of the law, and would fail to commend the approval or win the respect of any man 'within the realm or without.' While to the prisoner, to the sufferer in chief, it would only bring the bitter, and certainly not the repentant feeling that he suffered in the wrong—that he was the victim of an injustice based on an inference which not even the tyrant's plea of necessity can sustain—namely, that at a particular time he was at a distance of three thousand miles from the place where he then actually stood in bodily presence, and that at that distance he actually thought the thoughts and acted the acts of men unknown to him even by name. It will bring to the prisoner, I repeat, the feeling—the bitter feeling—that he was condemned on an unindicted charge pressed suddenly into



the service, and for a constructive crime which some of the best authorities in the law have declared not to be a crime cognizable in any of your courts.

"Let the crown put forward any supposition they please—indulge in what special pleadings they will—sugar over the bitter pill of constructive conspiracy as they can—to this complexion must come the triangular injustice of this case—the illegal and unconstitutional kidnapping in England—the unfair and invalid trial and conviction in Ireland for the alleged offence in another hemisphere and under mother sovereignty. My lords, I have done."

---

## **CAPTAIN JOHN M'CLURE.**

Captain John M'Clure, like Captain M'Afferty, was an American born, but of Irish parentage. He was born at Dobb's Ferry, twenty-two miles from New York, on July 17th, 1846, and he was therefore a mere youth when, serving with distinguished gallantry in the Federal ranks, he attained the rank of captain. He took part in the Fenian rising of the 5th March, and was prominently concerned in the attack and capture of Knockadoon coast-guard station. He and his companion, Edward Kelly, were captured by a military party at Kilclooney Wood, on March 31st, after a smart skirmish, in which their compatriot the heroic and saintly Peter Crowley lost his life. His trial took place before the Special Commission at Cork, on May 22nd and 23rd, 1807. The following are the spirited and eloquent terms in which he addressed the court previous to sentence being pronounced on him:—

"My lords—In answer to the question as to why the sentence of the court should not now be passed upon me, I would desire to make a few remarks in relation to my late exertions in behalf of the suffering people of this country, in aiding them in their earnest endeavours to attain the independence of their native land. Although not born upon the soil of Ireland, my parents were, and from history, and tradition, and fireside relations, I became conversant with the country's history from my earliest childhood, and as the human race will ever possess these God-like qualities which inspire mankind with sympathy for the suffering, a desire to aid poor Ireland to rise from her moral degradation took possession of me. I do not now wish to say to what I assign the failure of that enterprise with which are associated my well-meant acts for this persecuted land. I feel fully satisfied of the righteousness of my every act in connexion with the late revolutionary movement in this country, being actuated by a holy desire to assist in the emancipation of an enslaved and generous people. I derive more pleasure from having done the act than from any other event that has occurred to me during my eventful but youthful life. I wish it to be distinctly understood here, standing as I do perhaps on the brink of an early grave, that I am no fillibuster or freebooter, and that I had no personal object or inclination to gain anything in coming to this country. I came solely through love of Ireland and sympathy for her people. If I have forfeited my life. I am ready to abide the issue. If my exertions on behalf of a distressed people be a crime, I am willing to pay the penalty, knowing, as I do, that what I have done was in behalf of a people whose cause is just—a people who will appreciate and honour a man, although he may not be a countryman of their own—still a man who is willing to suffer in defence of that divine, that American principle—the right of self-government. I would wish to tender to my learned and eloquent counsel, Mr. Heron and Mr. Waters, and to my solicitor, Mr. Collins, my sincere and heartfelt thanks for the able manner in which they have conducted my defence. And now, my lords, I trust I will meet in a becoming manner the penalty which it is now the duty of your lordship to pronounce upon me. I have nothing more to say."

---

## **EDWARD KELLY.**

On the same occasion the prisoner Edward Kelly delivered the following soul-stirring address:—

"My lords—The novelty of my situation will plead for any want of fluency on my part; and I beg your lordships' indulgence if I am unnecessarily tedious. I have to thank the gentlemen of the jury for their recommendation, which I know was well meant; but knowing, as I do, what that mercy will be, I heartily wish that recommendation will not be received. Why should I feel regret? What is death? The act of passing from this life into the next. I trust that God will pardon me my sins, and that I will have no cause to fear entering into the presence of the ever-living and Most Merciful Father. I don't recollect in my life ever having done anything with a deliberately bad intention. In my late conduct I do not see anything for regret. Why then, I say, should I feel regret? I leave the dread of death to such wretches as Corridon and Massey—Corridon, a name once so suggestive of sweetness and peace, now the representative of a loathsome monster. If there be anything that can sink that man, Corridon, lower in the scales of degradation, it is—"

The Chief Justice—"We cannot listen to any imputation on persons who were examined as witnesses. Strictly speaking, you are only to say why sentence of death should not be passed upon you; at the same time we are very unwilling to hold a very strict hand, but we cannot allow imputations to be made on third persons, witnesses or others, who have come forward in this trial."

Prisoner—"Well, my lord, I will answer as well as I can the question put to me. The Irish people through every generation ever since England has obtained a footing in Ireland, have protested against the occupation of our native soil by the English. Surely that is answer enough why sentence of death should not be passed upon me. In the part I have taken in the late insurrection, I feel conscious that I was doing right. Next to serving his Creator, I believe it is a man's solemn duty to serve his country. [Here the prisoner paused to suppress his emotion, which rendered his utterance very feeble, and continued]—my lords, I have nothing more to say, except to quote the words of the sacred psalmist, in which you will understand that I speak of my country as he speaks of his:—'If I forget thee, O Jerusalem, let my right hand be forgotten, let my tongue cleave to my jaws if I do not remember thee: if I make not Jerusalem the beginning of my joy. Remember, O Lord, the children of Edom in the day of Jerusalem: who say, raze, raze it, even to the foundation thereof. O daughter of Babylon, miserable: blessed be he who shall repay thee thy payment which thou hast paid us.' In conclusion, my lords, I wish to give my thanks to my attorney, Mr. Collins, for his untiring exertions, and also to my counsel, Mr. Heron, for his able defence, and to Mr. Waters."

---

## CAPTAIN WILLIAM MACKAY.

In the evidence adduced at the Cork Summer Assizes of 1867, on the trials of persons charged with participation in the Fenian rising of March 5th, the name of Captain Mackay frequently turned up. The captain, it would appear, was a person of influence and importance in the insurrectionary army. He had taken part in many councils of the Fenian leaders, he was trusted implicitly by his political friends, and much deference was paid to his opinion. But more than all this, he had taken the field on the night of the rising, led his men gallantly to the attack of Ballyknockane police barrack, and, to the great horror of all loyal subjects, committed the enormous offence of capturing it. This, and the similar successes achieved by Lennon at Stepside and Glencullen, county Wicklow, were some of the incidents of the attempted rebellion which most annoyed the government, who well knew the influence which such events, occurring at the outset of a revolutionary movement, are apt to exercise on the popular mind. Captain Mackay, therefore, was badly "wanted" by the authorities after the Fenian rising; there was any money to be given for information concerning the whereabouts of Captain Mackay, but it came not. Every loyal-minded policeman in Cork county, and in all the other Irish counties, and every detective, and every spy, and every traitor in the pay of the government, kept a sharp look out for the audacious Captain Mackay, who had compelled the garrison of one of her Majesty's police barracks to surrender to him, and hand him up their arms in the quietest and most polite manner imaginable; but they saw him not, or if they saw, they did not recognise him.

So month after month rolled on, and no trace of Captain Mackay could be had. The vigilant guardians and servants of English law in Ireland, then began to think he must have managed to get clear out of the country, and rather expected that the next thing they would hear of him would be that he was organizing and lecturing amongst the Irish enemies of England in the United States. There, however, they were quite mistaken, as they soon found out to their very great vexation and alarm.

On the 27th day of December, 1867, there was strange news in Cork, and strange news all over the country, for the telegraph wires spread it in every direction. The news was that on the previous evening a party of Fenians had entered the Martello tower at Foaty, on the north side of the Cork river, made prisoners of the gunners who were in charge, and had then taken possession of, and borne away all the arms and ammunition they could find in the place! Startling news this was undoubtedly. Loyal men stopped each other in the streets, and asked if anything like it had ever been heard of. They wanted to know if things were not coming to a pretty pass, and did not hesitate to say they would feel greatly obliged to anyone who could answer for them the question "What next?" For this sack of the Martello tower was not the first successful raid for arms which the Fenians had made in that neighbourhood. About a month before—on the night of November 28th—they had contrived to get into the shop of Mr. Richardson, gunmaker, Patrick-street, and abstract from the premises no fewer than 120 revolvers and eight Snider rifles, accomplishing the feat so skilfully, that no trace either of the weapons or the deprecators had since been discovered. This was what might be called a smart stroke of work, but it shrunk into insignificance compared with the audacious act of plundering one of her Majesty's fortified stations.

The details of the affair, which were soon known, were received by the public with mingled feelings of amusement and amazement. The Fenian party, it was learned, had got into the tower by the usual means of entrance—a step-ladder, reaching to the door, which is situate at some height from the ground. One party of the invaders remained in the apartment just inside the

entrance door, while another numbering five persons, proceeded to an inner room, where they found two of the gunners, with their families, just in the act of sitting down to tea. In an instant revolvers were placed at the heads of the men, who were told not to stir on peril of their lives. At the same time assurances were given to them, and to the affrighted women, that if they only kept quiet and complied with the demands of the party no harm whatever should befall them. The garrison saw that resistance was useless, and promptly acceded to those terms. The invaders then asked for and got the keys of the magazine, which they handed out to their friends, who forthwith set to work to remove the ammunition which they found stored in the vaults. They seized about 300 lbs. of gunpowder, made up in 8 lb. cartridges, a quantity of fuses, and other military stores, and then proceeded to search the entire building for arms. Of these, however, they found very little—nothing more than the rifles and sword bayonets of the two or three men who constituted the garrison, a circumstance which seemed to occasion them much disappointment. They were particularly earnest and pressing in their inquiries for hand-grenades, a species of missile which they had supposed was always kept "in stock" in such places. They could scarcely believe that there were none to be had. Some charges of grape-shot which they laid hands on might be, they thought, the sort of weapon they were in quest of, and they proceeded to dissect and analyse one of them. Grape-shot, we may explain to the unlearned in these matters, is "an assemblage, in the form of a cylindrical column, of nine balls resting on a circular plate, through which passes a pin serving as an axis. The balls are contained in a strong canvas bag, and are bound together on the exterior of the latter by a cord disposed about the column in the manner of a net." This was not the sort of thing the Fenian party wanted; grape-shot could be of no use to them, for the Fenian organization, to its great sorrow, was possessed of no artillery; they resolved, therefore, to leave those ingeniously-constructed packages behind them, and to retire with the more serviceable spoils they had gathered. While the search was proceeding, the Fenian sentries, with revolvers ready in their hands, stood guard over the gunners, and prevented anyone—young or old—from quitting the room. They spoke kindly to all however, chatted with the women, and won the affectionate regards of the youngsters by distributing money among them. One of these strange visitors became so familiar as to tell one of the women that if she wished to know who he was, his name was Captain Mac—a piece of information which did not strike her at the time as being of any peculiar value. When the party had got their booty safely removed from the building, this chivalrous captain and his four assistant sentries prepared to leave; they cautioned the gunners, of whom there were three at this time in the building—one having entered while the search was proceeding—against quitting the fort till morning, stating that men would be on the watch outside to shoot them if they should attempt it. So much being said and done, they bade a polite good evening to her Majesty's gunners and their interesting families, and withdrew.

The heroic garrison did not venture out immediately after they had been relieved of the presence of the Fenian party; but finding that a few charges of powder were still stowed away in a corner of the fort, they hurried with them to the top of the building and commenced to blaze away from the big gun which was there *in situ*. This performance they meant as a signal of distress; but though the sounds were heard and the flashes seen far and wide, no one divined the object of what appeared to be nothing more than an oddly-timed bit of artillery practice. Next morning the whole story was in every one's mouth. Vast was the amusement which it afforded to the Corkonians generally, and many were the encomiums which they passed on the dashing Irish-Americans and smart youths of Cork's own town who had accomplished so daring and clever a feat. Proportionally great was the irritation felt by the sprinkling of loyalists and by the paid servants of the crown in that quarter. One hope at all events the latter party had, that the leader in the adventure would soon be "in the hands of justice," and one comforting assurance, that never again would the Fenians be able to replenish their armoury in so easy and so unlawful a manner.

Four days afterwards there was another "sensation" in Cork. The Fenian collectors of arms had made another haul! And this time their mode of action surpassed all their previous performances in coolness and daring. At nine o'clock in the morning, on the 30th of December, eight men, who had assumed no disguise, suddenly entered the shop of Mr. Henry Allport, gunmaker, of Patrick-street, and producing revolvers from their pockets, covered him and his two assistants, telling then at the same time that if they ventured to stir, or raise any outcry, they were dead men. While the shopmen remained thus bound to silence, five of the party proceeded to collect all the rifles and revolvers in the establishment, and place them in a canvas sack which had been brought for the purpose. This sack, into which a few guns and seventy-two splendid revolvers of the newest construction had been put, was then carried off by two men, who, having transferred the contents to the safe-keeping of some confederates, returned with it very quickly to receive and bear away a large quantity of revolver cartridges which had been found in the shop. This second "loot" having been effected, the guards who stood over Mr. Allport and his men, lowered their weapons, and after cautioning all three not to dare to follow them, quitted the shop in a leisurely manner, and disappeared down one of the by-streets. As soon as he was able to collect his scattered wits, Mr. Allport rushed to the nearest police station, and gave information of what had occurred. The police hastened to the scene of this daring exploit, but of course "the birds were flown," and no one could say whither.

Needless to say how this occurrence intensified the perplexity and the rage of the government party in all parts of the country. There was surely some fierce swearing in Dublin Castle on the day that news arrived, and perhaps many a passionate query blurted out as to whether police, detectives, magistrates, and all in that southern district were not secretly in league with the rebels. In fact, a surmise actually got into the papers that the proprietors of the gunshops knew

more about the disappearance of the arms, and were less aggrieved by the "seizure" than they cared to acknowledge. However this might be, the popular party enjoyed the whole thing immensely, laughed over it heartily, and expressed in strong terms their admiration of the skill and daring displayed by the operators. The following squib, which appeared in the *Nation* at the time, over the initials "T.D.S.," affords an indication of the feelings excited among Irish nationalists by those extraordinary occurrences:—

#### THE CORK MEN AND NEW YORK MEN

Oh, the gallant Cork men,  
Mixed with New York men,  
I'm sure their equals they can't be found,  
For persevering  
In deeds of daring,  
They set men staring the world around.  
No spies can match them,  
No sentries watch them,  
No specials catch them or mar their play,  
While the clever Cork men  
And cute New York men  
Work new surprises by night and day.

Sedate and steady,  
Calm, quick, and ready,  
They boldly enter, and make no din.  
Where'er such trifles  
As Snider rifles  
And bright six-shooters are stored within.  
The Queen's round towers  
Can't baulk their powers,  
Off go the weapons by sea and shore,  
To where the Cork men  
And smart New York men  
Are daily piling their precious store.

John Bull, in wonder,  
With voice like thunder,  
Declares such plunder he roust dislike,  
They next may rowl in  
And sack Haulbowline,  
Or on a sudden run off with Spike.  
His peace is vanished,  
His joys are banished,  
And gay or happy no more he'll be,  
Until those Cork men  
And wild New York men  
Are sunk together beneath the sea.

Oh, bold New York men  
And daring Cork men,  
We own your pleasures should all grow dim,  
On thus discerning  
And plainly learning  
That your amusement gives pain to *him*.  
Yet, from the nation,  
This salutation  
Leaps forth, and echoes with thunderous  
sound—  
"Here's to all Cork men,  
Likewise New York men,  
Who stand for Ireland, the world around!"

But Captain Mackay, skilful and "lucky" as he was, was trapped at last.

On the evening of the 7th of February, 1868, he walked into the grocery and spirit shop of Mr. Cronin in Market-street—not to drink whiskey or anything of that sort, for he was a man of strictly temperate habits, and he well knew that of all men those who are engaged in the dangerous game of conspiracy and revolution can least afford to partake of drinks that may unloose their tongues and let their wits run wild. He called for a glass of lemonade, and recognising some persons who were in the shop at the time, he commenced a conversation with them.

Only a few minutes from the time of his entrance had elapsed when a party of police, wearing a disguise over their uniforms, rushed into the shop, and commanded the door to be shut.

The men inside attempted to separate and escape, but they were instantly grappled by the police. One of the force seized Captain Mackay by the collar, and a vigorous struggle between them at once commenced. The policeman was much the larger man of the two, but the Fenian Captain

was wiry and muscular, and proved quite a match for him. They fell, and rose, and fell, and rose again, the policeman undermost sometimes, and at other times the Fenian Captain. They struggled for nearly twenty minutes.

"Dead or alive, I'll take you," said the policeman, as he drew his revolver from his pocket.

"I have but one life, to lose, and if it goes, so be it," replied Mackay drawing a weapon of the same kind.

In another instant there was a clash as of striking steel, and a discharge of one of the weapons.

"Good God! I'm shot!" exclaimed Constable Casey from, the end of the room, and he fell upon the floor.

Captain Mackay's revolver had gone off in the struggle, and the ball had struck the constable in the leg, inflicting on him a serious wound.

By this time several parties of police had arrived in the street and stationed themselves so as to prevent the formation of a crowd and deter the people from any attempt at rescue. A reinforcement having turned into the house in which the struggle was going on, Captain Mackay and others who had been in his company were made prisoners, and marched off in custody.

Some days afterwards, the wounded constable, who had refused to submit to amputation of the wounded limb, died in hospital.

On the 10th of March, 1868, at the Cork Assizes, Judge O'Hagan presiding, Captain Mackay was put on his trial for murder. The evidence established a probability that the discharge of the prisoner's revolver was not intended or effected by him, but was a consequence of its having been struck by the revolver of the policeman who was struggling with him. The verdict of the jury therefore was one of acquittal.

But then came the other charge against him, the charge of treason-felony, for his connexion with the Fenian Brotherhood, and his part in the recent "rising." For this he was put on trial on the 20th day of March. He was ably defended by Mr. Heron, Q.C.; but the evidence against him was conclusive. To say nothing of the testimony of the informers, which should never for a moment be regarded as trustworthy, there was the evidence and the identification supplied by the gunners of the Martello tower and their wives, and the policemen of Ballyknockane station and the wife of one of them. This evidence while establishing the fact that the prisoner had been concerned in the levying of war against the crown, established also the fact that he was a man as chivalrous and gentle as he was valorous and daring. Some of the incidents proved to have occurred during the attack which was made, under his leadership, on the police barrack, are worthy of special mention in any sketch, however brief, of the life and adventures of this remarkable man. After he, at the head of his party, had demanded the surrender of the barrack in the name of the Irish Republic, the police fired, and the fire was returned. Then the insurgents broke in the door and set fire to the lower part of the barrack. Still the police held out. "Surrender!" cried the insurgents; "*You want to commit suicide, but we don't want to commit murder.*" One of the policemen then cried out that a little girl, his daughter, was inside, and asked if the attacking party would allow her to be passed out? Of course they would, gladly; and the little girl was taken out of the window with all tenderness, and given up to her mother who had chanced to be outside the barrack when the attack commenced. At this time a Catholic clergyman, the Rev. Mr. Neville, came on the spot. He asked the insurgent leader whether, if the police surrendered, any harm would be done to them? "Here is my revolver," said Captain Mackay, "let the contents of it be put through me if one of them should be injured." Well did Mr. Heron in his able speech, referring to these facts, say, "Though they were rebels who acted that heroic part, who could say their hearts, were not animated with the courage of Leonidas, and the chivalry of Bayard."

On the second day of the trial the jury brought in their verdict, declaring the prisoner guilty, but at the same time recommending him to the merciful consideration of the court, because of the humanity which he had displayed towards the men whom he had in his power. The finding took no one by surprise, and did not seem to trouble the prisoner in the faintest degree. During the former trial some shades of anxiety might have been detected on his features; the charge of "murder" was grievous to him, but when that was happily disposed of, the world seemed to brighten before him, and he took his treason-felony trial cheerily. He knew what the verdict on the evidence would be, and he was conscious that the penalty to be imposed on him would be no trivial one; he felt that it was hard to part from faithful comrades, and dear friends, and, above all, from the young wife whom he had married only a few short months before; but then it was in Ireland's cause he was about to suffer, and for that he could endure all.

And yet, Ireland was not his native land. He was born in Cincinnati, Ohio, in the year 1841. But his parents, who were natives of Castle-Lyons, near Fermoy, in the County Cork, were true children of Erin, and they taught their son to love, even as they did themselves, that green isle far away, from which a hard fate had compelled them to roam. Patriotism, indeed, was hereditary in the family. The great-grandfather of our hero suffered death for his fidelity to the cause of Ireland in the memorable year 1798; and a still-more remarkable fact is that Captain Mackay—or William Francis Lomasney, to call him by his real name—in leaving America for Ireland in 1865 to take part in the contemplated rising, merely took the place which his father wished and intended to occupy. The young man induced him, to remain at home, and claimed for himself the post of danger. Well may that patriotic father be proud of such a son.

When called upon for such remarks as he might have to offer on his own behalf, Captain Mackay, without any of the airs of a practised speaker, but yet with a manner that somehow touched every heart and visibly affected the humane and upright judge who sat on the bench, delivered the following address:—

"My lord—What I said last evening I think calls for a little explanation. I then said I was fully satisfied with the verdict—that it was a fair and just one. I say so still, but I wish to state that I consider it only so in accordance with British law, and that it is not in accordance with my ideas of right and justice. I feel that with the strong evidence there was against me, according to British law, the jury could not, as conscientious men, do otherwise. I feel that. I thank them again for their recommendation to mercy, which, I have no doubt, was prompted by a good intention towards me, and a desire to mitigate what they considered would be a long and painful imprisonment. Still, I will say, with all respect, that I feel the utmost indifference to it. I do so for this reason—I am now in that position that I must rely entirely upon the goodness of God, and I feel confident that He will so dispose events that I will not remain a prisoner so long as your lordship may be pleased to decree. The jury having now found me guilty, it only remains for your lordship to give effect to their verdict. The eloquence, the ability, the clear reasoning, and the really splendid arguments of my counsel failed, as I knew they would, to affect the jury. I feel, therefore, that with my poor talents it would be utterly vain and useless for me to attempt to stay the sentence which it now becomes your lordship's duty to pronounce. I believe, my lord, from what I have seen of your lordship, and what I have heard of you, it will be to you a painful duty to inflict that sentence upon me. To one clinging so much to the world and its joys—to its fond ties and pleasant associations, as I naturally do, retirement into banishment is seldom—very seldom—welcome. Of that, however, I do not complain. But to any man whose heart glows with the warmest impulses and the most intense love of freedom; strongly attached to kind friends, affectionate parents, loving brother and sisters, and a devotedly fond and loving wife, the contemplation of a long period of imprisonment must appear most terrible and appalling. To me, however, viewing it from a purely personal point of view, and considering the cause for which I am about to suffer, far from being dismayed—far from its discouraging me—it proves to me rather a source of joy and comfort. True, it is a position not to be sought—not to be looked for—it is one which, for many, very many reasons there is no occasion for me now to explain, maybe thought to involve disgrace or discredit. But, so far from viewing it in that light, I do not shrink from it, but accept it readily, feeling proud and glad that it affords me an opportunity of proving the sincerity of those soul-elevating principles of freedom which a good old patriotic father instilled into my mind from my earliest years, and which I still entertain with a strong love, whose fervour and intensity are second only to the sacred homage which we owe to God. If, having lost that freedom, I am to be deprived of all those blessings—those glad and joyous years I should have spent amongst loving friends—I shall not complain, I shall not murmur, but with calm resignation and cheerful expectation, I shall joyfully submit to God's blessed will, feeling confident that He will open the strongly locked and barred doors of British prisons. Till that glad time arrives, it is consolation and reward enough for me to know that I have the fervent prayers, the sympathy and loving blessings of Ireland's truly noble and generous people, and far easier, more soothing and more comforting to me will it be to go back to my cheerless cell, than it would be to live in slavish ease and luxury—a witness to the cruel sufferings and terrible miseries of this down-trodden people. Condemn me, then, my lord—condemn me to a felon's doom. To-night I will sleep in a prison cell; to-morrow I will wear a convict's dress; but to me it will be a far nobler garb than the richest dress of slavery. Coward slaves they lie who think the countless sufferings and degradation of prison life disgraces a man. I feel otherwise. It is as impossible to subdue the soul animated with freedom as it will be for England to crush the resolute will of this nation, determined as it is to be free, or perish in the attempt. According to British law, those acts proved against me—fairly proved against me I acknowledge—maybe crimes, but morally, in the eyes of freemen and the sight of God, they are more ennobling than disgraceful. Shame is only a connexion with guilt. It is surely not a crime to obey God's law, or to assist our fellow-men to acquire those God-given rights which no men—no nation—can justly deprive them of. If love of freedom and a desire to extend its unspeakable blessings to all God's creatures, irrespective of race, creed, or colour, be a crime—if devotion to Ireland, and love of its faithful, its honest, its kindly people be a crime, then I say I proudly and gladly acknowledge my guilt. If it is a disgrace, all I can say is I glory in such shame and dishonour; and, with all respect for the court, I hold in thorough and utmost contempt the worst punishment that can be inflicted upon me, so far as it is intended to deprive me of this feeling, and degrade me in the eyes of my fellow-men. Oh, no, it is impossible, my lord; the freeman's soul can never be dismayed. England will most miserably fail if she expects by force and oppression to crush out—to stamp out, as the *Times* exclaimed—this glorious longing for national life and independence which now fills the breasts of millions of Irishmen, and which only requires a little patience

and the opportunity to effect its purpose. Much has been said on these trials, on the objects and intentions of Fenianism. I feel confidently, my lord, as to my own motives. I shall not be guilty of the egotism to say whether they are pure or otherwise. I shall leave that to others to judge. I am not qualified to judge that myself; but I know in my soul that the motives which prompted me were pure, patriotic, and unselfish. I know the motives that actuate the most active members of the Fenian organization; and I know that very few persons, except such contemptible wretches as Corridon, have profited by their connexion with Fenianism. My best friends lost all they ever possessed by it. Talbot and Corridon, I believe, have sworn on previous trials that it was the intention of the Fenians to have divided the lands of Ireland amongst themselves in the event of success. Though an humble member of the organization, I have the honour and satisfaction of being acquainted with the great majority of the leaders of Fenianism on both sides of the Atlantic, and I never knew one of them to have exhibited a desire other than to have the proud satisfaction of freeing Ireland, which was the only reward they ever yearned for—the only object that ever animated them. As to myself, I can truly say that I entered into this movement without any idea of personal aggrandisement. When, in 1865, I bade my loving friends and parents good-bye in America, and came to Ireland, I was fully satisfied with the thought that I was coming to assist in the liberation of an enslaved nation; and I knew that the greatest sacrifices must be endured on our parts before the country could be raised to that proud position which is so beautifully described by the national poet as—

"Great, glorious, and free,  
First flower of the earth, first gem of the sea.'

"Well, it was with that only wish, and that only desire I came to Ireland, feeling that to realize it were to an honest man a greater reward than all the honours and riches and power this world could bestow. I cannot boast of learning, my lord; I have not had much opportunity of cultivating those talents with which Providence may have blessed me. Still I have read sufficient of the world's history to know that no people ever acquired their liberty without enormous sacrifices—without losing, always, I may say, some of the purest, bravest, and best of their children. Liberty, if worth possessing, is surely worth struggling and fighting for, and in this struggle—of which, although the crown-lawyers and the government of England think they have seen the end, but of which I tell them they have not yet seen the commencement—I feel that enormous sacrifices must be made. Therefore, my lord, looking straight before me now, I say I was determined and was quite ready to sacrifice my life if necessary to acquire that liberty; and I am not now going to be so mean-spirited, so cowardly, or so contemptible as to shrink from my portion of the general suffering. I am ready, then, for the sentence of the court, satisfied that I have acted right, confident that I have committed no wrong, outrage, or crime whatever, and that I have cast no disgrace upon my parents, my friends, upon my devoted wife, or upon myself. I am, with God's assistance, ready to meet my fate. I rest in the calm resignation of a man whose only ambition through life has been to benefit and free, not to injure, his fellow-men; and whose only desire this moment is to obtain their prayers and blessings. With the approval of my own conscience, above all hoping for the forgiveness of God for anything I may have done to displease Him, and relying upon His self-sustaining grace to enable me to bear any punishment, no matter how severe, so long as it is for glorious old Ireland. I had intended, my lord, to refer to my notes which I took at the trial; but I feel that was so ably done by my counsel, it would be a mere waste of time for me to do so, but I just wish to make an explanation. Sir C. O'Loughlen made a statement—unintentionally I am sure it was on his part—which may or may not affect me. He said I sent a memorial to the Lord Lieutenant praying to be released from custody. I wish to say I sent no such thing. The facts of the matter are these:—I was liberated in this court because in reality the crown could not make out a case against me at the time; and as I could, at the same time, be kept in prison until the next assizes, I, on consultation with my friends and with my fellow-captive, Captain M'Afferty, consented, as soon as I should receive a remittance from my friends in America, to return there. On these conditions I was set at liberty, understanding, at the same time, that if found in the country by next assizes I would be brought up for trial. I did not want to give annoyance, and I said I would go to America. I honestly intended to do so then—not, however, as giving up my principles, but because I saw there was no hope of an immediate rising in Ireland. While agreeing to those conditions, I went to Dublin, and there met M'Afferty, and it was on that occasion I made the acquaintance of Corridon. I met him purely accidentally. He afterwards stated that he saw me in Liverpool, but he did not see me there. I went over with an object, and while there I was arrested by anticipation, before the *Habeas Corpus* Act was really suspended. I defy the government to prove I had any connexion with Fenianism from the time I was released from Cork jail until February, 1867. I was afterwards removed to Mountjoy prison, and, while there, Mr. West came to me and said he understood I

was an American citizen, and asked why I did not make that known. I said I had a double reason—first, because I expected the crown would see they had broken their pledge with me in having been so soon arrested; and also that I expected my government would make a general demand for all its citizens. By Mr. West's desire I put that statement in writing; and I do not think that there is a word in it that can be construed into a memorial to the Lord Lieutenant. One of the directors of the prison came to me and asked me was I content to comply with the former conditions, and I said I was. I was liberated upon those conditions, and complied with them; but there was no condition whatever named that I was never to return to Ireland nor to fight for Irish independence. At that time I would sooner have remained in prison than enter into any such compact. Now, with reference to Corridon's information. He states he met me in Liverpool after the rising, and I stated to him that somebody 'sold the pass' upon us—to use the Irish phrase. Now, it is a strange thing, my lord, that he got some information that was true, and I really was in Liverpool, but not with the informer. The fact is, the month previous to that I knew, and so did M'Afferty, that Corridon had sold us. We left instructions at Liverpool to have him watched; but owing to circumstances, it is needless now to refer to, that was not attended to, and he came afterwards to Ireland and passed as a Fenian, and the parties here, not knowing he had betrayed them, still believed in him. But I knew very well that Corridon had betrayed that Chester affair, and so did Captain M'Afferty; and if I had met him at that time in Liverpool I don't think it would be him I would inform of our plans. I only want to show, my lord, how easily an informer can concoct a scene. I never in my life attended that meeting that Corridon swore to. All his depositions with respect to me is false. I did meet him twice in Dublin, but not on the occasions he states. I wish to show how an informer can concoct a story that it will be entirely out of the power of the prisoner to contradict. With reference to the witness Curtin, whom I asked to have produced—and the crown did produce all the witnesses I asked for—your lordship seemed to be under the impression that I did not produce him because he might not be able to say I was not in his house that night. Now, the fact is that, as my attorney learned the moment Mr. Curtin was brought to town, he knew nothing whatever about the circumstance, as he was not in his own tavern that night at all. That was why I did not produce the evidence. But I solemnly declare I never was in Curtin's public-house in my life till last summer, when I went in with a friend on two or three occasions, and then for the first time. That must have been in June or July, after the trials were over in Dublin. So that everything Corridon said in connection with my being there that night was absolutely false. I solemnly declare I was never there till some time last summer, when I went in under the circumstances I have stated. In conclusion, my lord, though it may not be exactly in accordance with the rules of the court, I wish to return your lordship my most sincere thanks for your fair and impartial conduct during this trial. If there was anything that was not impartial in it at all, I consider it was only in my favour, and not in favour of the crown. This I consider is the duty of a judge, and what every judge should do—because the prisoner is always on the weak side, and cannot say many things he would wish, while the crown, on the other hand, have all the power and influence that the law and a full exchequer can give them. I must also return my sincere and heartfelt thanks to my able and distinguished counsel, who spoke so eloquently in my favour. As for Mr. Collins, I feel I can never sufficiently thank him. He served me on my trial at a great sacrifice of time and money, with noble zeal and devotion, such as might be more readily expected from a friend than a solicitor. There are many more I would like to thank individually, but as this may not be the proper time and place to do so, I can only thank all my friends from the bottom of my heart. I may mention the name at least of Mr. Joyce, who, in the jail, showed a great deal of kind feeling and attention. And now, my lord, as I have already stated, I am ready for my sentence I feel rather out of place in this dock [the prisoner here smiled gently]. It is a place a man is very seldom placed in, and even if he is a good speaker he might be put out by the circumstance of having to utter his remarks from this place. But speaking at all is not my *forte*; and there are such emotions filling my breast at this moment that I may be pardoned for not saying all I would wish. My heart is filled with thoughts of kind friends—near at hand and far away—of father and mother, brothers and sisters, and my dear wife. Thoughts of these fill my breast at this moment, and check my utterance. But I will say to them that I am firmly convinced I will yet live to see, and that God will be graciously pleased in His own good time to order, the prosperity and freedom of this glorious country. I would only repeat the powerful, touching, and simple words of Michael Larkin, the martyr of Manchester, who, in parting from his friends, said, 'God be with you, Irishmen and Irishwomen,' and the burning words of my old friend Edward O'Mara Condon, which are now known throughout Ireland and the world, 'God save Ireland!' And I, too, would say, 'God be with you, Irishmen and women; God save you; God bless Ireland; and God grant me strength to bear my task for Ireland as becomes a man. Farewell!' [A sound of some females sobbing was here heard in the gallery. Several ladies in court, too, visibly yielded to emotion at this point. Perceiving this the prisoner continued:—] My lord, if I display any emotion at this moment, I trust it will not be construed



into anything resembling a feeling of despair, for no such feeling animates me. I feel, as I have already said, confidence in God. I feel that I will not be long in imprisonment; therefore I am just as ready to meet my fate now as I was six weeks ago, or as I was six months ago. I feel confident that there is a glorious future in store for Ireland, and that, with a little patience, a little organization, and a full trust in God on the part of the Irish people, they will be enabled to obtain it at no distant date."

During the concluding passages of this address many persons sobbed and wept in various parts of the court. At its close the learned judge in language that was really gentle, considerate, and even complimentary towards the prisoner, and in a voice shaken by sincere emotion, declared the sentence which he felt it to be his duty to impose. It was penal servitude for a term of twelve years.

---

\*\*\* END OF THE PROJECT GUTENBERG EBOOK SPEECHES FROM THE DOCK; OR, PROTESTS OF IRISH PATRIOTISM. PART I \*\*\*

Updated editions will replace the previous one—the old editions will be renamed.

Creating the works from print editions not protected by U.S. copyright law means that no one owns a United States copyright in these works, so the Foundation (and you!) can copy and distribute it in the United States without permission and without paying copyright royalties. Special rules, set forth in the General Terms of Use part of this license, apply to copying and distributing Project Gutenberg™ electronic works to protect the PROJECT GUTENBERG™ concept and trademark. Project Gutenberg is a registered trademark, and may not be used if you charge for an eBook, except by following the terms of the trademark license, including paying royalties for use of the Project Gutenberg trademark. If you do not charge anything for copies of this eBook, complying with the trademark license is very easy. You may use this eBook for nearly any purpose such as creation of derivative works, reports, performances and research. Project Gutenberg eBooks may be modified and printed and given away—you may do practically ANYTHING in the United States with eBooks not protected by U.S. copyright law. Redistribution is subject to the trademark license, especially commercial redistribution.

START: FULL LICENSE  
THE FULL PROJECT GUTENBERG LICENSE  
PLEASE READ THIS BEFORE YOU DISTRIBUTE OR USE THIS WORK

To protect the Project Gutenberg™ mission of promoting the free distribution of electronic works, by using or distributing this work (or any other work associated in any way with the phrase "Project Gutenberg"), you agree to comply with all the terms of the Full Project Gutenberg™ License available with this file or online at [www.gutenberg.org/license](http://www.gutenberg.org/license).

**Section 1. General Terms of Use and Redistributing Project Gutenberg™ electronic works**

1.A. By reading or using any part of this Project Gutenberg™ electronic work, you indicate that you have read, understand, agree to and accept all the terms of this license and intellectual property (trademark/copyright) agreement. If you do not agree to abide by all the terms of this agreement, you must cease using and return or destroy all copies of Project Gutenberg™ electronic works in your possession. If you paid a fee for obtaining a copy of or access to a Project Gutenberg™ electronic work and you do not agree to be bound by the terms of this agreement, you may obtain a refund from the person or entity to whom you paid the fee as set forth in paragraph 1.E.8.

1.B. "Project Gutenberg" is a registered trademark. It may only be used on or associated in any way with an electronic work by people who agree to be bound by the terms of this agreement. There are a few things that you can do with most Project Gutenberg™ electronic works even without complying with the full terms of this agreement. See paragraph 1.C below. There are a lot of things you can do with Project Gutenberg™ electronic works if you follow the terms of this agreement and help preserve free future access to Project Gutenberg™ electronic works. See paragraph 1.E below.

1.C. The Project Gutenberg Literary Archive Foundation ("the Foundation" or PGLAF), owns a compilation copyright in the collection of Project Gutenberg™ electronic works. Nearly all the individual works in the collection are in the public domain in the United States. If an individual work is unprotected by copyright law in the United States and you are located in the United States, we do not claim a right to prevent you from copying, distributing, performing, displaying or creating derivative works based on the work as long as all references to Project Gutenberg are removed. Of course, we hope that you will support the Project Gutenberg™ mission of promoting free access to electronic works by freely sharing

Project Gutenberg™ works in compliance with the terms of this agreement for keeping the Project Gutenberg™ name associated with the work. You can easily comply with the terms of this agreement by keeping this work in the same format with its attached full Project Gutenberg™ License when you share it without charge with others.

1.D. The copyright laws of the place where you are located also govern what you can do with this work. Copyright laws in most countries are in a constant state of change. If you are outside the United States, check the laws of your country in addition to the terms of this agreement before downloading, copying, displaying, performing, distributing or creating derivative works based on this work or any other Project Gutenberg™ work. The Foundation makes no representations concerning the copyright status of any work in any country other than the United States.

1.E. Unless you have removed all references to Project Gutenberg:

1.E.1. The following sentence, with active links to, or other immediate access to, the full Project Gutenberg™ License must appear prominently whenever any copy of a Project Gutenberg™ work (any work on which the phrase “Project Gutenberg” appears, or with which the phrase “Project Gutenberg” is associated) is accessed, displayed, performed, viewed, copied or distributed:

This eBook is for the use of anyone anywhere in the United States and most other parts of the world at no cost and with almost no restrictions whatsoever. You may copy it, give it away or re-use it under the terms of the Project Gutenberg License included with this eBook or online at [www.gutenberg.org](http://www.gutenberg.org). If you are not located in the United States, you will have to check the laws of the country where you are located before using this eBook.

1.E.2. If an individual Project Gutenberg™ electronic work is derived from texts not protected by U.S. copyright law (does not contain a notice indicating that it is posted with permission of the copyright holder), the work can be copied and distributed to anyone in the United States without paying any fees or charges. If you are redistributing or providing access to a work with the phrase “Project Gutenberg” associated with or appearing on the work, you must comply either with the requirements of paragraphs 1.E.1 through 1.E.7 or obtain permission for the use of the work and the Project Gutenberg™ trademark as set forth in paragraphs 1.E.8 or 1.E.9.

1.E.3. If an individual Project Gutenberg™ electronic work is posted with the permission of the copyright holder, your use and distribution must comply with both paragraphs 1.E.1 through 1.E.7 and any additional terms imposed by the copyright holder. Additional terms will be linked to the Project Gutenberg™ License for all works posted with the permission of the copyright holder found at the beginning of this work.

1.E.4. Do not unlink or detach or remove the full Project Gutenberg™ License terms from this work, or any files containing a part of this work or any other work associated with Project Gutenberg™.

1.E.5. Do not copy, display, perform, distribute or redistribute this electronic work, or any part of this electronic work, without prominently displaying the sentence set forth in paragraph 1.E.1 with active links or immediate access to the full terms of the Project Gutenberg™ License.

1.E.6. You may convert to and distribute this work in any binary, compressed, marked up, nonproprietary or proprietary form, including any word processing or hypertext form. However, if you provide access to or distribute copies of a Project Gutenberg™ work in a format other than “Plain Vanilla ASCII” or other format used in the official version posted on the official Project Gutenberg™ website ([www.gutenberg.org](http://www.gutenberg.org)), you must, at no additional cost, fee or expense to the user, provide a copy, a means of exporting a copy, or a means of obtaining a copy upon request, of the work in its original “Plain Vanilla ASCII” or other form. Any alternate format must include the full Project Gutenberg™ License as specified in paragraph 1.E.1.

1.E.7. Do not charge a fee for access to, viewing, displaying, performing, copying or distributing any Project Gutenberg™ works unless you comply with paragraph 1.E.8 or 1.E.9.

1.E.8. You may charge a reasonable fee for copies of or providing access to or distributing Project Gutenberg™ electronic works provided that:

- You pay a royalty fee of 20% of the gross profits you derive from the use of Project Gutenberg™ works calculated using the method you already use to calculate your applicable taxes. The fee is owed to the owner of the Project Gutenberg™ trademark, but he has agreed to donate royalties under this paragraph to the Project Gutenberg Literary Archive Foundation. Royalty payments must be paid within 60 days following each date on which you prepare (or are legally required to prepare) your periodic tax returns. Royalty payments should be clearly marked as such and sent to the Project Gutenberg Literary Archive Foundation at the address specified in Section 4, “Information about donations to the

- You provide a full refund of any money paid by a user who notifies you in writing (or by e-mail) within 30 days of receipt that s/he does not agree to the terms of the full Project Gutenberg™ License. You must require such a user to return or destroy all copies of the works possessed in a physical medium and discontinue all use of and all access to other copies of Project Gutenberg™ works.
- You provide, in accordance with paragraph 1.F.3, a full refund of any money paid for a work or a replacement copy, if a defect in the electronic work is discovered and reported to you within 90 days of receipt of the work.
- You comply with all other terms of this agreement for free distribution of Project Gutenberg™ works.

1.E.9. If you wish to charge a fee or distribute a Project Gutenberg™ electronic work or group of works on different terms than are set forth in this agreement, you must obtain permission in writing from the Project Gutenberg Literary Archive Foundation, the manager of the Project Gutenberg™ trademark. Contact the Foundation as set forth in Section 3 below.

#### 1.F.

1.F.1. Project Gutenberg volunteers and employees expend considerable effort to identify, do copyright research on, transcribe and proofread works not protected by U.S. copyright law in creating the Project Gutenberg™ collection. Despite these efforts, Project Gutenberg™ electronic works, and the medium on which they may be stored, may contain “Defects,” such as, but not limited to, incomplete, inaccurate or corrupt data, transcription errors, a copyright or other intellectual property infringement, a defective or damaged disk or other medium, a computer virus, or computer codes that damage or cannot be read by your equipment.

1.F.2. LIMITED WARRANTY, DISCLAIMER OF DAMAGES - Except for the “Right of Replacement or Refund” described in paragraph 1.F.3, the Project Gutenberg Literary Archive Foundation, the owner of the Project Gutenberg™ trademark, and any other party distributing a Project Gutenberg™ electronic work under this agreement, disclaim all liability to you for damages, costs and expenses, including legal fees. YOU AGREE THAT YOU HAVE NO REMEDIES FOR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTY OR BREACH OF CONTRACT EXCEPT THOSE PROVIDED IN PARAGRAPH 1.F.3. YOU AGREE THAT THE FOUNDATION, THE TRADEMARK OWNER, AND ANY DISTRIBUTOR UNDER THIS AGREEMENT WILL NOT BE LIABLE TO YOU FOR ACTUAL, DIRECT, INDIRECT, CONSEQUENTIAL, PUNITIVE OR INCIDENTAL DAMAGES EVEN IF YOU GIVE NOTICE OF THE POSSIBILITY OF SUCH DAMAGE.

1.F.3. LIMITED RIGHT OF REPLACEMENT OR REFUND - If you discover a defect in this electronic work within 90 days of receiving it, you can receive a refund of the money (if any) you paid for it by sending a written explanation to the person you received the work from. If you received the work on a physical medium, you must return the medium with your written explanation. The person or entity that provided you with the defective work may elect to provide a replacement copy in lieu of a refund. If you received the work electronically, the person or entity providing it to you may choose to give you a second opportunity to receive the work electronically in lieu of a refund. If the second copy is also defective, you may demand a refund in writing without further opportunities to fix the problem.

1.F.4. Except for the limited right of replacement or refund set forth in paragraph 1.F.3, this work is provided to you ‘AS-IS’, WITH NO OTHER WARRANTIES OF ANY KIND, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO WARRANTIES OF MERCHANTABILITY OR FITNESS FOR ANY PURPOSE.

1.F.5. Some states do not allow disclaimers of certain implied warranties or the exclusion or limitation of certain types of damages. If any disclaimer or limitation set forth in this agreement violates the law of the state applicable to this agreement, the agreement shall be interpreted to make the maximum disclaimer or limitation permitted by the applicable state law. The invalidity or unenforceability of any provision of this agreement shall not void the remaining provisions.

1.F.6. INDEMNITY - You agree to indemnify and hold the Foundation, the trademark owner, any agent or employee of the Foundation, anyone providing copies of Project Gutenberg™ electronic works in accordance with this agreement, and any volunteers associated with the production, promotion and distribution of Project Gutenberg™ electronic works, harmless from all liability, costs and expenses, including legal fees, that arise directly or indirectly from any of the following which you do or cause to occur: (a) distribution of this or any Project Gutenberg™ work, (b) alteration, modification, or additions or deletions to any Project Gutenberg™ work, and (c) any Defect you cause.

## **Section 2. Information about the Mission of Project Gutenberg™**

Project Gutenberg™ is synonymous with the free distribution of electronic works in formats readable by the widest variety of computers including obsolete, old, middle-aged and new computers. It exists because of the efforts of hundreds of volunteers and donations from people in all walks of life.

Volunteers and financial support to provide volunteers with the assistance they need are critical to reaching Project Gutenberg™'s goals and ensuring that the Project Gutenberg™ collection will remain freely available for generations to come. In 2001, the Project Gutenberg Literary Archive Foundation was created to provide a secure and permanent future for Project Gutenberg™ and future generations. To learn more about the Project Gutenberg Literary Archive Foundation and how your efforts and donations can help, see Sections 3 and 4 and the Foundation information page at [www.gutenberg.org](http://www.gutenberg.org).

### **Section 3. Information about the Project Gutenberg Literary Archive Foundation**

The Project Gutenberg Literary Archive Foundation is a non-profit 501(c)(3) educational corporation organized under the laws of the state of Mississippi and granted tax exempt status by the Internal Revenue Service. The Foundation's EIN or federal tax identification number is 64-6221541. Contributions to the Project Gutenberg Literary Archive Foundation are tax deductible to the full extent permitted by U.S. federal laws and your state's laws.

The Foundation's business office is located at 809 North 1500 West, Salt Lake City, UT 84116, (801) 596-1887. Email contact links and up to date contact information can be found at the Foundation's website and official page at [www.gutenberg.org/contact](http://www.gutenberg.org/contact)

### **Section 4. Information about Donations to the Project Gutenberg Literary Archive Foundation**

Project Gutenberg™ depends upon and cannot survive without widespread public support and donations to carry out its mission of increasing the number of public domain and licensed works that can be freely distributed in machine-readable form accessible by the widest array of equipment including outdated equipment. Many small donations (\$1 to \$5,000) are particularly important to maintaining tax exempt status with the IRS.

The Foundation is committed to complying with the laws regulating charities and charitable donations in all 50 states of the United States. Compliance requirements are not uniform and it takes a considerable effort, much paperwork and many fees to meet and keep up with these requirements. We do not solicit donations in locations where we have not received written confirmation of compliance. To SEND DONATIONS or determine the status of compliance for any particular state visit [www.gutenberg.org/donate](http://www.gutenberg.org/donate).

While we cannot and do not solicit contributions from states where we have not met the solicitation requirements, we know of no prohibition against accepting unsolicited donations from donors in such states who approach us with offers to donate.

International donations are gratefully accepted, but we cannot make any statements concerning tax treatment of donations received from outside the United States. U.S. laws alone swamp our small staff.

Please check the Project Gutenberg web pages for current donation methods and addresses. Donations are accepted in a number of other ways including checks, online payments and credit card donations. To donate, please visit: [www.gutenberg.org/donate](http://www.gutenberg.org/donate)

### **Section 5. General Information About Project Gutenberg™ electronic works**

Professor Michael S. Hart was the originator of the Project Gutenberg™ concept of a library of electronic works that could be freely shared with anyone. For forty years, he produced and distributed Project Gutenberg™ eBooks with only a loose network of volunteer support.

Project Gutenberg™ eBooks are often created from several printed editions, all of which are confirmed as not protected by copyright in the U.S. unless a copyright notice is included. Thus, we do not necessarily keep eBooks in compliance with any particular paper edition.

Most people start at our website which has the main PG search facility: [www.gutenberg.org](http://www.gutenberg.org).

This website includes information about Project Gutenberg™, including how to make donations to the Project Gutenberg Literary Archive Foundation, how to help produce our new eBooks, and how to subscribe to our email newsletter to hear about new eBooks.