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SPEECH

DELIVERED BY

MICHAEL DAVITT

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THE 'TIMES'-PARNELL COMMISSION

S P E E C H

DELIVERED BY

MICHAEL DAVITT

IN

DEFENCE OF THE LAND LEAGUE

CAREFULLY REVISED

LONDON

KEGAN PAUL, TRENCH, TRÜBNER, & CO., LTD.

1890

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PREFATORY

THE 'Special Commission,' before which the following speech was delivered, was created by the Act 51 & 52 Vict., 1888 :—' An Act to constitute a Special Commission to inquire into the charges and allegations made against certain members of Parliament and other persons by the defendants in the recent trial of an action entitled *O'Donnell v. Walter and another.*'

The trial of *O'Donnell v. Walter* was an action brought by Mr. F. H. O'Donnell, ex-M.P. for Dungarvan, against the proprietors of the 'Times,' for alleged libellous references in leading articles and letters, which were published by that paper under the name 'Parnellism and Crime.'

The trial took place in London, and the jury brought in a verdict for the defendants. Immediately afterwards the subject was discussed in Parliament, and the Special Commission Act was passed.

The Commissioners appointed under the Act were Sir James Hannen (President), Sir J. C. Day, and Sir A. L. Smith.

The proceedings were held in Probate Court No. 1, Royal Courts of Justice, London, and began, in the first public sitting, on October 22, 1888, ending in the 128th sitting on Friday November 22, 1889.

The 'Times' was represented by the Attorney-General for England (Sir Richard Webster, Q.C., M.P.), Sir Henry James, Q.C., M.P., Mr. Murphy, Q.C., and Mr. W. Graham; with Mr. John Atkinson, Q.C., and Mr. Ronan, of the Irish Bar.

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Mr. C. S. Parnell, M.P., was represented by Sir Charles Russell, Q.C., M.P., and Mr. H. H. Asquith, M.P.

The other Irish members of Parliament included in the charges were defended by Mr. R. T. Reid, Q.C., M.P., Mr. F. Lockwood, Q.C., M.P., Mr. Arthur O'Connor, M.P., Mr. Lionel Hart, and Mr. Arthur Russell; with Mr. T. Harrington, M.P., of the Irish Bar.

Mr. T. M. Healy, M.P., and Mr. Joseph G. Biggar, M.P., defended themselves.

Mr. Michael Davitt conducted his own case.

The expressions 'O'Donnell and Walter' and 'the Blue Book' have reference to the printed report of the trial out of which the Special Commission arose.

The 'official note,' 'official minute,' or 'evidence' referred to in the following pages mean the official shorthand record of the proceedings of the Commission from day to day, from which record this speech in defence of the Land League has been taken.

To economise space matter of secondary importance has been left out of this republication.

Some things objected to as irrelevant or unnecessary by the President are included, with other illustrative facts and figures, in Appendices.

The delivery of the speech occupied the sittings of the Commission from the 24th to the 31st of October, 1889.

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S P E E C H



I. OPENING OBSERVATIONS

I APPEAR before you to try to perform a task than which a more heavy or more responsible one was never attempted by a layman in a court of law. To fulfil the duties of such a task, in their completeness, would demand the exercise of the ablest and most experienced legal talent at the command of any man in these three countries. For, my Lords, the possible issues of this Commission may be far-reaching in their political, effects through the impressions which your report may or may not make upon the public mind of Great Britain and Ireland. And if the experience of law, the knowledge, and the ability which I am only too conscious of not possessing should in any way contribute to a decision adverse to the persons here charged, my responsibility would indeed be an unenviable one to bear.

I must, therefore, at once state that I appear here to-day, as I have done from the opening of this Commission, in my own behalf alone. What I shall feel it my duty to say in the evidence, the arguments I may use, and the opinions which I may express will be in my own, and not in anybody else's, defence. I know right well that in appearing here at all at this stage, and undertaking to address this Commission, I shall run counter to that popular opinion in Ireland which has endorsed the action of Mr. Parnell in withdrawing himself and the case of his colleagues from this tribunal. Nevertheless, I feel impelled by a sense of loyalty to two cardinal principles of a somewhat stormy political life, by a religious allegiance to truth and justice, to stand here and to defend, as well as I can, the

name and character and cause of the peasantry of Ireland, whose protests against wrong and whose demands for redress I have tried in season and out of season to embody and enforce in organised articulate action. And, my Lords, I confess there are personal as well as other reasons why I have determined to ask for a hearing from this Court. The Land League, which is here on its trial, was largely, though not entirely, the offspring of thoughts and resolutions which whiled away many a dreary and tedious hour in political captivity. It lightened the burden of penal servitude, and brought compensating solace to some extent for the loss of liberty, of home, and of friends, to think, and reason, and plan, how, when freedom should once again restore me to the rights and privileges of society, I should devote to the good of Ireland what strength of purpose or ability of service long years of patient study and yearning aspirations should equip me with in a just cause. And, my Lords, the idea of the Land League recalls more than even this to justify my present position. The conception of some such movement did more than give to my thoughts a congenial occupation while in the companionship of the thieves of Dartmoor prison. It represented the triumph of what was forgiving over what was revengeful in my Celtic temperament. For there is in every one of us, whether Celts or Saxons, a living, constant combat between what is good and what is, in its nature, evil. And when one finds oneself in prison at the age of twenty-two, bereft of everything that endears us to life, and surrounded by every condition of existence that could excite and keep alive passion and resentment, it is a hard and unequal struggle to conquer the spirit of hate and revenge. Yet I say it now, and I do so with my whole political work of the last ten years open to inquiry, that I believed as firmly in Dartmoor as when I made my last political speech on a public platform that a movement upon the lines of the Land League would result in removing the barriers which prevented the people of Great Britain from understanding and doing justice to the people of Ireland. Nay, more, I convinced myself then, as now, that the ultimate outcome of such a movement would be the sinking of racial animosities, and the cementing in bonds of friendship and equality the democracies of these three countries. I felt also, then, as now, that a movement of such a nature would be a pre-

sentation of the Irish idea to Great Britain, and to the world, that would place Ireland in its rightful position among civilised nations as the advocate, not for her own people alone, but for all peoples, of social justice and of the full rights of the labouring masses everywhere. It was with me then, as when, on my release from Portland prison in 1882, after completing nine years' imprisonment, I wrote the following words to the London 'Standard,' in a letter which Sir Charles Russell has read :—

'I have suffered by their power, and, as I believe, by their ignorance and prejudice ; but there is no bitterness in my heart to-day towards the English people. The doctrine of "the land for the people" is a universal gospel, and in its triumph is involved the social regeneration of England as clearly as the social regeneration of Ireland.'

With a motive more or less from the beginning of a character like this, no matter how, occasionally, it has been obscured by intemperate language or fits of political passion, I feel I am compelled to come before this tribunal and justify the spirit and intention of the Land League, its programme and its acts, from the charges which political malignity has made against them. This by way of personal explanation.

I am concerned for the other persons charged only to the negative extent of asking the Court to hold me alone responsible for anything which I may feel it my right or my duty to give expression to here. And if I should exhibit on a huge scale that folly which briefless barristers say belongs to those who act as their own lawyers, I ask that the consequences of such alleged folly shall be put down to my own, and not to anyone else's, account.

But there is yet another personal request I have to make at the hands of this tribunal, which is obvious from my position here. I venture to say there never has occurred in your Lordships' varied experience an occasion where a layman, pleading his own case, called for the exercise of more patience and forbearance from a judicial bench than in this instance. The magnitude of the case itself, the length of time which it has occupied, the number of witnesses that have been called, the varied and contradictory character of the evidence *pro* and *con*, the gravity of the indictment, and the innumerable points where legal skill is

required to discriminate between illegality by consent, by ignorance, or by accident—all these considerations, and scores of others, must, I am sure, be present to your Lordships' minds, and make an appeal there for my legal ignorance—an appeal which will neither be foreign to your disposition to grant nor to the exercise of the exalted functions which the Legislature has committed to this tribunal to discharge.

So far as Sir Henry James is concerned, I am sorry he has not a foeman more worthy of his steel. I regret, indeed, that the able Counsel who originally intended to speak at this stage had not an opportunity of doing justice to the case which the defence has put before the Court. Mr. Reid, Mr. Lockwood, and Mr. Asquith would use their great legal ability and experience with benefit, I am sure, to your Lordships' patient study of so vast a case, and would give Sir Henry James something to reply to. But I am sure a lawyer who is at once so courteous to his opponents and so comparatively omnipotent to myself, as Sir Henry James, will not turn to advantage against others any mistake which I may be betrayed into either by want of knowledge of law or by inadvertence. I ask this, however, from Sir Henry James, but not as Counsel for the 'Times,' from which enemy I would feel myself degraded to request any consideration except its continued, unmitigated, rancorous hostility.

My Lords, the part which those charged have been compelled to play in the drama of this Commission is full of pain. To drag out from the buried records of the past ten years, and expose to the comment and gaze of this Court, and the whole world, every unhappy crime and mishap of a period of virtual revolution, and for political and party purposes, openly avowed by Mr. McDonald, when he admitted in that witness-box that he published the first of the forged letters on the morning of the division upon the last Coercion Act; to dissect, as it were, the social life of a people, and compel political opponents, who are the leaders of that people, to take part in the operation, was meant to be a work which was to hold up the Irish nation to the hate and contempt of the people of Great Britain, and thereby achieve a purpose as politically vindictive as the means and men employed by the 'Times' in this congenial task were malignant and unscrupulous. These charges and allegations were not alone meant

to accomplish a present political end : they were intended to fix upon Nationalist Ireland a stamp of moral obliquity that would carry a stigma against the Irish race wherever found on the surface of this broad earth. It was to deprive Irish political opponents of British political allies in England, Scotland, and Wales, and to take from the Irish cause, as represented by Mr. Parnell, the moral support of sympathising opinion in every English-speaking land, that the articles 'Parnellism and Crime' were written, that the infamous forged letters were printed for world-wide circulation, and, finally, for which the 'Times' has practically thrust upon you the severe, laborious, and onerous task of virtually trying the Irish nation on an indictment drawn up by Richard Pigott.

Under these circumstances, I am satisfied that the latitude which you will allow me, in commenting upon the agrarian crime of Ireland, before and during the Land League period, and upon the general subject of the cause of agrarian outrage, will not be narrowly circumscribed by a rigid enforcement of strictly professional pleading. I address this Court not only for myself, but for the people from whose poorest class I have sprung. This is the class to whom, chiefly, the evicted tenantry of my country have invariably belonged. They compose, practically, the Celtic part of Ireland's population. They represent both the fight which Ireland has uninterruptedly made against the landlord system from the days of Elizabeth to our own, and the race which it has been England's policy to subdue, or exterminate, from that period to the present. I belong to that race whose heritage has been one of brutal persecution and oppression in its own land, and of calumny and misrepresentation in exile. Its misfortunes were my earliest study in political science, and I have had to bear my share of its unhappy destiny. Its sufferings for religious, social, and political privileges are, however, next to its never-ceasing struggles to assert its natural and national rights, a compensating inheritance for centuries of systematically inflicted wrong. As it was mainly the poorest of Ireland's population—at least during the present century—which has suffered most by the system of Irish landlordism, so has it been chiefly from among the class to which I belong that combinations have sprung which had for their object to curb the injustice of that

system. These combinations have taken many forms, and are known under a variety of names to the student of Irish history. As Allison the historian says :—

‘Combinations are the natural resource of the weak against the strong, of the poor against the rich, of the oppressed against the oppressor. As such they have been known in all countries, and in all ages, and have often rendered important, sometimes beneficial, service to society.’

Wherever in history we find these combinations, whether in a peasants' war in Germany, or in a Whiteboy organisation in Ireland, or, say, in the trades-unionism of Sheffield, Manchester, or Glasgow, of thirty years ago, we discover the crimes and excesses committed to be in proportion to the causes which an unenlightened law permitted to operate in the production of discontent and its inseparable accompaniments, illegality and outrage. The condition and treatment of the poorer tenantry of Ireland have not been, and could not be, humanly speaking, free from the crime which injustice begets everywhere. For that violence which has taken the form of retaliatory chastisement for acknowledged merciless wrong, I make no apology on the part of the victims of Irish landlordism. For me to do so would be to indict Nature for having implanted within us the instinct of self-defence. But I shall repel with all my limited power and ability the entire case of the ‘Times,’ which seeks to place at my door, and on the name of the Land League, the legal or moral responsibility for crimes and occurrences that are as repugnant to my nature, and to the Irish race, as to any person among our accusers, or any nation on earth.

We say that these deplorable and unhappy deeds were the rank undergrowth of an unjust and unnatural social system which was inseparable from Irish landlordism as administered by the class for whose interests it was alone upheld by a short-sighted law—a law made by a legislature which not only did not represent the wants, feelings, or necessities of the Irish people, but which repelled attempt after attempt, time after time, year after year, on the part of the Irish representatives to so reform this system and law as to protect the rights of agricultural industry and cure the social disease which bred discontent and incited human passion and sense of wrong to deeds of crime and violence. The ‘Times,’ in its

charges against myself and others, purposely overlooks in Ireland, or deliberately challenges, the existence of all economic, social, or political incentives to disorder and outrage during the past ten years, with the object of bringing home to the persons charged both the legal and moral responsibility for their commission.

It has placed before the world, and has had circulated, either by its own or some other agency avowedly political, millions of copies of these charges, broadcast over these countries, for the purpose I have already defined. That this has been done exclusively for a political end no one can truthfully deny. Party and political motives are the very life of 'Parnellism and Crime.' Racial animosity also played its part in this crusade of calumny. The voters of Great Britain were told what a murderous people those of the South and West of Ireland had become, under the teaching of myself and other persons of the Land League. It is, therefore, a mockery of the names of justice, of law, and of public duty, for Counsel for the 'Times' to pretend now that it was a regard for these civic virtues which prompted it to scatter wholesale accusations against Irish leaders in 'Parnellism and Crime.' Just as well might a professional burglar set up as a defence the plea that he broke into a house and stole its plate in order to prove his respect for law by exercising the detective powers of the police in its vindication. No one, inside or outside of Printing House Square, believes anything so supremely absurd as this. From beginning to end of this conspiracy against Irish leaders, it has been nothing else but a political crusade of the most undisguised and desperate character, to ruin political opponents, so as to serve a political object. And it would be utterly impossible for me to defend myself and the Land League against the charges and tactics of opponents using such weapons, if I were to be rigidly confined to the mere legal bearings of this practically political indictment. I know right well that your duty here is to interpret the law, and to investigate how far the indictment put forward by the 'Times' has been proved by legal evidence and to what extent the accused have cleared themselves from the criminalities charged against their acts and words. But I maintain it would be insulting the common sense of this Court to suppose for one moment that your Lordships, unlike the whole world outside these walls, looked upon this case as one totally disconnected from party

and political causes. My argument must, therefore, necessarily partake of a political, as well as of a legal, defence, if I am to clear myself by the evidence from the accusations of the 'Times.' I will ask the privilege, if I cannot demand the right, of tracing to acknowledged efficient causes, crimes and occurrences that are levelled at my teaching. This, I am sure, will not be denied me. If I were called upon to defend myself against, say, the charge of polluting the Thames and making it dangerous to the public health, because I had with others planned and tried to carry out, with the sympathy of the mass of London's population, a scheme of sanitary drainage; I imagine I would be permitted to show how London's old sewerage system was alone the seat and source of the malady imputed to my agency. What I propose doing, however, in my observations is, not to make a political justification answer the purpose of a legal defence; but to explain to your Lordships and the public outside, the origin and growth, the scope and meaning, and the development of certain movements in both Ireland and America, with the later phases of some of which movements I am charged with having had criminal alliance.

Next, I am anxious to dwell upon, and to briefly describe, the social condition of Ireland; the efforts at its constitutional amelioration, and their failure, which immediately preceded the Land League; in order that the judgment which this Court will give may be one that has fully taken into account the defence which the Land League makes through me against the charges of its accusers. And my entire defence will be that the Land League was a *bona-fide* legal organisation; that its origin was the inevitable growth of Irish political and economic development; that its aims, and objects, and *media* were constitutional; that its work has been beneficial, and has influenced, and is still influencing, the course of enlightened legislation in these countries; while the crimes and outrages which have taken place in Ireland from the date of the foundation of the League, and which the 'Times' charges to its agency, were incidental to the system which the League was established to abolish, and but accidental in coincidence with the movement which proposed, as its programme of reform, what both the two great English political parties are now contemplating as a measure of justice and sound policy.

Now, with these introductory observations your Lordships have

indulgently permitted me to make, I come to the definite charge made against myself, and I must say, my Lords, that my position in this inquiry is in every respect a singular one. No charge whatever was preferred against me by the 'Times' when this tribunal began its investigation into the allegations contained in the proceedings of *O'Donnell v. Walter*; though in such proceedings, as in the articles 'Parnellism and Crime,' I was as liberally dealt with in the matter of accusation as if I had the fortune, or misfortune, to be an Irish Member of Parliament. Nor was there any mention, directly or indirectly, made of my name among those who are alleged, in the particulars delivered to Mr. Parnell and others, to have been guilty of crime, and with whom Mr. Parnell and others of his colleagues are declared to have been associated in the carrying out of unlawful acts. I bring this circumstance to your Lordships' notice, not altogether with a view of influencing a judgment which will, however, I am sure, take cognisance of so tacit an admission on the part of the 'Times' that no tangible proof was in its possession, or within its reach, that could convict me of what was alleged against me by the writer of 'Parnellism and Crime.' I desire also that your Lordships should infer from this circumstance—this strange reluctance to charge me here with what I had been accused of elsewhere—a want of honesty of purpose towards this tribunal which to that extent disentitles the accusers in this case to your Lordships' lenient judgment. It has been repeated, the Lord only knows how many times, by the Attorney-General, that his clients were here to help your Lordships to perform the task which the Legislature has imposed upon you. Counsel for the Plaintiffs, according to their professions, were but actuated with the purpose of aiding your Lordships to unravel the truth in this inquiry from a labyrinth of uncertainty and doubt.

Now, supposing that I had chosen not to appear before this tribunal; that I had selected not to challenge the 'Times' to a proof of the allegations made elsewhere against me, but omitted here; would your Lordships, in face of what has now been sought to be proved against me, have had from the Attorney-General's clients a candid and honest help to the unravelling of the case which has occupied your attention from October last year to the present day? What I accuse the 'Times' of in this con-

nection, my Lords, is this : Either in omitting to proceed against me in the first instance, the Plaintiffs had no evidence of a reliable character to sustain the allegations made against me in 'Parnellism and Crime,' or they possessed such evidence. If the first of these propositions be accepted as an accurate description of their position towards me, then the particulars served upon me, when I demanded your Lordships' interference, were untrue or unjust, or both, and should never have usurped the place of an apology and an atonement to me before this tribunal. If, on the other hand, the 'Times' had in its possession, or within its reach, on the 22nd of October 1888, a knowledge of what was charged against me on the 27th of October of that year, then I say the omission to prefer these charges and allegations until my challenge compelled them to enter the lists against me, exhibited a *mala fides* on the part of the Plaintiffs towards this Commission, as well as some sinister purpose foreign to the alleged sense of public duty which is claimed to have governed the action of the 'Times' in its attitude towards Mr. Parnell and his colleagues.

I could have remained outside of this inquiry if I had so chosen. It would have been to my advantage to have done so, pecuniarily and otherwise : but, apprehensive that the refusal to proceed against me covered some design to make Mr. Parnell responsible for acts with which I am more directly concerned than any other human being, namely, the foundation of the Land League in Ireland and the extension of the Land League in America—acts which I, in common with Mr. Parnell, deny to have been criminal in themselves or as having been performed for ulterior purposes—I resolved to ask, at your Lordships' hands, a full inquiry into the allegations that had been made against me, in common with others, in 'Parnellism and Crime,' and by the Attorney-General as Counsel for the 'Times' in the case of *O'Donnell v. Walter*. If it has been sought by the 'Times,' during the past twelve months, to make me out a criminal conspirator with the perpetrators of outrage, let it be borne in mind that I have faced the accusations voluntarily, that I have courted investigation where the 'Times' had declined or feared at first to face it, so far as I was concerned.

II. THE CHARGES MADE AGAINST ME

Though the Attorney-General was not instructed to charge me with anything on the 22nd of October 1888, his clients, with a delightful readiness to prove an innocent man more guilty than any of the sixty-four persons charged as criminals, served me on the 27th of October with the following particulars :—

‘The Defendants repeat the particulars delivered to the members of Parliament (a copy of which accompanies these particulars), and apply them to the said Michael Davitt.’

They further charge the said Michael Davitt specifically as follows :—

‘That he was a member of the Fenian organisation, and convicted as such, and that he assisted in the formation of the Irish Land League with money which had been contributed for the purpose of outrage and crime. That he was in close and intimate association with the party of violence in America, and was mainly instrumental in bringing about the alliance between that party and the Parnellite and Home Rule Party in Ireland.’

Assuming for a moment that the allegations in the last two paragraphs are true, that the Attorney-General’s clients believed them to be matters of fact, when this investigation opened on the 22nd of October last year ; why was I not included among those between whom and alleged perpetrators of crime I was believed by the ‘Times’ to have been mainly instrumental in bringing about the alleged alliance ?

Not only was I not so included, but the Attorney-General, near the end of the second day’s proceedings of this inquiry, specifically exonerated me from charges freely alleged by him against others. At page 56 of the official minute the learned gentleman used these words, with which I think it important to refresh your Lordships’ memories. After having remarked that the only references made to me in ‘Parnellism and Crime’ were confined to my former connection with Fenianism—which remark was most inaccurate, as I will show later on—and as having in certain speeches advocated the total separation of Ireland from England, the Attorney-General said :—

·I am not aware that Mr. Davitt did take any active part in connection with the organisation of Land League meetings. And certainly, so far as I know, on my instructions with regard to this tyranny which operated upon the tenants, the poor men who were occupying the land, the poor men who were getting their daily wages, as distinguished from persons in high political positions, so far as I know, it was not a part of the views that were advocated by Mr. Davitt. I mention that because I want to bring this clearly to your Lordships' minds, that the organisation which the 'Times' attacked, that the organisation which the 'Times' said was supported only by boycotting, which had its sanction in murder, was the Land League organisation, and that at the head of that Land League organisation was Mr. Parnell, Mr. Biggar, Matthew Harris, Brennan, Egan, T. Harrington, Boyton, Sheridan, Kelly, and a number of other persons whose names I have mentioned ; but, as far as I know, Michael Davitt was not directly connected with this particular part of the organisation which carried on the agrarian agitation, as I have described it, during the years 1880, 1881, and 1882.'

Such were the views expressed by the Attorney-General upon the instructions given him by his clients at the very opening of these proceedings, and the strangest possible comment upon them is found in the particulars served upon me three days afterwards, in which I am alleged to have done not only everything that is charged against Mr. Parnell and his colleagues, but, in addition, to have been the *fons et origo* of what has been called 'the League Conspiracy,' and to be, not the missing, but the objective, link, between the Parnellite party in Ireland and what has been termed the party of violence in America.

I will now deal, as briefly as I can, with the specific charges made against me, after being so fully exonerated from complicity in the matters which your Lordships have been appointed to investigate. I will first refer to those charges which, as a reward for my innocence in the matter of the main allegations contained in the proceedings of O'Donnell and Walter, are put forward against me alone, after which I will lump all the other charges made against me in common with the sixty-four members of Parliament, and try to deal with them in a general defence of the Land League.

The first specific charge is that I was a 'member of the Fenian organisation, and convicted as such.'

That I have been, in former years, a member of the Fenian organisation, I admit. I have said so on a hundred public platforms in these countries during the last ten years. Whether I was fairly or justly convicted of such membership, is another matter. But for whatever legal guilt there may have been in my connection with such a revolutionary body, I have been made to expiate it by nine years' penal servitude. My punishment for this alleged offence began in 1870 and ended on the 6th of May 1882, I having been at liberty on ticket-of-leave from December 1877 to February 1881. I am not, I suppose, to understand that your Lordships were appointed over this tribunal to try me again for a political offence committed twenty years ago and legally expiated five years before the proceedings of O'Donnell and Walter began.

But while I am sure that the fact of this former transgression against the law will not, in this investigation, have the weight of a feather in your Lordships' judgment, except, possibly, in so far as it may have been proved—though I contend that it has not been proved—that my after-acts in the Land League were but a continuance of treasonable designs ; I have to remember that this is a public inquiry, and that the 'Times,' in raking up this old score, endeavours to prejudice Mr. Parnell's case before this tribunal and in the public mind by showing his association with me in the movement which we claim to have been perfectly constitutional in its origin, *modus operandi*, and ultimate aim. Remembering this, I feel bound to say a few words in explanation of an act which, though the law of the land condemned it, I claim to have been under the circumstances of the time an act similar to acts which unprejudiced English history has not only condoned but defended and justified, when other Powers than England were the Governments conspired against, and the conspirators were of continental, and not of Irish, origin. I can further show, my Lords, and will do so as briefly as possible, with the permission of the Court, that illegal movements like that with which I am charged with having been connected, were but the logical and inevitable outcome of the short-sighted policy which England has pursued towards Ireland in respect to the national claims and national sentiment of the Irish people. A sentiment, accounted honourable and patriotic in every other country, has been held up to ridicule and to contempt by the press of England when

associated with the name of Ireland ; and this pernicious writing, to which the 'Times' has been more addicted than any other journal, has been responsible alike for the unconstitutional policy of English rule in that country, and the, at times, fierce character of our resistance to that rule. And it can also be at the same time shown that the blind and bungling character of Westminster legislation for Ireland has set a premium upon Irish revolutionary movements, by postponing Parliamentary remedial measures until illegal methods of reform have menaced the existence of law. Concessions thus made became *post-facto* justifications of each and all of such unconstitutional movements. Surely, if all this can be demonstrated from the facts of history, I am morally and politically exonerated from this charge, after having legally expiated whatever of legal guilt was contained in my connection with the Fenian organisation.

Resistance in one form or another on the part of the people of Ireland to the invasion of their national right to rule themselves has been the one ever-recurring feature of the Anglo-Irish question. Efforts, persistent and unscrupulous, to ignore or destroy this right on the one hand, met and resisted, now hopelessly, now with more or less success, by the nation sought to be subjugated, on the other ; and this struggle carried on ever and always with this extraordinary result, that every attempt, whether by way of physical revolution or recourse to political agitation, has been followed by some concession on the part of the Parliament of England, or some admission by the chief actors in England's task of subjugating Irish national rights, that the movement was more or less a righteous one, or was in consequence of the tyranny or oppression practised upon the people of Ireland in the interest of English domination. It will not require many minutes to prove the accuracy of this statement, and to show how, historically or politically considered, the Fenian movement had some justification for its existence in the success which had attended previous appeals to unconstitutional means of reform, after peaceful demands had been refused again and again when put forward by constitutional endeavour.

If the rebellion of 1798 did not prove equally successful as that of 1782, neither did the causes which led to that rebellion, nor the means by which it was smothered in blood and ruin, win

from the consciences of English statesmen that approval which an unjustifiable rising of the Irish people would have obtained. It is now a matter of historic certainty that the recall of Earl Fitzwilliam in 1793, when he was actively and honestly devising a policy of conciliation, led to the insurrection of five years afterwards. It is equally certain that Lord Castlereagh actively fomented disaffection through his agents in order to justify the contemplated extinction of the Irish Parliament ; and that this nefarious policy, working upon the disappointed hopes which Lord Fitzwilliam's dismissal had occasioned, rendered the events of 1798 so memorable a chapter in Anglo-Irish history. Many testimonies might be adduced from the most eminent English authorities to substantiate these statements. I will quote but one, and I select this one because of the names which are called by the writer in proof of his assertions. Lord John Russell, in his *Life of Fox*, Vol. III., p. 396, says :—

‘The language of Fox on the subject of Ireland was always peculiarly strong and vehement ; he, like Mr. Burke, detested the rule of a miserable monopolising minority. He hated the corruption and the intolerance of that *magnum latrocinium*, which, having kept the Irish in bondage, goaded them into rebellion in order to stifle their rightful requests in blood. Not only Burke, not only Fox, not only Lord Fitzwilliam, not only Mr. Grattan, but that gallant and upright soldier, Sir Ralph Abercromby, who went to Ireland as commander-in-chief of the army, quite unconnected with any political party, saw, like Burke and Fox, the injustice of the existing tyranny. As a man of sense and feeling, his mind revolted against the *magnum latrocinium*. Here is the impartial judgment which such a man formed of the state of Ireland in January 1799. “Long observation has convinced me that all your misfortunes, that all the evils with which you are threatened, proceed from the illiberal, the unjust, and the unwise conduct of England. Your Legislature and your Executive Government partake, of course, of the vices flowing from the wretched system of English domination. The vices of the Government affect the manners of the people. If I find a peasantry cunning, deceitful, lazy, and vindictive, I cannot attribute it without impiety to the hand of God : it must come from the iron hand of man. Although the French Revolution and Jacobin principles may be the immediate cause of the events which have lately taken place in Ireland,

yet the remote and ultimate cause must be derived from its true origin—the oppression of centuries. Do not imagine that I am weak enough to imagine that a few effusions of lenity and benevolence are to soften and subdue the minds of a people burdened by oppression : it will require the wisest system you can devise and length of time to effect it.”

Then Lord John Russell goes on to say :—

‘To the same purport was the reply of Fox, in 1801, to those who alleged that the people of Ireland were disaffected. Much has been done since 1801 to remove the oppression of centuries. But “the wisest system that can be devised” has still to be discovered.’

It is but natural that the bugbear of the French Jacobins should have been present to the mind of Sir Ralph Abercromby as one of the factors in the revolution of '98, as most of the evils which threatened England at that time were traced to the same source. But, before Wolf Tone had invoked the aid of French intervention, he had declared himself willing to accept of the Fitzwilliam policy as a satisfaction of the then grievance of the people ; and it is as certain as anything historic can well be that if the humane and enlightened views of Lord Fitzwilliam had prevailed, there would have been no Irish rebellion in 1798.

The Act of Union against which I conspired in the Fenian movement, was no super-sacred compact, even in the eyes of English statesmen and writers. I will not repeat what has recently been said of this infamously contrived enactment by a Prime Minister, under whose administration of the government of Ireland I have undergone nine years' penal servitude for treason to a rule which the Act of Union inflicted upon my country. I, however, allude to this denunciation of this Act by Mr. Gladstone, in passing.

In the ‘Life of Grattan,’ by his son, this passage is found with reference to the means by which Lord Castlereagh destroyed the Irish Parliament :—

‘All that could be accomplished by gold or by iron, by bribes or by threats, or by promises, was set in motion. Every effort was strained to bring round those who were disinclined, to seduce those who were hostile but necessitous, to terrify the timid, and bear down the fearless, and those

who had at heart the interest and independence of their country. The doors of the Treasury were opened, and a deluge of corruption covered the land. The bench of bishops, the bench of judges, the bar, the revenue, the Army, the Navy, civil officers, military and naval establishments, places, pensions, and titles, were defiled and prostituted, for the purpose of carrying the great Government object, this ill-omened union.'

So wrote the son of the patriot, Henry Grattan.

Yet, my Lords, notwithstanding this deluge of corruption, and the presence in Ireland of 137,000 troops for the purpose of overawing the people; twenty-eight out of Ireland's thirty-two counties petitioned against the Act of Union, while over 800,000 people added their names to another petition of protest.

This Act has never had either the moral or national sanction of the people of Ireland. They have believed, and do still believe, with the Lord Chancellor of Ireland who said of the bribed and corrupted Parliament of landlords which voted this Act—

'You were not elected to vote away the Legislature, but to legislate. Vote away the Parliament of Ireland, and henceforth resistance to English law becomes an Irish duty, the amount to be regulated by moral and prudential reasons alone.'

The attempted insurrection of 1803 lives in history only on account of the fate of Robert Emmet. The movement, of which he was the sole conspicuous figure, may be said to have been but a revolutionary postscript to the chapter of '98. But the name, the dying speech, and the execution of Emmet, have done more to keep alive the flame of nationality in Ireland than any other agency of the century, except the stupid and illogical system of government which England has adhered to during the past eighty-nine years. Failure may be written against his young life and labours for Ireland; but if the worship of a name by a people can be placed against political defeat, one of the purest and noblest exemplars of patriotic impulse who ever gave life in the cause of liberty can claim posthumous victory in the struggle for Irish national self-government.

The agitation for the repeal of the Act of Union was inaugurated in 1810 by the then Protestant Corporation of Dublin.

Actual rebellion had failed to win the measure of liberty which Lord Fitzwilliam had been prevented from granting, and constitutional agitation was evoked with the object of winning by legal means what physical force had failed to accomplish. National sentiment underlaid the repeal movement in a less vigorous manner but not as a less manifest foundation than in the movement which culminated in '98.

O'Connell declared at the inception of the repeal agitation—

‘Were the Prime Minister of England to offer me the repeal of the Union upon the terms of re-enacting the entire penal code, I declare it from my heart and in the presence of my God that I would most cheerfully embrace his offer.’

From 1810 until 1828 we have the repeal movement aiding the Catholic Association and other legal bodies striving by petitions to Parliament and by public meetings to obtain Catholic emancipation. Constitutional action was of no avail. The government of the time treated these organisations as seditious, while those who believed in the efficiency of moral force were as powerless politically as they were distrusted by the government; and it was only when the people were beginning to menace the existence of the law by preparing for recourse to physical rebellion, that the Duke of Wellington, in the memorable words of history, brought in the Catholic Emancipation Bill ‘to avert civil war.’

Lord John Russell in his ‘Life of Fox,’ Vol. i., p. 242, quotes again the oft-repeated sentence—

‘That justice which could not be procured, was sought, and procured too, in another manner. In what manner? By the point of the bayonet.’

And then Lord John makes this comment—

‘Such has been always the course of our conduct towards Ireland. In 1780, 1793, and in 1829, that which had been denied to reason, was granted to force. Ireland triumphed, not because the justice of her claims was apparent, but because the threat of insurrection overcame prejudice, made fear superior to bigotry, and concession triumph over persecution.’

How much of a success, if any, the great repeal movement of O'Connell would have achieved had not the famine of 1846-7 and 1848 crossed its path and destroyed its vitality, is a mere historic speculation. Judging, however, by previous and subsequent experience, the extreme legal character of O'Connell's movement would exert no persuasive force upon the Parliament of the time in the matter of repealing or modifying the Act of Union, unless, in the words of Jeremy Bentham, 'the ruling powers were made uneasy' by the possibility of armed insurrection following upon the refusal of the Legislature to make concessions to moral force agitation.

The failure of O'Connell's movement either to make material headway towards repeal or to compel the Government of the day to take the necessary steps, and, in time, to avert the horrible holocausts of starving people, who were to be offered up as victims to an artificial famine; gave rise to what was revolutionary in the Young Ireland Movement of 1848. It was once more despair at the inefficacy of peaceful or moral force means to win any substantial justice from Parliament, urging on earnest and honourable but enthusiastic men to armed insurrection. The Government of the day had failed to do its duty to the people.

Smith O'Brien abandoned constitutional action, and appealed to revolution by force. It is true that the affair which followed does not merit the name of insurrection or rebellion; but the effort, small as it was, coupled with the writings and influence of the remarkable men who had acknowledged Smith O'Brien's leadership, handed on the revolutionary impulse to the men who organised the subsequent Fenian conspiracy.

Before Smith O'Brien was driven to favour armed insurrection, he had exhausted every legal remedy to awaken the Government to a sense of its duty to the people of Ireland. He had urged upon the Ministry of Lord John Russell the adoption of early and adequate measures to cope with the impending famine. He opposed, and was one of the tellers in the division upon, the murderous 'quarter-acre clause' which was devised by the perverted ingenuity of Irish landlords as an instrument for the degradation and extermination of the small tenantry of the country. In addition to his labours in Parliament, Smith

O'Brien tried to persuade the landlord class to which he belonged to act justly and fairly towards the farming classes. In a series of letters, published in November 1846, and addressed to the landlords of Ireland, he endeavoured to reason them into a performance of their duty. He claimed for the tenant a right to compensation for disturbance. He advocated a peasant proprietary, extensive schemes of arterial drainage, railway extension, and similar other undertakings ; which, if adopted by the Ministry of the period, would have greatly modified the horrors of the impending famine, while laying a foundation for a permanently tranquillised Ireland. Little or no attention was paid to his recommendations, either by the Government or the Irish landlords ; and, seeing how futile were his efforts to reason or persuade the rulers of the country to do what was just, rational and humane, he flung himself into the revolutionary movement which the failure of O'Connell's moral force agitation had rendered inevitable, and embraced, as many more Irishmen did before and after him, a policy of despair.

And now I come to the inception of the Fenian organisation, which may be said to have not only succeeded to, but to have sprung from, the movement which was led by Smith O'Brien in 1848 ; but with, of course, the inevitable failure of an intervening constitutional agitation to accomplish anything for the people of Ireland. When I joined the Fenian movement I was seventeen years old. Every man among the ranks of labouring Irishmen worth his salt was a member of that organisation, illegal though it may have been. The political circumstances of the time justified, in my opinion, the existence of such a movement ; and, although I no longer advocate the method of secret conspiracy, believing as I do that a better and a more potent weapon of reform is found in legal combination, and in public opinion, than in occult agencies ; still, under similar conditions of anti-Irish feeling here in Great Britain, and of political helplessness in Ireland twenty-five years ago, I would unhesitatingly be a Fenian again.

No attempt has been made by the Plaintiffs in this case to prove that the Fenian movement favoured or practised in any way the detestable crime of assassination. I think it was more than once even suggested by counsel for the 'Times,' by way of

question to their own witnesses, that outrage and assassination were foreign to the aims of the founders of Fenianism. Such, my Lords, was the case. It may have been from the point of view of practical minds, along with being legally wrong, a censurably hopeless effort to dream of winning any measure of Irish liberty by an appeal to armed force in a contest with such a mighty power as Great Britain ; but the men who dreamt of such a liberation testified their sincerity by the sacrifices which their enterprise entailed, and no truthful witness can accuse them of mean or mercenary motives, or of sympathy with or connivance at outrage or assassination.

I have said that the political circumstances of the time when Fenianism was founded justified Irishmen like myself, in my opinion, in adopting even a course that was clearly contrary to law. I know right well that your Lordships cannot possibly endorse that view, just as I know that I am under no necessity of stating it here ; but whether this view of mine may or may not influence your Lordships' judgment with reference to my case, I feel bound, in obedience to the dictates of truth, to supplement the language of defence with the expression of the rooted convictions of my mind in everything relating to my connection in Irish politics.

At the immediate time when the Fenian conspiracy originated there was no open or constitutional movement in existence to inspire the tenant-farmers or masses of the people with any hope of gaining redress of grievance through legal agitation. Some ten years previous to the birth of Fenianism the tenant-right movement already referred to, of which Mr. (now Sir) Charles Gavan Duffy, Mr. George Henry Moore, Frederick Lucas, and Sir John Gray were the chief exponents, existed, and had for object the obtainment of tenant-right for Irish farmers—from, I think, the year 1850 to 1856, or, perhaps, a few years later. Despite the undoubted honesty of purpose of these eminent Irish reformers, the agitation with which they were connected soon degenerated—at least, on the part of some of its parliamentary representatives—into what was known as the 'Pope's Brass Band.'

They concerned themselves, with a few honourable exceptions, more with the condition of things in the Papal States than with the affairs of Ireland ; and some of the most prominent of the

band ultimately took office under the Government. The whole character of the Irish Parliamentary representation of this time was, strange to say (or rather not strange, but I mention it here as a coincidence), assailed so strongly by the 'Times' that a Special Committee of the House of Commons was appointed by Parliament (I think in 1852) to inquire into the charges and allegations that had been levelled at Irish Members by the very same paper which is bringing these charges and allegations here to-day ; and although the Committee appointed by Parliament finally reported that the charges made by the 'Times' were unfounded and calumnious, there was considerable ground in the conduct of some of the Irish Members of that period to warrant an accusation of Parliamentary jobbery and political self-seeking.

Meanwhile the tenantry of Ireland had nothing of the protection—be the same more or less—which the agrarian legislation of the last twenty years has given them against what Lord Clarendon called, in 1866, I think, 'felonious landlordism.' An established ascendancy Church also existed in Ireland ; the franchise was confined within narrow bounds ; and the public bodies of the country, its municipalities and Poor Law Boards, were in the hands of the class which also had the government of the country as their instrument and accomplice in every trick of a selfish ascendancy rule.

This was how matters stood in Ireland in the years immediately preceding the birth of Fenianism ; and to show how consistent the 'Times' has been in its opposition to every constitutional movement which intervened between revolutionary movements, I will quote the following from a 'Times' leader on the tenant-right agitation which preceded the formation of the Fenian conspiracy. It is but short. I quote from the 'Times,' of November 28, 1853, page 8, column 5, par. 3, in a leader on demands for tenant-right :—

'Messrs. Lucas and Co. say that, among other things, tenant-right is absolutely necessary for the welfare of the Irish, and yet they denounce as treason any attempt to obtain better terms for the tenant by moderate legislation ; they say, "We will not have a part ; we will have the whole Bill and nothing else." They know very well that they never will get the whole Bill, but as the Irish would be quite contented with a moderate instalment of tenant-right, if, indeed,

they want any at all, the Leaguers are desperately afraid lest any reasonable demand should be made and granted, and that thus they should be deprived of their daily bread, which is agitation.'

Of course, your Lordships will clearly understand that what I am saying on this head, in answer to the charge of Fenianism, refers to what my views were, and what was the condition of things political in Ireland, twenty-four years ago, when I joined the Fenian organisation. I have just remarked that the circumstances of the time warranted some movement of the kind. I will say more; the continued unconstitutional character of the government of Ireland by the methods of Dublin Castle, from the time of the Act of Union, was, in itself, a moral justification for, and an extenuation of, an illegal revolt against such rule. I think it is an axiom of constitutional law, as applicable to Ireland as to any other civilised nation, that governments derive their right of existence from the sanction of the people governed; and that when a government ceases to retain the moral support of such people, and becomes but an executive faction wielding administrative power for anti-national ends, a people so unconstitutionally ruled are entitled to the sympathy of all free men when they strive to abolish such governments. The failure of Castle government to inspire the Irish people with confidence in the administration of the law; to improve their social condition; to develop the natural resources of the country; to curb the injustices of the landlords, and to give to the farming classes—the vast majority of the people of Ireland—that protection for their interests in the land and security against the legal robbery of rack-renting so prevalent before the Land Act of 1870—all these causes justified me in seeking for Ireland a remedy even by way of revolution, which England of all civilised nations has approved most of when sought for by struggling nationalities elsewhere.

Moreover, at the time when Fenianism began, Ireland had an Established Church which was a badge of religious injustice to four-fifths of the people. It had then, and has yet, a law with reference to the chief executive of the country which is an insult to the religion of the masses of the people of Ireland. Then again, the people of Ireland could not assemble in a delegated convention as citizens could in Great Britain. The law prohibiting conven-

tions in Ireland was not repealed until 1879, and a Land League Convention held in Castlebar on August 16 of that year, was the first exercise of this constitutional right enjoyed in Ireland since the Act of Union was passed.

I need not go into further particulars as to the character of what is known as Castle government. Sir Charles Russell has ably illustrated the system both in its central organisation and in the reproduction of its unrepresentative and anti-constitutional character as seen working to-day in the grand jury administration of local government in Ireland. The injustice of the whole system of Irish government by Dublin Castle is now impeached by a great English political party which put down the Fenian insurrection, and imprisoned its leaders in 1866 and 1870, and which party is now adopting a more constitutional and more effective method of combating revolutionary ideas in Ireland by proposing such further remedial legislation as will, in the language used by Mr. Disraeli in the Imperial Parliament on February 16, 1844, 'effect by a ministerial policy all those changes which a revolution would do by force.'

The 'Times' in 1875 has, in one of its few lucid moments, given utterance to a similar common-sense sentiment when it said—

'Of all enterprises on which legislative and administrative time can be wasted, the most useless, except in exceptional emergencies, is that of attacking secret societies; the only way to counterbalance them is to open to men, through the ordinary institutions of the country, the means of obtaining all the political advantages which they require.'

I subscribe to those sentiments, written by the 'Times' at the period when I was in prison for my connection with the Fenian organisation. It may be contended by the 'Times' that the existence of national sentiment in Ireland, which has given birth to such movements as the Young Ireland Party and of Fenianism, has been responsible for the prejudice which English statesmanship has manifested until quite recently against the claim of Ireland to national self-government. My reply is that such a sentiment is as rational in itself, and as easily satisfied, as was the sentiment against the Established Church, in the abolition of which institution I think the 'Times' acquiesced. When the

Act of Union was passed, the Established Church was as sacred a part of that immoral enactment as Dublin Castle itself ; and the day will come when the robust common sense of this country will sanction the disestablishment of the Castle as complacently as it has that of the State Church, and will charge to the existence of such institutions as landlordism, ascendancy Churches, and the Castle, in defiance of the rights and feelings of the Irish race, the responsibility for every movement, revolutionary or constitutional, which the people of Ireland have directed against these alien institutions.

Insulting reference to Irish national sentiment is peculiarly an English and a 'Times' habit. That Ireland is a country of tradition is well known ; that her people have the Celtic qualities of active imagination and vivid recollection is generally recognised, by all who have given even the least study to our racial characteristics. These national traits may be sneered at in a commercial age as evidence of a want of civilisation, while our people may be ridiculed for being too prone to cherish memories of a bygone age. But if the traditions that are out of keeping with the profit-mongering ideas of the present, speak of an Ireland of liberty allied to learning and hospitality and of good will even towards her Saxon neighbours of the period, and all the world besides ; if such recollections largely constitute the individuality of the Irish race ; if they, along with our people's proverbial attachment to the soil of Ireland and the love which they have ever borne to the principle of national freedom ; if these qualities give a key to the natural bent and national tendencies of our country ; would it not be wise and prudent statesmanship, and be the truest political wisdom, to legislate for such a people on the lines of their individuality, un-English though it be, instead of legislating as heretofore, on lines either directly antagonistic to every Celtic principle or in a manner coldly indifferent towards a nation's most cherished aspirations ? What has been the nature of Ireland's treatment at the hands of the power which has forced the people ruled to fall back upon the movements that have arisen in Ireland, from Whiteboyism to the Land League ? Sir Charles Russell has shown your Lordships the machinery of Irish administration, by which a minority of the population control the government of the country, central and local, by manning all the boards in the Castle,

and by running the grand juries in the counties. He has pointed out the active interference of the Executive in putting the law in motion against citizens, while it might have also been shown how even the occupants of the judicial bench in Ireland, as members of the Castle Privy Council, can participate in such acts of the Central Executive. But all this is only exhibiting the secondary means by which un-Irish institutions are vainly sought to be upheld and alien law unsuccessfully enforced in a country so unnaturally and illogically governed. The primary influence at work in the creation of discontent in the popular mind, and of distrust in the law, must be sought for in the blind persistency with which the country has been ruled in direct violation of the ideas, customs, and prejudices of the people. It is where the whole solution of the Irish difficulty could and should be found that the key of the problem has never been sought for. We are not English, my Lords, and never will become so. The English tongue alone, of all English institutions, has adapted itself to our needs ; but in this instance, as in the well-known tendency of our country to turn Cromwellian settlers into Tipperary men and convert transplanted English poets into Irish leaders, we have found the language of our rulers the most efficient weapon with which to struggle against the systems and laws by which it was sought to subjugate and denationalise a nation. Against what have we been compelled to offer resistance from the days of the Whiteboys to those of the Land Leaguers ? Have we not had to contend for every principle that is embraced in the ideas of religious and civil liberty ? Has the rule of Ireland by England not been one series of dogged, cruel, and unrelenting opposition to the principles and customs that are nearest and dearest to the hearts of the Irish people—the priceless principle of free worship, of religious equality, of free speech, of popular instruction, of municipal government, of electoral rights, of national autonomy, of land reform ? Has time not justified our stand for such of these rights as we have already won ? Is there an English authority worth quoting that will not confess that the Irish people were in the right and their rulers in the wrong in the struggles over the penal laws, the imposition of tithes, municipal enfranchisement, the Established Church, and tenant right ? No government, I assert, can justly claim the support or moral sanction of a people who are

ruled in direct violation of the principles and customs which are most cherished by and most typical of the nation so governed. The principles to which the Irish people have clung most tenaciously are those which most clearly define their individuality—the principles of religious liberty, of national independence, of attachment to the land of the country ; and is not the history of English rule in Ireland a heart-breaking record of systematic repression and oppression upon each and all of these three greatest of human rights and most cherished of civilised usages? May it not be safely predicted that in a few years hence England will accept the triumph of Land League principles as fully as the movements against the penal laws and the imposition of tithes and the Established Church have been vindicated on the pages of the statute book of the realm? And then the pity of it, that lives should be lost, bad passions evoked, turmoil and disorder created, imprisonments and hangings inflicted, when the exercise of the most elementary principles of enlightened statesmanship would have averted these calamities from the life of an unfortunate country. Had the Land League plan of parliamentary land reform (which has been read by Sir Charles Russell in his opening speech) that was proposed in April 1880 been adopted by the then Government; what misfortune to Ireland, what trouble to England, what a scandal to the whole civilised world would not have been averted in the interval between then and now? How truthfully has blundering of this kind—blind and bungling statesmanship—been described and its evil results emphasised by two great Unionist authorities, who, like the 'Times,' have had lucid moments of political vision when prejudice did not blind them to the patent facts of modern Anglo-Irish history. Lord Derby in the 'Nineteenth Century,' in October 1881, wrote as follows :—

'In the history of English relations with Ireland it has always been the same. By an unfortunate fatality, every concession made to the weaker State has been under pressure. Take, as a sample, the creation of the almost wholly independent Irish Parliament in 1780-82. Was that a spontaneous gift? Notoriously it was the reverse. English resources were exhausted by the unsuccessful war with America ; the Irish Volunteers mustered stronger than any

force which could have been brought together at short notice to oppose them ; the alternative was to yield to the Irish demands or to engage in a sanguinary civil war, exactly resembling that which had ended so disastrously on the other side of the Atlantic ; and the decision taken, probably a wise one, was to let Ireland have her own way. Not very dissimilar was the history of Catholic Emancipation ; except that at that date it was a humane and rational aversion to civil war, not an actual disability to carry it on, which determined the issue. Sir R. Peel and the Duke of Wellington did not rest their cause on the alleged justice of the Catholic claims ; they could not well do so, having for many years opposed these claims as unfounded. But they could and did say that the mischief of yielding to them was less than the mischief of having to put down an Irish insurrection. The same argument that had prevailed in 1782 prevailed in 1828-29. A third example of the same mode of procedure is in the memory of everybody. The Fenian movement agitated Ireland from 1864 to 1867, producing among other results the Clerkenwell explosion. Mr. Gladstone's statement as to the effect of this and similar attempts on the public mind of England, though too significant to be ignored, is too familiar to be repeated. I have too often heard that speech censured as unwise ; to me it has always seemed a gain that the exact and naked truth should be spoken, though at the cost of some unpleasant criticism. A few desperate men, applauded by the whole body of the Irish people for their daring, showed England what Irish feeling really was ; made plain to us the depth of a discontent whose existence we had scarcely suspected ; and the rest followed, of course. Few persons will now regret the Disendowment of the Irish Church or the passing of the Land Act of 1870 ; but it is regrettable that for the third time in less than a century, agitation, accompanied with violence, should have been shown to be the most effective instrument for redressing whatever Irishmen may be pleased to consider their wrongs.'

The next quotation is not of a dissimilar character, and is not quite so long. Mr. Goldwin Smith wrote a letter to the 'Daily News' of 11th April 1874, which was as follows ; or at least, this is part of what he wrote on the occasion :—

'When we spurn Irish demands, when we even blame our Government for softening a denial, we forget that Irish history is a series of concessions first scornfully refused by

England, then granted under constraint and when concession, by losing all its grace, had lost more than half its virtue. It is deeply fixed in my memory by an incident that occurred at the time, that so late as 1863 a proposal to disestablish the Irish Church, and to abolish what was merely feudal in the Irish Land Law, was regarded as revolutionary and rejected with horror by public men, who, before the close of the decade, were themselves going as far in the way of disestablishment and a good deal farther in that of land law reform. The leader of the Tory party still tries to inflame the passions of partisans by calling disestablishment sacrilege, and the reform of land laws confiscation, though he no more dares to give effect to his professional conviction in either case than he dares to attempt the restoration of the penal laws. Between 1863 and 1868 did anything take place to which this complete change of opinion on the part of British statesmen can be ascribed? Every Irishman will answer, "The Fenian movement." The answer will not be entirely just, for party had its influence as well as Fenianism; but conviction, it is to be feared, had little or none.'

Now, if two such eminent men, two such marked opponents of Irish National sentiment, could write in this way and use, so late as 1874 and 1881, arguments similar to those I have been putting before this Court, to give a moral and political justification to my connection with Fenianism; I hope I have not trespassed too much by repeating these views here. Such considerations as those I have respectfully put before the Court; such historic facts as those which I have adduced; such admissions by eminent English authorities as those I have quoted, explain, if they will not justify in your Lordships' mind, my connection with the Fenian movement.

For that connection I offer no apology to this or to any tribunal. If such movements arise in Ireland, or in any country, it is because government is either unjust or criminally negligent of the first duty of civilised rule, viz., the adequate protection of the interests of the people ruled, and the exercise of an active sympathy with the national sentiment of such people. Treated, practically, as strangers in our own land; despised and caricatured in a spirit of brutal prejudice by so-called English comic papers, while pursued and denounced by the 'Times' and other English organs in every land under the sun into which our race

have been driven ; what wonder if Irishmen, who feel themselves equal before God and man to those who have thus tried to degrade them, should aspire to create that status of national independence for their country which commands respect for every citizen of a self-governed state ? I plead guilty to having had this aspiration from the first time I learned to lisp the name of Dublin Castle, and to hate the system of rule which attempted to lower Ireland to the level of a despised vassalage. And am I to be told this aspiration is criminal ? That such a labour for my country constitutes a crime for which I deserve the condemnation of this great English tribunal ? Why, my Lords, I have spent two-thirds of my life in England. Whatever political education I have managed to pick up on the bye-ways of a rugged life of toil and suffering has been gathered here. The first man after my father whom I ever heard denouncing landlordism, not only in Ireland but in England, was Ernest Jones, who had himself been once imprisoned as an agitator ; the first lesson I ever learned in the doctrine of liberty was from English and not from Irish history. And am I to be told by the 'Times' that the spirit of political justice which breathes through the English language ; that the precepts of national independence which are preached to mankind by the Miltons and Shelleys and Byrons, and through every page of England's literature ; that the records of effort and of sacrifice which England's history proudly speaks of as the origin and maintenance of England's freedom ;—am I to be told that all this is meant for England, for Italy, for all the world, except for the inhabitants of an island at its very doors ?

My Lords, with reference to this charge of Fenianism, this political charge which I am meeting here, I claim that the 'Times' itself on one occasion has acknowledged in very significant language, which I am about to read, that, given certain conditions of government in Ireland, which I claim existed, Fenianism was not to be condemned.

The very year of my sentence this article appeared in the columns of the 'Times.' I quote it from that paper of the 15th of January 1870. It reads as follows :—

'The appearance of Mr. Bright in his new character of a minister, *en province*, is an interesting study. How often have we had occasion in bygone years, when he was assailing

almost every institution of the country, to lament the narrowness of sympathy that detracted so much from the value, if it lent force to the energy, of his attack. He was apparently incapable of believing in the existence of a point of view different from his own. His experience is now enlarged, and he knows at least that there is more than one aspect of a question, but it is impossible that his character can be wholly changed. Nor is it. We find ourselves obliged, somewhat to our astonishment, to demur, on the side of disorder, if we may use the expression, to the unreserved acceptance of some, among the opinions he has lately expressed. We have as little sympathy with Fenians, for example, as he; we would treat the Fenians, who make the neutral ground of America the base for invasions of Ireland, and the disturbance of its peace, with the just severity he approves; yet we cannot join in his absolute condemnation even of the Fenians. If the statement of facts which Fenians profess to believe were true; if England treated Ireland as a land from which to suck the greatest possible advantage, and made Irishmen its bond slaves, denying them all privilege of self-government and liberty, Fenianism would be the duty of every Irish patriot, and the fact that anyone had sought shelter in a foreign land would not diminish his obligation to aid his brethren still subjected to English tyranny. If this were not so, how could we justify the labours of patriots in exile, whether English of the 17th century, in Holland and Switzerland, or French, Italians, or Spaniards of later generations upon our own shores?'

This is the paper which brings this old charge of Fenianism against me here. Now I contend, my Lords, that the statement of facts advanced by me, both in my evidence and in my speech so far, are true, and constitute the justification for that action which the 'Times' admits should follow from the premisses laid down. Anyhow, I believed them to be true, and I have but acted up to the standard of the paper which now accuses me of a crime for having done that which has been defended and lauded by this same journal and by English popular opinion when done by men who conspired against continental enemies of national liberty. In corroboration of my statement of facts, relating to Ireland's gross misgovernment, not only at the time of the Fenian movement of 1870, but even at the period of the Land League, I will advance the following impartial testimony given by

Mr. Boyd Kinnear, an English lawyer and Scotch landlord, who wrote and published these facts about Ireland in 1882, every one of which I adopt :—

‘ The Irish people have never been allowed to make their own laws. Even when there was an Irish Parliament, none but Protestants, a very small minority of the people, could be elected. Since the Union, the laws have been made by an English majority in the House of Commons, always overruling the advice and wishes of the majority of the Irish members.

‘ The laws have thus been uniformly in the interest of the small minority of landlords, and cruelly oppressive on the majority of the people, while they have been enforced upon the Irish by the whole power of the British nation.

‘ When, after many years of struggle, the Irish have succeeded in making Parliament understand, and in some degree remedy, one grievance, Englishmen have wondered why they were not grateful and contented. The reason is that they have been subjected to oppression on so many points that they cannot be content with redress of one only, and must continue to force their other wrongs on attention.

‘ Unhappily, it is also the fact that constitutional and peaceful agitation by the Irish to obtain redress of their grievances has never been attended to by the British Parliament. Catholic Emancipation was solemnly promised at the Union in 1800, but it was not conceded till the troops threatened to mutiny in 1829. The tithe system, by which the support of the Church of the rich Protestants was wrung from the poor Catholics, was only reformed in 1838, after the resistance had reached the stage of general revolt. The Land Question, which had been urgently pressed on the attention of Parliament by innumerable bills and motions by the Irish members for half a century, was not seriously looked at till it gave rise to Fenianism, and to riots and outrages in England.

‘ From 1800 to 1870 there were some forty Coercion Bills *passed* for Ireland. Between 1819 and 1830 five Royal Commissions and Select Committees took evidence (and the evidence would break your hearts), and between 1829 and 1869 there were twenty-seven Bills and resolutions offered by Irish members on the Land Question, and every one was *rejected*.

‘ Yet all these Bills were of the most moderate character. At first they only aimed at reclamation of waste lands. The

next proposals (commencing in 1835) were for giving compensation to tenants for their own improvements, which measures the high-Tory members, such as Mr. Chaplin, are now offering to English tenants. The remaining Bills were mainly for extending to Ireland generally the Ulster custom, which permitted the tenant to sell his interest on leaving. No matter what they proposed, the Irish members could not obtain a hearing in the English Parliament. Yet the Land Question involved the life and death of 6,000,000 Irish human beings absolutely dependent on the land, for it involved their sole means of existence, and their liability to be driven out to perish of hunger and cold at the pleasure of a few landlords, backed by English bayonets. Of these 6,000,000, about one-half have perished or been driven into exile by evictions since 1845. Think of it.

‘Even in 1871, when Mr. Gladstone at length took up the question, Parliament was deaf to the advice and warning of the Irish Liberal members; the consequence was that the Act of 1871, well intended as it was, made the condition of Irish tenants on many estates worse and more hopeless than it was before.’

These are facts written over the name of Mr. Boyd Kinnear in the year of 1882 in the midst of the Land League movement, and I maintain that the existence of these facts fulfils the conditions laid down by the ‘Times’ in the leading article which I have read, and that, according to that leading article, I was, when I was in the Fenian movement, justified in endeavouring to win reforms in that way for my country.

III. THE MANCHESTER MARTYRS

Now there are two minor charges included in the mass of allegations contained in the case attempted to be made by the ‘Times’ to which I will briefly refer, before leaving these, my comments, upon the first count in the special indictment preferred against me. The first is, that I spoke in Tralee in 1885, and somewhere else on some other date, in laudation of the three men who were executed in Manchester on the 23rd of November 1867. I have admitted in my evidence that I have so spoken. I have spoken in praise of Allen, Larkin, and O’Brien, not because a brave policeman was killed in the discharge of his duty; but

because these men risked life and liberty, and ultimately lost both while performing what they believed to be a patriotic work, the rescue of their political leaders. I also believe that these men were executed, not because it was proved or believed that Sergeant Brett was deliberately murdered by the rescuing party; but because the whole transaction was of an Irish political character.

In the 'Times' of the 2nd of August 1876 I find the following corroboration of the views I have just given, and of the evidence which I tendered to your Lordships on the same matter. In a debate in Parliament on a motion for the release of Fenian prisoners—myself among the number—on the 1st of August 1876, Mr. John Bright spoke as follows of this Manchester tragedy. I am quoting from the 'Times' of August 2nd, 1876 :—

'He regretted that he had not on a former occasion said what he long thought with regard to what was called the "Manchester Outrage;" there was one man shot dead; one fatal shot was fired; and three persons were hanged for that murder. He lived in the neighbourhood, and had interviews with the relatives of one of the three men, and though they were not willing to lay blame upon either of the other two, they felt very confident that the prisoner in whose interest they spoke to him, was not the one that fired the fatal shot. It had always appeared to him that the course taken by the Home Office on that occasion was a very unwise one. He was against capital punishment, as most of the hon. members knew, but in a case of this kind to have hanged three men for one fatal shot was a mistake, a mistake according to the ordinary practice of our law, and a great mistake when looked at in its political aspect. He knew that it had been denied that this was a strictly political case, or that the severity was resorted to because it was a political case. But he had always held the opinion that it was solely because it was a political case that these three men were hanged for the murder of one man. If in a poaching affray a keeper was killed, three men would not be hanged for it. The other day a trade outrage was committed in the neighbourhood of Bolton, a man was killed, and three men were convicted. But they were convicted of manslaughter, and not of murder, and unless the "Manchester Outrage" was not viewed as a political offence, he could not see that it was different from the case he was describing.'

Now, I maintain that these are very remarkable words coming from so great and eminent a statesman as Mr. Bright, as I find them reported in the 'Times' of that date. They show that a man so undoubtedly patriotic as John Bright, looked upon this unfortunate tragedy in Manchester in a light different to that in which it is put by the 'Times.' He considered that these men were executed, not because one brave man was killed in the discharge of his duty, but because the whole affair was connected with Irish politics, and that these men were found guilty of rescuing their leaders, and were concerned in a purely Irish political organisation. And in the same debate on the same date in the House of Commons, another Member of Parliament, not as eminent as Mr. Bright, and now classed amongst my political enemies, spoke these few words, which conform to the view put forward by Mr. Bright. I refer to Mr. Mitchell Henry, the then Member of Parliament for Galway. The hon. member said :—

'It never entered into the minds of any of these men concerned in the Manchester outrage to murder the policeman Brett in putting a pistol to the lock of the door, and endeavouring to force it open. They did not know an individual stood at the back of it.'

That is my own firm conscientious belief, from what I learned at the time, from what I learned subsequently in America, and from what the whole Irish race believe. They did not honour these three men or their memories because a brave policeman was killed in that encounter ; they revere their memories because they believe they were offered up as political sacrifices to the anti-Irish feeling in England, and I trust the day will never come when sacrifices such as theirs will be considered by the English people as a crime.

The parallel drawn by Mr. Bright in that speech between trades-union outrages and that committed on the occasion when Sergeant Brett was killed, will probably induce your Lordships to give me ten minutes while I quote from a report of the Special Commission which investigated the trades-union outrages that took place in and around Manchester four or five years before the Manchester Fenian rescue, and which Commission was actually taking evidence during the period of the trial of Allen, Larkin, and O'Brien. Murders, and the most deliberately

planned diabolical outrages, were proved against certain trade organisations in Sheffield and in Manchester, and although life was in several instances taken, and bottles charged with powder and fuse were flung into the bedrooms of peaceful sleeping citizens, there was no instance that I remember where capital punishment was inflicted upon those proved guilty of these crimes.

Upon second consideration I do not think it would be fair for me to read to your Lordships from this report, as I do not wish to trespass upon the indulgence of the Court ; but I can say that the perusal of this Parliamentary Report will justify what I have said. Murders and outrages of the most heinous character brought home to organisations, paid for by organisations, men rewarded for going to prison for being connected with such outrages ; and yet, my Lords, I do not know that there was one execution upon record with reference to these diabolical crimes. But I would make one remark as regards these crimes and outrages during this period. The English nation was not put upon its trial, and its representative men hounded down by the 'Times,' because bodies of Englishmen paid for the murder and the maiming of other Englishmen, whose only crime, to borrow the language of the Attorney-General, was the 'doing of what they had a legal right to do.' No, on the contrary, the Legislature wisely recognised that crimes are best prevented by removing the incentives to crime, and the result of this enlightened law-making is seen in the public attention and public praise now bestowed upon the trades-unionism of Great Britain.

Another charge implied, rather than made against me, is, that I attended Amnesty meetings in Dublin in 1878, which were, in reality, Fenian meetings. The evidence given in this matter was that of the informer Delaney, who also swore that he saw me in conversation with Daniel Curley, afterwards executed for the Phoenix Park assassinations, and that I had supported the Fenians who attacked the Rotunda meeting on the 30th of April 1880. I have already, in my evidence, given an emphatic denial to these statements, made by a confessed thief and murderer, who has recently asked the Government for the reward which was promised him for the evidence he has given here and elsewhere in their behalf. I reiterate these denials, and brand the informer's evidence as deliberate perjury, made, in my belief, at the

request of whoever had the task of inducing him to join the noble army of confessed thieves, convicted murderers, and detected forgers that has been marshalled here against us by Messrs. Soames and Houston in the interests of 'law and order.'

I again go to the columns of the 'Times' for a public proof that one of its witnesses has lied in his evidence in this Court against me, when he asserted that the Amnesty Association was a Fenian movement under Fenian control. In the 'Times' of the 15th of October 1873, p. 7, col. 1, the following telegraphic despatch appears :

'The Amnesty Association to-night adopted a resolution declaring that it was originated for the sole purpose of effecting the release of the Irish political prisoners, that it is purely a non-political body, and that they deprecate in the strongest manner the introduction of any other subject than amnesty at any meeting purporting to be held to advocate the release of the prisoners. Furthermore they declare that they have no connection with persons who are endeavouring to obtain a platform for the ventilation of their views under the pretence of advocating the cause of amnesty, as has been tried lately at Cork and Maryborough.'

The Amnesty Association embraced large numbers of men who would never have had any connection with secret societies, while the association itself presented a petition to the Queen of 250,000 signatures in favour of amnesty, an act which, needless to say, would never be done by a Fenian organisation.

The other statement of the informer Delaney's, that I, in common with others, helped a party of Fenians who attended a Land League meeting in Dublin, has been contradicted by several witnesses who were present at this meeting, Messrs. Parnell and Biggar and myself being among the number of such witnesses.

The next and last statement made by Delaney with reference to me was, that a meeting of Dublin Fenians followed the Rotunda row, at which peace between them and the Land League was established ; and that I, in company with Patrick Egan and Thomas Brennan, was present at this meeting. I have sworn on oath I never attended any such meeting, and I again repeat that I had no knowledge of any such meeting having been held before Delaney's appearance in this Court ; and I say that, so far as I am concerned, his statement was a wilful and deliberate perjury.

Before I pass finally from this charge of Fenianism I must refer briefly to the one matter in the original trial in 1870, upon which the Attorney-General displayed all his elocutionary powers when cross-examining me thereon. That is the letter found upon the man Forrester, which was in my handwriting, and which undoubtedly had a strong influencing effect on the mind of the Lord Chief Justice when passing sentence upon me.

This letter was written at a time—1869—when I was about twenty-one years old. It was found upon a boy of seventeen or eighteen. For whatever guilt consisted in being the author of that letter I have undergone a legal punishment that should expiate even the crime which it purported to sanction, had such a crime not been, as I have sworn it was, actually prevented by its very agency. I have given your Lordships, under the solemnity of an oath, the history of this letter; and I have done that which I never did before in a somewhat singularly unfortunate existence: I have made an appeal to a man in a personal matter. I asked from that witness-box the man who was alone responsible for the plot which that letter was intended to and did frustrate—a boyish, foolish, and wicked plot—the man who would have stood in my place in the Old Bailey dock nineteen years ago had I chosen to prefer freedom, at the price of faith, to personal friendship; faithlessness, to penal servitude and honour untarnished—I have asked that man from the safe asylum of America to release me from the moral obligation of silence in his regard, and he has not had the courage to confess that nineteen years ago I saved him from staining his hands in the innocent blood of a guiltless comrade.

I shall not appeal again.

I will, however, read an extract from the 'Liverpool Courier' of January 7, 1870—a report of the proceedings, very brief indeed, which took place before Mr. Stipendiary Mansfield, when Forrester, upon whom this letter was found, was nevertheless, admitted to bail, and all further action dropped against him. Had I had this extract in my possession when giving my evidence I would have tendered it, if for no other purpose than to show how the name and the acts of Richard Pigott are traceable through all the charges and allegations which the 'Times' has made in this court:—

‘Our readers will recollect that two or three weeks ago a person named Arthur Forrester was apprehended at an eating house in Liverpool, on suspicion of being connected with the Fenian Brotherhood, several revolvers being found in his possession. Before the magistrates he was charged with being a person of bad repute, and was ordered to find bail for his good behaviour for the ensuing twelve months, himself in 200*l.*, and two sureties in 100*l.* each. Yesterday morning Dr. Cummins, instructed by Mr. Hughes, solicitor, made an application to Mr. Mansfield, at the Police Court, Dale Street, to accept the sureties he had to offer.

Dr. Cummins said he was instructed to offer bail for the young man Forrester, who was committed a few weeks ago. Mr. Doran had not received any indemnity from anyone, but Mr. Pigott of Dublin had promised that in case of loss he would see him righted.

Mr. Davies.—I should like to ask who Mr. Pigott is.

Dr. Cummins.—He is the proprietor of a newspaper in Dublin.

Mr. Mansfield said all that was necessary was that two persons known to be worth a certain amount of money should enter into a guarantee, and in the event of anything occurring, they would forfeit the money to the Crown. It was utterly immaterial where they found the money.

Mr. Ellis.—Do you accept these two?

Mr. Mansfield.—Yes, certainly.—*Liverpool Courier*, January 7, 1870.

It will be noticed that in these proceedings there was not even an allusion made to the letter that had been found upon Forrester's person, though it had, of course, attracted the attention of the magistrate when the accused was previously bound over to keep the peace. Had the police of Liverpool—who had then, and have now, some of the most experienced detectives of England among them—even a suspicion that the letter found on Forrester covered any real design against human life, it is inconceivable that they would have allowed the possessor of the document out of the custody of the law without any effort to prevent or protest against his release.

IV. ORIGIN AND GROWTH OF ANTI-ENGLISH FEELING AMONG IRISH AMERICANS

Before I pass to comment upon the second charge made against me, namely, that I assisted in the formation of the Land League with money which had been contributed for the purposes of outrage and crime—that is the second charge in the special indictment—before dealing with that, I feel it absolutely necessary, for the purpose of fully informing your Lordships on this point, to refer at some length to the growth of anti-English feeling among the Irish in America, and to the origin of the revolutionary bodies to which that feeling gave rise.

I deem this all the more necessary because I am further charged by the 'Times' with having been in close association with what is called the 'party of violence' in America, and with bringing about an alliance between such party and the Parnellite party in Ireland.

Well, that such organisations as the Clan-na-Gael do exist, and that men with sentiments of extreme hostility to England are found in America, is quite true. But to charge the responsibility for this upon Mr. Parnell or myself, is another instance of the famous kind of reasoning which attributed Goodwin Sands to the agency of Tenterden Steeple. To enable your Lordships to comprehend this part of what has been called 'the American story,' it will be necessary to glance back at the rise and development of Irish feeling in the United States, and mark how this feeling became at times a hostile element against England. Sir Charles Russell has told your Lordships how landlord clearances, and other forms of landlord injustice in the North of Ireland, in the last century, caused an immense number of Ulster Presbyterian and other farmers to emigrate to the then British Colonies of America. He has also pointed out, what is matter of historic fact, that these expatriated Ulstermen were among the first to join in the war of American Independence; and in this manner to pay England back for the crimes of Irish landlordism. The flow of emigration continued at times a natural and an economic impulse of people, but almost generally as the result of a land system which was the foe of agricultural prosperity, and the arch

enemy of the peace and security of Irish peasant homes. In recent, as in the earlier periods of this expatriation, the exiled Irish took with them the bitterest memories of the land system which drove them from Ireland, and they harboured for England the revengeful feeling which was born of landlord oppression.

The first organised Irish body in America was the Friendly Sons of St. Patrick, a society which was founded in the city of Philadelphia in 1771. It was established as a social institution, and was non-sectarian in character. Its members comprised the leading citizens and merchants of Philadelphia, and when the War of Independence began it rendered powerful aid to Washington, both in men and money; earning from that illustrious man, on the termination of the struggle, a public acknowledgment of his gratitude. At least a dozen of his best generals had been Friendly Sons of St. Patrick, and among the signatures attached to the Declaration of American Independence are the names of nine Irishmen, nearly all of whom belonged to this society. It was declared to Edmund Burke by General Robertson, who had fought against Washington, that half of the rebel continental army were from Ireland.

I find that the Right Hon. Luke Gardiner, speaking in the Irish House of Commons on April 2, 1784, spoke as follows on this subject:—

‘England, from unhappy experience, is convinced of the pernicious effects of her impolicy. The emigration of the Irish manufacturers in the reign of King William III. is not the only instance that has taught that nation the ruinous effects of restrictive laws. Our own remembrance has furnished a sad instance of the truth of this assertion—furnished it in the American war. America was lost by Irish emigrants. These emigrations are fresh in the recollection of every gentleman in this House; and when the unhappy differences took place [between England and America], I am assured from the best authority that the major part of the American army was composed of Irish, and that the Irish language was as commonly spoken in the American ranks as English. I am also informed it was their valour determined the conquest: so that England not only lost a principal protection of her woollen trade, but also had America detached from her, by force of Irish emigrants.’
—(Irish Debates, Vol. III., p. 130.)

It was not alone that policy such as this aided the exterminating work of Irish landlordism in driving the Celtic race out of Ireland. Race and religious hatred pursued them across the Atlantic, and naturally evoked a responsive hatred in the breasts of those whose memories of their treatment and sufferings in Ireland were sharpened by the insulting and bigoted feeling prevalent and expressed in England regarding the Irish in America and the part they had played in the War of Independence. From 1840 down to the period of the great civil war, the Catholic Irish in the United States had to contend against a transplanted English anti-Catholic feeling, which became known as 'Know-nothingism.' It was the American edition of the 'No Popery' sentiment which was, until comparatively recent days, so rampant in this country. After the horrors of the '47 famine in Ireland, and the advantage which landlords took of that awful calamity to evict the people so as to consolidate farms for the raising of cattle, the anti-English sentiment assumed its fiercest degree among the Irish in America. And no wonder. The tales of horror from Ireland—of tens of thousands of people dying of starvation within five hours' sail of English shores—within sixty miles of the wealthiest country in the world, by which the people in Ireland were ruled; ship-loads of dying and fever-stricken emigrants arriving in the Atlantic ports, adding sights of suffering to tales of starvation, while it was known that ship-loads of grain and other food, products of Irish peasant labour, were at this very time leaving the ports of Ireland to be converted into rent for Irish landlords in English markets!

The fever horrors which marked the shipment of the 'emigrants' during and after the famine of 1847-8 are too sickening to dwell upon at any length, but the vivid recollection of them that has remained in the Irish-American mind has had much to do with keeping alive also the remembrance of the part which Irish landlordism played in that awful drama of the great famine, and the responsibility of English statesmanship in the holocausts which followed the criminal apathy of the Government of the day. 89,738 persons embarked from Ireland to Canada in 1847. The Census Commissioners for 1851, in page 305 of their report, quote the evidence of Dr. Stratten about this shipment of human beings as follows :

‘Up to November one emigrant in every seven had died, and during November and December there have been many deaths in the different emigrant hospitals ; so that it is understating the mortality to say that one person in every five was dead by the end of the year.’

Waterton, the distinguished English naturalist, in the course of his *Wanderings*, thus describes a familiar scene on board the American steamboat. There were above 500 Irish emigrants on their way between Quebec and Montreal :

‘They were going, they hardly knew whither, far away from dear Ireland. It made one’s heart ache to see them all huddled together, without any expectation of ever revisiting their native soil. We feared that the sorrow of leaving home for ever, the miserable accommodation on board the ship which had brought them away, and the tossing of the angry ocean, in a long and dreary voyage, would have rendered them callous to good behaviour. But it was quite otherwise. They conducted themselves with great propriety. Every American on board seemed to feel for them. And then, they were so full of wretchedness. “Need and oppression stared within their eyes ; upon their backs hung ragged misery. The world was not their friend.”’

Upon this, in the course of an article in the ‘Edinburgh Review,’ Sydney Smith makes the following reflection :—

‘And thus it is in every region of the earth ! There is no country where an Englishman can set his foot, that he does not meet these miserable victims of English cruelty and oppression—banished from their country by the stupidity, bigotry, and meanness of the English people, who trample on their liberty and conscience, because each man is afraid, in another reign, of being out of favour, and losing his share in the spoil.’

Well, the evicted emigrants who were landed in New York fared even more horribly than the miserable creatures pictured by Waterton. They were transported across the Atlantic in what have been only too truly described as ‘the Coffin Ships,’ which were freighted with the victims of landlordism and misrule. The ‘Erin Queen’ sailed with 493 passengers, of whom 136 died on the voyage, amidst scenes which could hardly have been surpassed in a crowded and sickly slaver on the African

coast. It appears, writes Dr. Stratten, in the 'Edinburgh Medical Journal,' that out of 552 passengers who sailed in the 'Avon,' 246 died, and amongst 476 on board another ship, the 'Virginus,' not less than 267 deaths took place; of 440 on the 'Larch,' 108 died, and 150 were seriously diseased. The Chief Secretary for Ireland reported, with regard to the 89,783 persons who embarked for Canada in 1847, that 6,100 perished on the voyage, 4,100 on their arrival, 5,200 in hospital, 1,900 in towns to which they repaired. How some of these unhappy cargoes of humanity were made up has been explained by an English gentleman employed as conducting engineer of public works in Ireland during the famine, Mr. William Henry Smith, C.E., who, referring to the part of Connaught in which he was stationed at the time, writes thus :—

'Hundreds, it is said, had been compelled to emigrate by ill-usage [on the part of the landlords], and in one vessel containing 600, *not one hundred survived.*'

The Irish exodus had one awful result which, in the Irish recollections of that time, fills nearly as large a space as the famine itself. The people flying from fever-tainted hovel and workhouse carried the plague with them on board ship. Each vessel became a floating charnel-house. Day by day the American public was thrilled by the ghastly tale of ships arriving off their harbours reeking with typhus and cholera; the track they had followed across the ocean, strewn with the corpses flung overboard on the way. The official report of the Montreal Emigrant Society for 1847 contains the following pathetic passage descriptive of the last scene of all :—

'From Grosse Island, the great charnel-house of victimised humanity, up to Port Sarnia, and along the borders of our magnificent river; upon the shores of Lakes Ontario and Erie—wherever the tide of emigration has extended, are to be found the final resting-places of the sons and daughters of Erin; one unbroken chain of graves, where repose fathers and mothers, sisters and brothers, in one commingled heap, without a tear bedewing the soil, or a stone marking the spot. Twenty thousand and upwards have thus gone down to their graves.'

Upon all these and the other facts relating to the banishment of the Irish people in this way, Mr. John Stuart Mill, in his 'Principles of Political Economy,' says :—

'The land of Ireland, like the land of every other country, belongs to the people which inhabit it. The Legislature should have looked with a different eye upon the forced expatriation of so many millions of men ; and when the inhabitants of a country leave it *en masse*, because Government does not leave them room to live, *that Government is already judged and condemned.*'

And it was once declared by Mr. Richard Cobden that when emigration arises from the necessity of fleeing legal famine, it is no longer *emigration*, but *transportation*.¹

All these sickening memories, and the admissions of impartial English writers, acting upon the passionate temperament of a warm and impulsive race, were well calculated to evoke the deadliest enmity against the causes held responsible for this decimation of the people of Ireland. Then came, after the great famine and these horrors that I have been describing, the break-up of the O'Connell agitation in Ireland, and the helplessness of the people which followed the holocausts of 1846-7. The State prosecutions in connection with the Young Ireland movement, and the penal degradation inflicted upon Smith O'Brien, John Mitchel, and others, who had but revolted against a power that had permitted tens of thousands of its subjects to die of starvation, added fuel to the fire of indignation which the famine had enkindled in the hearts of exiled millions.

This flame was not fanned by the Nationalists in Ireland, but by Irish landlords and the London 'Times.' Ireland, politically, lay crushed and powerless after the famine of 1847-48 and the concurrent work of State prosecutions. The landlords, seeing their opportunity, began that campaign of clearances which was to have wrung Ireland from the hold of its Celtic people, and turned it over to cattle and British settlers. Evidence has been given in connection with these heartless razings of these humble homesteads. But no evidence has yet been adduced to show the inhuman part which the 'Times' played in these exterminations ; and I will say here, my Lords, speaking with a

¹ 'Why Ireland wants Home Rule.'—J. A. Fox.

more intimate knowledge of Irish-America than any other man among those who are charged before this tribunal, that no agency or influence belonging to English rule in Ireland has done more to keep alive and to exasperate the bitter memories of the exiled Irish, than the brutal and callous language of exultation with which the 'Times' gloated over the exterminations which followed the great famine of forty years ago. No Irish-American speaker ever addresses a meeting on Ireland in the United States who does not quote the language of the 'Times' to justify the exchange of Irish for English hate, as expressed by that paper at that time. For at this period the world believed, in the words of Ralph Waldo Emerson, that 'what the "Times" said in the morning England believed in the evening.' That is, of course, no longer the case. What the 'Times' says now few people anywhere will believe; and in proportion as it ceases to speak for or to represent the feeling of Englishmen towards the Irish race will die out the hatred and the enmity which Irishmen in America but reciprocated from the 'Times' apostleship of racial animosity.

I will trouble your Lordships with a few extracts from the 'Times' to prove the correctness of these statements.

In the 'Times' of January 24, 1850, the editor says :—

'Ireland is certainly a country of bogs. Metaphorically it is occupied, for the most part, by one thick, interwoven, dark, noxious, swampy forest. There has been a little clearance towards the north; but even there, side by side with green, quiet, sunlit enclosures, there is abundance of brake and thicket. Ignorance, prejudice, idleness, misery, grow side by side in great profusion, and draw each other up to a marvellous height. All manner of unclean beasts alternately slumber and waken in their shade. We can hear their cries at this distance. Rebellion roaring from its cave, mistrust spitting at all who approach it, whether friend or foe, conspiracies of most gregarious instinct, and insane hatred howling for blood. Here Dr. McHale is at home. Not that he confesses altogether a liking for his savage neighbours. He owns that these are always hard to manage, often inconvenient, sometimes even mischievous. But on one point he has no doubt. None have any right to meddle with them but himself and his brethren. Ireland is their preserve; they have a right to breed or to extirpate evil as seems to them good.'

If this ruffianly description of the Irish people—then but emerging from the after effects of famine—the effects which I have been describing in the language of British writers—was even approaching to truth, what a comment it would be upon that government and civilisation which were thrust upon Ireland by English rule centuries before 1850? The Dr. McHale thus insultingly spoken of was the then Archbishop of Tuam, whose name, next to that of O'Connell, most commanded the affectionate confidence of the Irish race the world over. 'To breed or extirpate evil as seems to them good,' is the function which this literary ancestor of the Flanagan author of 'Parnellism and Crime' gave to the hierarchy and priests of Ireland who had dared to stand, to some small extent only, between the people and their landlord exterminators.

Dr. McHale was a Nationalist and a patriot as well as a Roman Catholic archbishop, and the vile abuse of him by the 'Times' may be said to have been on account of his political and not of his sacerdotal eminence. But nothing Irish, whether National or Catholic, escaped the venomous hostility of this paper at this time; and it is well to remember, my Lords, in this connection, that these things were said in the name of England at the time when the present generation of Irishmen, both in Ireland and in America, was in its youth—a period when the men who are now Land Leaguers were undergoing their political tuition under famine and eviction, and racial and religious hate at the hands of England.

The 'Times' of April 6, 1852, writing of the possible accession of the late Cardinal, then Bishop, Cullen to the See of Dublin, made the following bitter and insulting attack upon that distinguished ecclesiastic and upon the entire Catholic Church of Ireland. And the reason why, my Lords, I am troubling you with these articles, especially this one, is this. It is well known that the vast majority of Catholics in the United States are from Ireland; that the priesthood of America is Irish; and these attacks made at this time upon the Catholic religion in Ireland were, of course, keenly felt in America. People who went to America from Ireland, whether they were priests or peasants, carried with them the knowledge that the 'Times' had insulted everything that was sacred, and everything that was dear to and

everything that was cherished by them ; and they also believed in those days—unfortunately the whole world believed—that the 'Times' only gave expression to the feelings of Englishmen and of English ruling authority. The 'Times' at this date, April 6, 1852, in a leading article, says :—

'It has been the pleasure of that portion of the Irish Roman Catholic clergy to whom the election of a successor to Dr. Murray is entrusted, to propose as *dignissimus* for the approbation of the Pope, the person most obnoxious to the English Government, and most likely to make his elevation subservient to the purposes of Ultramontane aggression. As this very person was intruded by the Pope into the Roman Catholic see of Armagh, against the will and without the consent of the clergy of the diocese, there can be little doubt of his obtaining this further dignity now that the clergy have been willing spontaneously to offer this graceful tribute to that foreign power which the Roman Catholic Church of Ireland once felt it her duty and made it her point of honour to oppose. Dr. Cullen must henceforth be considered the leading and master spirit of the Irish Church. Its clergy speak his language, they obey his commands, and those who are too moderate to agree with his most extravagant and most un-Christian views will be intimidated into silence, and replaced as fast as they die off by persons professing the same opinions as the new Archbishop of Dublin. It is an ominous fact for the continuance of the present general system of education in Ireland, that it should be attacked by both sides at once, so that while Dr. Cullen is thundering his denunciations against it as virtually Protestant, the present ministry have expressed a wish to modify and correct it as having too great leanings to Popery. Just as with the system of national education, so does it seem likely to fare with the more moderate and reasonable of the representatives of Ireland. It is not enough that they should have done the bidding of the priests and wasted half a session in their attempts to check the course of anti-Papal legislation ; the Irish Roman Catholic Church will henceforth be served only by Roman Catholics. The fiat of proscription has gone forth, and Protestant members are to be weeded out from among the representatives of Ireland. At the bottom of this system is placed the recently converted English clergyman who drags into the ignoble squabbles of Irish bigotry the venerated name of Wilberforce. At the head of it is Paul Cullen, the man whom the Pope and the

Catholics of Ireland equally delight to honour, and whose nomination is due in an especial manner to his steady and unflinching opposition to the policy of England.

'There is no concealing the fact that the surest way to the hearts of Irish Roman Catholic ecclesiastics is to insult our Queen and trample on our Constitution. The Ecclesiastical Titles Bill has not been enforced ; the only effect of its enactment seems to be that it marks out for honour and distinction the persons most forward in its violation. The labour of a whole session, the theme of so many debates, has had no other effect than to confer honour and impunity on its violators, and to serve as a grievance to excite the passions of the Roman Catholic laity. It is really pitiable to think how utterly powerless our Government is to prevent the growth in Ireland of a power far more unconstitutional than any nobleman ever exerted over the election of members of Parliament. It is lamentable to reflect that an amount of electioneering influence far greater than that of O'Connell in his palmy days, has quietly passed into the hands of a conclave of bishops, presided over by an Italian priest, knowing little of our feelings and manners, and utterly unable to appreciate those causes by which the formation of opinion is created and controlled. We were led to believe some time ago that the Moderate and Liberal Party among the laity were able and willing to make head successfully against the tide of bigotry, which threatens to overwhelm everything in its onward and impetuous course. We are sorry to say that we see no prospect of such an effort. The country seems content to leave its representatives to be selected for it by the priests, and the priests select the most objectionable men whom they can find to give expression to their wishes. The return of seventy or eighty Irish Roman Catholics bodes little good to the coming Parliament. Neither party can afford to throw away the support of so numerous a body of auxiliaries, and it is quite possible by a judicious direction of their power they may be able to extort wide and impolitic concessions, such as it may not be good for the empire to grant, nor for the safety of a harassed and tottering Ministry to refuse.'

This article is not only a bitter and insulting attack upon the then head of the Catholic Church, but an attack upon the then Parliamentary representatives of Ireland, who had been endeavouring in Parliament to obtain some modification of the landlord system in Ireland, and to obtain some redress for the

admitted grievances of the tenant-farmers ; and this language and more of it which follows, with which I will not trouble your Lordships on this one point, was sent forth day by day, month by month, year by year, by this so-called leading journal, telling the Irish in America, who read extracts from the 'Times' in American papers, that the same hatred, the same persecution which existed before they were driven out of Ireland, existed, and was directed towards the remnant of the population left in that country.

The articles I have quoted from so far in that respect are mild in their language of barbed hate, and even Christian in their malignant attacks upon the Catholic Church of Ireland, when compared with the following article, which I take from the 'Times' of January 2, 1852, at a time when there was a tenant-right agitation in Ireland, which was endeavouring to get the law of landlord and tenant modified to some extent. The 'Times' of this date said :—

'The pure Irish Celt is more than a thousand years behind the civilisation of his age. His race has passed neither through the feudal system, nor even through that more primitive discipline which ranged the rude Saxons under their thanes. Except when he is insulated from the social influences of his own race, and fairly overpowered by superior numbers and organisations, he is incapable of that submission and service which are necessary to the larger and more profitable operations of industry, to the progress of all useful arts, and to national prosperity. When we speak of race, we are simply referring to an obvious fact, for this is not the place to cite or to imagine any hereditary curse inherited from the depths of antiquity or the beginning of time. We are only taking things as they are without attempting even to regard the individual Irishman apart from his social condition. The native Irish, as they are and where they are, defy all ordinary attempts to tame them into agricultural labourers, such as are the staple of the British agricultural population. Men of large means and uncommon force of character may here and there have conquered the natural independence of the Irishman ; but, as a general rule, he is intractable. He can neither be servant nor master, for no one was a good master who had it not in him to be a good servant. Hence that miserable and helpless being the Irish cottier—a man who lives only for himself and his immediate

kindred, incapable of public duties, at war with everything national, ever becoming smaller and poorer, more selfish and more miserable. Such were the myriads who held what were called "farms" of five or ten acres. Their condition and character have been so often described, especially in the memorable pages of the Devon Report, that we need not prove the existence of such a class incompatible with civilisation. The Irish cottier, the man with his half-dozen acres, his bit of common right, his hut without floor, without chimney, without window, without furniture, and without a separation between the human and brute occupants, was a mere savage, and, calamitous as are the events by which it has come to pass, we now thank Heaven that we have lived to speak of the class as a class that has been.'

These are words written in this English paper—this then representative organ—at a time when tens of thousands of poor cottiers in Ireland had been turned out on the roadside, driven into the workhouse, or forced into the coffin ships across the Atlantic to die on the way ; and the memory of these words lives in Irish-American minds. They are reproduced from time to time by Irish-American journals, and I say it again that the conduct and language of the 'Times' from the year 1847 down to 1879 is probably more responsible for keeping alive the hatred of English rule in Ireland in the Irish-American mind than any other factor at work in the administration of affairs in that country.

The 'Times' continues—and I shall not trouble your Lordships much longer with these quotations for the present :—

'The change which has taken place in the population and condition of Ireland is inadequately expressed in the fact, prodigious as it is, that during the ten years ending with 1850, about 1,600,000 have emigrated from that island. That calculation is itself below the truth, for it assumes the emigration from Ireland into Great Britain to be no more than that from Great Britain to the Colonies or foreign countries. The change is inadequately expressed in the figures at foot of the census return, putting the decennial decrease at 1,659,300. . . . As for Ireland herself, we resign ourselves without reserve, though not entirely without misgiving, to her continued depopulation until only a half or a third of the 9,000,000 claimed for her by O'Connell remains. We may possibly live to see the day when her chief produce

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will be cattle, and English and Scotch the majority in her population. The nine or ten millions who by that time will have settled in the United States cannot well be much less friendly, and will certainly be much better customers than they now are. When the Celt has crossed the Atlantic, he begins, for the first time in his life, to consume the manufactures of this country, and indirectly contribute to its customs. Unquestionably, there is much that is consolatory, and even comforting, in the extraordinary turn that we witness in Irish affairs.'

It would be a pity to spoil by any weak comment of mine the symmetrical infamy of such language as this. And yet the journal that has thus brutally written of the Irish race complains now that the Patrick Fords and John Finnertys speak back hate for hate, and vengeance for vengeance, from the land in which they have not become mere customers for English manufacturers, but powerful and respected citizens of a greater nation than even this, and the greatness of which that race, hated and despised and driven forth by the 'Times' and its abettors, has taken a proud and honourable part in creating. Yes, my Lords, there are Clan-na-Gaels, and 'Irish Worlds,' and deadly enemies to England in America, and a marvel it would be if there were not — nay, it is more wondrous still that they are not more numerous and powerful. They are the product, first, of landlord injustice, sanctioned and executed by English law in Ireland ; and, lest the memory of eviction or expatriation should die out amidst the liberty and justice enjoyed in another land, the caricatures of London's so-called 'comic' papers, and the undying hatred of the 'Times,' pursue them year after year to the land of their adoption to show how deep-seated and ineradicable is that English unfor-giveness which is born of wrong-doing to the unfortunate people of Ireland.

There is one prediction among the many evil ones contained in the foregoing article from the 'Times' of 1852 which time has not seen fulfilled. English and Scotch settlers have not yet replaced the Celtic population of Ireland. The Celtic people still remain. The Land League, which is here on its trial, was meant to keep them in the land, and on the land which Providence has created for our race. It has partly succeeded in its work. It has done more. The Land League has compelled the

Legislature of England to register its principles upon the statute book of the realm. And, my Lords, the Land League has done even more. Its ideas of land reform, founded upon natural right, have invaded England. They are more widely accepted to-day among the toiling millions of Great Britain than are the economic teachings of the 'Times.' And what is more, my Lords, these Land League ideas and principles of land reform point out and prove that the social ills of Ireland—the causes of agrarian disturbance, and of racial mistrust—can be cured, can be eradicated without injury in the least to the legitimate interests of the thirty millions of people in Great Britain.

But to return to the growth of the anti-English feeling among the Irish in America. The 'Times' itself, even when preaching its gospel of hate against the Irish, had occasionally glimmerings of reason, and predicted that this alienation of a people would yet work injury to England. Writing on January 7, 1850, the Editor said :—

'For two or three years nearly a thousand a day have quitted Ireland for a country which they may now almost call their own. "In fact," as Mr. Bright says, "the export of Ireland consists now of Irishmen." Of course, there is danger, as there has already been mischief, in the final alienation and the accession to another State of so many unfortunate men disaffected to our rule. Doubtless if a war should arise to-morrow between this Empire and the States, the Irish citizens would hold up their hands to a man against it.'

And if they would in such a contingency, I do not know any influence that would be more to blame for it than the 'Times' itself. I endorse that last sentence in that leading article of the 'Times.' I remember calling in 1878 upon the late General Sheridan, who died, as your Lordships are aware, the Commander-in-Chief of the United States Army. He was at that time commanding the Division of the West, and had his headquarters in Chicago. I asked him, among other things, about how many men of Irish blood would, in his opinion, join the American Army in the event of a war with England, I will never forget his reply. It was this : 'Inside of forty-eight hours after war would be declared, a million of men of Irish blood would leap to arms.'

And this was the distinguished soldier and citizen of the American Republic who once declared that if he had been born in Ireland, he would have been a Fenian. Ten years after the 'Times' had written the words just quoted, it once again returned to the subject of the future danger to England which might be the outcome of this expatriation of the Irish, and in some respects, though not in all, the following words were prophetic.

The article is from the 'Times' of May 4, 1860.

'Ireland will become altogether English, and the United States Republic altogether Irish. Yes, the time may come when Ireland will be no more Celtic than the Lowlands of Scotland are Saxon, the Eastern counties Danish, Cornwall Phœnician, or Ireland itself Milesian or Spanish. . . . There will then be again an Ireland, but a colossal Ireland, and an Ireland placed in the New World. We shall only have pushed the Celt westwards; ceasing for the future to be imprisoned between the Liffey and the Shannon, he will spread from New York to San Francisco We must gird our loins to encounter the Nemesis of seven centuries of misgovernment. To the end of time a hundred millions of people, spread over the largest habitable area in the world, and confronting us everywhere by sea and by land, will remember that their forefathers paid tithe to the Protestant clergy, rent to absentee landlords, and a forced obedience to the laws which these had made. . . . And even though the rancorous Celt were to forget and forgive, that will not prevent the sure development of an intractable race, and the introduction of intractable elements into the character of the great American nation. It will be more than half Celtic. Doubtless the Saxon, Danish, French, German, African, and other races besides will be found in it; but the preponderating race of all will be that one which has attained the climax of its perfection and its glory on the banks of the Seine, and which has been precipitated into the deepest abysses of degradation and despair on the western shores of Ireland. So we shall have nourished and brought up, by us at home, a power which is called to rule over the New World, to extend its influence over both the oceans, and to become the master of an entire hemisphere. This New World is the last and final home of the Celtic race.'

If the 'Times' could write these sentiments nearly thirty years ago, when the exterminating policy was still going on, is it, my Lords, any wonder, humanly speaking, that we should have

had in our day the writings of a Patrick Ford, and the dynamite oratory of a John Finnerty? If the Irish America of the last twenty years has given back to England the menace of a Clanna-Gael 40,000 or 50,000 strong; what do we witness in this but the fulfilment, on a very small scale, it may be, but still a fulfilment, of the prophetic words of the 'Times' written twenty years before the Land League came into existence? And yet, my Lords, in face of these articles written so far back, the 'Times' endeavours to make this Court and Great Britain believe that the Fords and Finnertys were invented or first discovered by me, and that I am the origin of the so-called conspiracy in America, in which these men have, as alleged, played a part dangerous to life and liberty in these countries.

V. AMERICAN FENIANISM

Sir Charles Russell has told your Lordships something of the Fenian movement in America twenty-four years ago, and the witness Beach spoke of an invasion of Canada that had been undertaken in connection with that movement, and in which project he alleged he took part. It was understating facts to say that this movement had from 200,000 to 300,000 followers. At least half a million of men were members of the Fenian Brotherhood of America at one time. The Canadian invasion killed the movement. Canada may be a British colony; but the people of Canada were not the rulers in Dublin Castle, and an attack upon Canadian soil, as retaliation for English misrule in Ireland, was like blaming the rain which falls in London for the pollution of the River Thames. The insurrection of 1867 had failed in Ireland also, and, as generally happens when a revolutionary movement collapses, the fragments of Fenianism assumed an independent existence, and carried out for themselves different methods of action to attain the object which had been sought for. According to the evidence of Beach, the United Brotherhood, as an offshoot of Fenianism, came into existence in 1870. What purported to be its constitution, rules, *modus operandi*, and varying membership, have been put in as evidence by Beach. If the numerous documents which Beach has procured from Anderson be genuine

documents, your Lordships will certainly not lack information as to the character and organisation of the United Brotherhood. But I desire to say that, for my part, I do not accept them as genuine.

In 1876 O'Donovan Rossa, disgusted at what he considered the degeneracy of the Fenian Movement, its weakness and inactivity, started what is known as the 'Skirmishing Fund' in the columns of the 'Irish World.' The avowed object of the 'Skirmishing Fund' was to strike England at any vulnerable point and to keep up against her power in Ireland or elsewhere a constant system of annoyance and attack. In fact, the policy thus put forward might have possibly been inspired by the 'Times' leader of 1860. The fund to sustain this policy reached some \$80,000, but in 1878, I think, and before half of this sum had been contributed through the 'Irish World,' the control of the fund and of whatever movement was behind it—I do not think there was any organised movement or society behind Rossa at the time—Rossa was superseded by a board of trustees whose names have been given in evidence, and the name of the fund changed to 'The National Fund.' I will deal by-and-by with what is imputed to my accidental connection with this fund. But here, my Lords, it is well to ask, Who was O'Donovan Rossa? He has only been known to your Lordships in this inquiry as the originator of the 'Skirmishing Fund,' and as an opponent of the Land League. To the people of England the name of Rossa implies all that is embraced in dynamite, and implacable enmity to English government. But, my Lords, who is Rossa? I am not called upon to defend him here or anywhere; for, if what he has been writing in his paper against me for the past ten years reflects his honest convictions about me personally and politically, he evidently thinks me to be an agent of the British Government and an ally of the 'Times.' But I am not on that account going to sit in judgment upon him here. Who or what has made him what he paints himself to be? Anyone who will inquire in the town of Skibbereen, co. Cork, what Jeremiah O'Donovan Rossa was when living there in his native place thirty years ago, will learn that he was a jovial, kind-hearted, and open-handed young man, of unblemished character and of undoubted respectability. He had been an eye-witness of the famine horrors which have

burned the names of 'Skull and Skibbereen' into the memories of the present generation of Irishmen. He joined the Fenian movement in after years, was tried for it, and sentenced to penal servitude for life. He has told the story of his prison life. Part of it can be found in Parliamentary Blue-books, and the story relates that on one occasion, for twenty-eight days, this man was manacled in such a manner that he was compelled to go down on his knees in his cell at meal times and lap up his porridge as a dog eats its food. He committed breaches of discipline it was true, but the discipline was that which Rossa underwent in common with the worst of ordinary malefactors, a degrading, an inhuman discipline which no other civilised nation would subject a political prisoner to, except England. Rossa underwent five years of penal servitude for having been a Fenian. Your Lordships have been told that it was he who originated the 'Skirmishing Fund.'

At the very time, in 1876, in which Rossa and the 'Irish World' set this new revolutionary policy going, the following articles appeared in the 'Irish World,' and I crave permission to read them :—

' "Irish World," March 18th, 1876, page 4.

' Homeless Irish Girls.

'In the annual report of the Castle Garden Labour Bureau for 1875, given in the Trades Department last week's "Irish World," there was one item painfully suggestive. We refer to the enormous number of Irish girls, as compared with those of other countries, who landed in New York and were assisted in procuring employment by the Bureau. To illustrate this more clearly, we reproduce the official list :—

Germany	263
Ireland	5,016
England, Scotland, and Wales	74
Norway, Sweden, and Denmark	45
Switzerland	8
Belgium and Holland	4
Russia and Poland	5
Bohemia and Hungary	2
Canada	4

' While only 405 females from all other parts of the world sought the assistance of the Bureau, 5,016 girls from Ireland

alone were aided. The great majority of those Irish girls were of course furnished with employment as house servants. They are, therefore, in many cases, necessarily and unwillingly brought into contact with young men to whom virtue is unknown. How many Irish girls have been robbed of their virtue in this way during the last thirty years, God alone knows. Yet they are forced to leave the land of their fathers or starve therein. Homeless and penniless, they land at Castle Garden, and are forced to risk the contaminating influence of such surroundings to procure that bread denied them in Ireland. Last year's influx of indigent Irish girls was no exception. It is the same every year, and will continue the same till English rule in Ireland has been utterly annihilated, and the land is owned and tilled by the fathers and brothers of Irish girls.'

I do not quote these words in order to make any legal point, but I want to trace the growth of this hostile feeling in the United States against England, in order to show the part that these men have played in these various movements in America, and to explain my own position with reference to these men later. One more article, or quotation rather, in this same year in which this skirmishing fund policy was adopted by Patrick Ford. It is in the 'Irish World' of May 1876. It is headed 'Squelch Ireland,' and the editorial says it is a quotation from Carlyle.

'The Irish speak a partially intelligent dialect of English, and their fare across by steam is four shillings sterling. Crowds of miserable Irish darken all our towns. The English coachman as he whirls past lashes the Milesian with his whip, curses him with his tongue. He is the sorest evil his country has to strive with. In his rags and laughing savagery he is there to undertake all work that can be done by mere strength of hand and back for wages that will purchase him potatoes. The Saxon man, if he cannot work upon those terms, finds no work. He too may be ignorant, but he has not sunk from decent manhood to squalid apethood. The uncivilised Irishman, not by strength, but by the opposite of strength, drives out the Saxon native and takes possession of his room. There abides he in his squalor and unreason, in his falsity and drunken violence as the ready-made nucleus of degradation and disorder. There is no pestilence like that, and against it what quarantine is possible? The time has come when the Irish population must be either improved a little or exterminated. Ireland is a starved toad in the

way of an elephant. What is the elephant to do with her? Squelch her, by heavens.'

I will not trouble you with the article which the 'Irish World' writes upon this text from Carlyle. The editor may have been wrong in selecting this one passage from that distinguished writer, and thereby leading readers of the 'Irish World' to believe that all through his writings that great literary genius had expressed nothing but that savage contempt for the Irish people. I will not be so unjust to Carlyle; but these sentiments, copied into the 'Irish World,' commented upon by the editor of that paper, will partly explain the bitter writings of this man, which have been reproduced in this court against the persons charged.

VI. PATRICK FORD

My Lords, the name of Patrick Ford has been so frequently mentioned in this inquiry, and his paper, the 'Irish World,' has been so extensively quoted by counsel for the 'Times,' that I feel called upon to deal with this branch of the American case against us at some length, and especially with reference to myself. Mr. Ford and his paper are a separate quantity in the matter of Irish-American politics. He has never been a member of any secret society. His paper was never the recognised organ of any party or individual, save its owner. It has been an independent force—an immense force—in the various movements, revolutionary and otherwise, which have arisen in America since the paper first appeared in 1870. Neither has it been a constant supporter of Mr. Parnell's policy. The 'Irish World' has had a programme of its own, and has advocated it with great power and ability. I am not called upon to defend all that has appeared in the 'Irish World'; but I am prepared to adopt here every word which I have ever written in its columns. I am not afraid to say I have been for a brief period its correspondent in Ireland. Let the 'Times,' if it can, lay hold of and produce against me anything so written that can be tortured into a justification of the allegations of 'Parnellism and Crime.' I have said I corre-

sponded for a time for the 'Irish World.' Since my release from prison in 1877, I have earned my bread by journalism—when not in prison through politics. Along with writing for the 'Irish World,' for a period of a few months in 1879-80, I have likewise supplied correspondence at various times for the 'New York Sun,' the 'New York Daily News,' the 'Boston Pilot,' the 'Philadelphia Times,' the 'Montreal Post,' the 'New Orleans Times—Democrat,' while I have contributed occasional special articles to several other American journals. If the 'Times' desires to peruse these communications of mine, which cover several years, I can place copies of them at its disposal.

I have known Patrick Ford since my first visit to America in 1878. He has been a bitter enemy of England as a governing power in Ireland. I am not going to condemn him on that account. England is no more entitled to my championship here than to Mr. Ford's gratitude. Patrick Ford would scorn to defend himself before any English tribunal for what he has written or done as an Irish-American citizen. He is not subject to the laws of England, and he has broken no law in his adopted country by advocating in his own way the cause of liberty in the land of his birth. Therefore he is not on his defence here. I know he has written violent and revengeful articles in his paper against England as a ruling power in Ireland. I have not endorsed such sentiments, nor have I approved of his policy when that policy advocated the use of dynamite in retaliation for the crimes of England's Government against Ireland. Nay, more, I have more than once argued in his own paper against his views, when for a few years after the suppression of the Land League he abandoned the Land League propaganda of moral force, and became the advocate of violence. I can even say more. I believe I can lay claim to having induced Mr. Ford to abandon for good his propaganda of dynamite. Anyhow I believe I am correct in saying that the 'Irish World' has not since the abandonment of a coercive policy for Ireland by one of the two great English political parties, preached either dynamite, hatred, or vengeance against England. Patrick Ford has been held up by the 'Times' to the people of England as a kind of monster, who revelled in the plotting of murder and assassination. Well, my Lords, I do not know him in that character. I must speak of the man as I have

found him, and while, as I have already said, I have condemned more than once—and my condemnations have been read in this Court—his policy of violence and dynamite, I have always found him, and found him spoken of by those who have known him longer than I, as a kind-hearted man, as a good citizen, as a practical Christian, and as a philanthropist.

I am not singular in my estimate of Mr. Ford. The President of the United States of America has recently placed on record his appreciation of the man. If such a man has become the enemy of England's rule in Ireland, I am not to blame. The 'Times' must seek for the genesis of his enmity in the records which tell of evicted families, and levelled homes, and razed hearthstones, in Ireland following the famine of 1847-8. The inhumanities of the law, to borrow an expression once used by the 'Times' itself, when explaining the causes of agrarian murder, have sown their dragon's teeth of eviction and expatriation, and have produced in America a crop of Patrick Fords and John Finnertys and Clan-na-Gael societies. Again I say, the responsibility for this cannot be laid at the door of Mr. Parnell, or myself, or the Land League.

I have spoken in some letter of mine, which has been quoted more than once in these proceedings, words like these, or to this effect: 'Patrick Ford has been to me a guide, philosopher, and friend.' There was manifestly more of a desire to bring in this hackneyed phrase in the letter referred to, than to declare literally what my personal relations with Mr. Ford had been. Up to the present hour, I have met Mr. Ford about a dozen times in my life; I have written him, possibly, a score of private letters, and may have received half as many from him in reply. My letters to his paper, the 'Irish World,' comprise about a dozen short ones by cable, not more than half a dozen in ordinary newspaper correspondence, and about a dozen acknowledging sums of money sent to me for charitable purposes. These relations, private and public, would not warrant the use of the phrase 'guide, philosopher, and friend' in any but the sense of friendly and complimentary exaggeration which dictates our sentence when in public speech or letter we allude to some one whom we esteem. I say this, however, with no desire to separate myself before this tribunal from Mr. Ford, in the sense in which I have already spoken of him,

The 'Irish World' did not form my opinions on the Irish question, national or social, as I have had the strongest of human reasons to love Irish liberty and to hate Irish landlordism from the earliest years of a life whose trials began with an eviction, and which, from then till this very hour, has been a struggle with English hatred, calumny, and accusation. I needed no teachings from the 'Irish World' or any other source to become what I avow myself before this tribunal to be, the irreconcilable enemy of Castle government and Irish landlordism. My monitor has been bitter personal experience, and not Patrick Ford.

One word more about Mr. Ford before I pass from the man to deal with his paper. I cannot forget that when in the winter of 1886 the inhabitants of the islands off the coast of the province of Connaught were face to face with starvation, who it was came to their rescue in a spirit of true Christian charity. In answer to an appeal by me for funds with which to buy food and seed potatoes, I received from Patrick Ford a sum of nearly 3,000*l.*, by which want and starvation were kept from hundreds of humble cabin homes. I cannot forget that since 1886 I have been able, chiefly through the means placed at my disposal by Mr. Ford, to contribute hundreds of pounds in small grants where relief was most needed among the victims of Irish landlordism, and to aid many a poor fisherman along the western seaboard by money received from the same quarter. It is these and kindred acts of Mr. Ford's since I first knew him, and not his advocacy of dynamite, which has caused me to be his friend, and which compel me now to do him the simple act of justice which the recital of these facts before this tribunal but imperfectly performs.

Whatever use the 'Times' may make of these admissions, they are welcome to them. I am compelled by the dictates of truth and justice to be fair to this man, to speak of him as I have found him ; and while, as I have said before, over and over again, I have never sanctioned, and never encouraged in any way, directly or indirectly, his propaganda of violence or dynamite, while I believe I have helped in converting him from this to better methods ; I think it is only fair, in his absence, that I should tell these facts to his credit about the assistance he has given to the cause of charity in Ireland.

The record of the 'Irish World,' to the extent alluded to, or

charged against it here, is this :—In March 1876 it inserted a letter from O'Donovan Rossa, proposing the formation of a 'Skirmishing Fund' for the purposes referred to in what I have said in my remarks upon that individual. In July of 1878 Rossa was superseded in his control of this fund ; the name of the fund was changed to the 'National Fund,' a board of trustees was appointed, and Augustine Ford, brother of Patrick Ford, became its secretary. The 'Irish World' continued to receive moneys for, and to support the policy of this fund until about the period in 1879 when the Irish National Land League was established in Ireland, and Mr. Parnell proceeded to America to found an auxiliary organisation there. After the Land League began in Ireland and the United States, the 'Irish World' gave it a warm, a generous, but an independent support, and ceased from that time until the beginning of 1883 from advocating a policy of physical force or violence as a means of serving the Irish cause ; but during that time it is only just to the other persons charged, especially to Mr. Parnell, for me to say what I shall prove by-and-by, that notwithstanding the generous support given by the 'Irish World' to the Land League, it occasionally attacked Mr. Parnell's policy. I cannot explain why, but it is a fact that the 'Irish World' was always more partial to me than it was to Mr. Parnell. I presume the reason is that Mr. Parnell was a landlord and an aristocrat, while I belong to the opposite social pole. After the Land League began, as I have said, the 'Irish World' ceased to advocate the policy of O'Donovan Rossa and the 'Skirmishing Fund.'

It was at or about the period when the 'Irish World' began to drop the 'Skirmishing' policy that the transaction occurred between Ford, Devoy, and myself, which has prompted the 'Times' to frame the second count of its indictment against me, which, in the language of the particulars served upon me, alleges,

'That Michael Davitt assisted in the formation of the Land League with money which had been contributed for the purpose of outrage and crime.'

The first part of this allegation is perfectly true. I did assist in the formation of the Land League. The second part is false. I did not so assist with money which had been contributed for the purpose stated.

The grounds upon which this charge is based consist of certain statements made by me in an interview which took place between me and a New York reporter in 1882 ; at least, I do not recollect that any other evidence, except what is taken from this interview, was brought before your Lordships with reference to this particular transaction. Possibly I am wrong in my impression, but I cannot recollect that any other evidence, except what I am about to refer to, was brought before the Court. I assert that such statements in no way warrant or justify the allegation which has been sought to be founded upon them. The statements in the interview are as follows. This has been read and put in. It is on the official note somewhere.

‘But, Mr. Davitt, such work as you describe must have cost some money. You had no organisation to draw from. Where, then, did the money come from ?

‘Local committees would collect the fund necessary to erect platforms, pay for printing, and help to defray the travelling expenses of speakers. Some of the expenses incurred were met by me out of a testimonial with which I was presented on my release from prison. Mr. Parnell and some other speakers usually paid their own travelling expenses.

‘In this manner the agitation was carried on from its inception to August 1879. Here I must give you a piece of “secret history” in connection with the agitation. In August 1879, two months before the National Land League was organised, seeing that some money was necessary, I put myself in communication with Patrick Ford, of the “Irish World,” John Boyle O’Reilly of the “Boston Pilot,” John Devoy, the late Patrick Mahon, of Rochester, and Dr. William Carroll, of Philadelphia. I represented to them, as personal friends of mine and representative men in America, the importance of this agitation in Ireland. What had been done up to that time had received very little attention in America except in the “Irish World” and the “Boston Pilot.” I told them the agitation had been carried on to that point at the personal expense of a few men, and that in order that it should be made a great movement it would be necessary to start an auxiliary movement in America, so as to allow those who had been driven out of Ireland by landlordism to co-operate with us in our efforts to drive landlordism out in turn. As these gentlemen had assisted me before in organising a lecturing tour through America on the

occasion of my first visit, I wrote to request this assistance again for a second tour for the benefit of agitation in Ireland, and for the purpose of explaining its objects and scope to the people of America. The answer to these letters was from Patrick Ford. He enclosed a draft of 303*l.* 8*s.*, and intimated that the money was advanced to him by the trustees of the National Fund, to be sent to me to aid me in carrying on the movement in Ireland, and to obviate the necessity of my coming to America to lecture in order to procure funds. He thought, as the National Fund had been subscribed by victims of landlordism, no one would object to have some of the money used against landlordism in Ireland. I wish to emphasise the fact that I had made no demand or request for any part of the National Fund, but that the money was sent in answer to my request for assistance in a lecturing tour. In a few months I found that parties were making use of my name in connection with the National Fund, and statements were made that the fund had been used in the organisation of the National Land League. This is not true; not one cent of it was ever used in the organisation of that body. A portion of that received by me was used in defraying the expenses of speakers, printing pamphlets, and other work necessary to be done at first. Hearing of these misrepresentations, I wrote to the men I had written to at first, and told them that I should consider the 303*l.* 8*s.* a personal debt. During my last lecturing tour in 1880 I paid 200*l.*, and the balance, 103*l.* 8*s.*, I have paid back since my arrival on this tour. When Mr. Parnell, Mr. Dillon, and others heard afterwards of the transaction, and the stories set in circulation about it, they wanted to pay the money out of the Land League funds. This I refused, as I said it was a personal debt which I preferred to settle myself.'

These are statements made by me in 1882, five years before these proceedings began. If there was anything criminal—anything of the nature imputed by the 'Times,' in this transaction, I fancy a man who can boast of some little common sense would not have told the whole world all about this business, as I did in this interview. This interview appeared in several papers in America, in addition to the one it was first given to, the 'New York Daily World.' It was also reproduced on this side in Irish National journals, and got in fact world-wide publicity. Well, my Lords, there is no word in this statement of facts which cor-

roborates the allegation of the 'Times.' If it is maintained that the land agitation which preceded the Land League in the West of Ireland was part of the foundation of the League organisation—that it was the necessary prelude to the League proper—the facts show that such agitation was set going, and kept going four months before any of the money referred to in the 'Times' allegation, or mentioned in my statement of 1882, was received by me from Devoy and Ford. What was sent to me in the month of August 1879 from New York, as related in this interview, could not be made use of by me in April or May, or June or July, of the same year. Therefore, the land agitation which originated in Mayo in April of 1879 was not, because it could not be, started by money which came to me, and came unsolicited, in the month of August following.

If, on the other hand, it be alleged that the foundation of the League in Dublin on the 22nd of October 1879 was carried out by the money which Devoy and Ford sent to me in August, I say, what I have already sworn, that not one penny of such money was expended by me, or by anybody else for me, in promoting the conference which established the National Land League, in paying for the printing connected with that conference, in defraying the expenses of any single person present thereat, or in meeting whatever indebtedness was incurred in renting the room in which the conference took place. All the expenses entailed in the work of assembling this conference were met out of the subscriptions of the members—that is, out of the regular funds of the Land League organisation, which was founded on October 22, 1879.

As clearly stated in the interview in the 'New York World' of July 1882, the money which was sent to me in August 1879 by Ford and Devoy was (1st) unsolicited by me; (2nd) it did not, because it could not have, set the agitation of the previous April going in the West of Ireland; (3rd) it did not defray any part of the expense incurred in the actual foundation of the League, as this was done out of the moneys of the League itself after the conference of October was held, and (4th) the Ford-Devoy donation was repaid back by me, not out of League funds, but out of my own personal resources, as I explained to the world seven years ago.

Not one tittle of evidence has been produced by the 'Times' which holds water against the proofs of the falsity of its allegations that I helped to start the Land League with money which was subscribed for the purposes of crime and outrage. The 'Irish World' has never claimed that the money forwarded to me did what the 'Times' alleges. In the 'Irish World' of September 4, 1880 (I do not know whether that particular number has been put in or not, my Lords; I think it has)—that is, within twelve months of the period of the money transaction to which I have referred, and two years before the date of my interview relating the circumstances under which the money was sent to me—the whole story is told by Mr. Ford himself, and I will leave your Lordships to compare the facts here related by him in his paper with those which are found detailed in my subsequent statement of the affair in the interview of 1882.

The 'Irish World' of September 4, 1880, says in an editorial article :—

'We do not know whether it is stupidity or malice that makes O'Donovan Rossa put forward this sort of presentation.'

This is a part of the article. I do not read what precedes this part. It is not germane to this matter :—

'The letter quoted by him does not admit that "some of the skirmishing money was given to the Land League." Some aid was given—or rather had been intended to be given—to Michael Davitt about a year ago to assist in the prosecution of his anti-rent mission. At that time, the Land League was not in existence. There was no organisation of any sort. Michael Davitt and a few others, among whom was Thomas Brennan, went out as apostles to preach to the people the gospel of their natural rights. They gave their time, their labour, and their means to the cause they had espoused. Not one penny from any quarter—either from organisations or individuals, came to them. "Who serveth as a soldier at his own expense?" asks St. Paul. The Apostle to the Gentiles himself did. In our day (let us say it reverentially) Michael Davitt and his brother workers did. He had been in America, it will be remembered, some eighteen months ago, and in a lecture tour, east and west, made a few thousand dollars. Every dollar so gathered was

expended by him afterwards in preaching the Land Gospel in Ireland. What was Mr. Davitt to do now that he was spent? What was the cause to do? Money cannot effect everything in this world, but without money much will be left undone that the world greatly needs. The knowledge of Mr. Davitt's situation came to us. He, of course, wanted nothing for himself, but the cause he was engaged in wanted him, and we felt it to be a duty to do something to sustain the good work. The idea of starting a fund through the columns of this paper suggested itself; but that might work slowly for a time, and the urgency of the matter would not admit of that.

'The proverb, "What is given quickly is doubly given," came to mind; we spoke of the matter to Augustine Ford, and he, at our instigation, submitted a proposition to the board of trustees, that they would give or loan a certain sum of money to Mr. Davitt for the purpose stated. They voted 5,000 dollars. The money was to be sent over in instalments. About 1,000 dollars had reached its destination, when, by some means, it leaked out on the other side of the Atlantic that the Skirmishing Fund was at the back of the land agitation. Mr. Davitt, it is known, is a ticket-of-leave-man; he holds his personal liberty at the sweet mercy of the British Government; any pimp of that Government, if the source of this pecuniary aid came to his knowledge, could make it unpleasant for Mr. Davitt, although Mr. Davitt had never asked the Skirmishing Board for a penny, nor, in point of fact, did he know from whence, when promised by us, the money was expected to come. When, however, Mr. Davitt was informed, he signified his willingness to receive it as a loan; but when the idle tales appended to it came to his ear, Mr. Davitt promptly wrote to America to tell the board of trustees not to send him any more money; and what money they had sent him he would repay them as soon as it was possible. The 1,000 dollars received by him, we believe, is now paid up. The other 4,000 dollars he never touched and never will touch.

'It will be seen, then, that the aid given—or the aid intended, rather—was designed for "the Land Movement," as Augustine Ford's letter states, and not for the Land League, as O'Donovan Rossa stupidly or maliciously would have people infer. The Land League did not exist at the time. At that time Parnell was not in the movement.'

With reference to this matter, the mention in some alleged

'U.B.' circular produced by the spy Beach of a money item in connection with my name has reference to the remittance from Ford and Devoy already explained. No evidence whatever has been given to show that this item related to any other transaction. No other moneys but the sum already referred to and explained by me was ever received by me from any revolutionary fund in America or elsewhere since my release from prison in 1877, and I again and finally deny as absolutely untrue the allegation that I helped to found the Land League with money which had been subscribed for purposes of outrage and crime.

There is no doubt but that some of the money received by me from Ford and Devoy was used for personal expenses, and that I may have given help to personal friends. I also probably defrayed whatever expenses I incurred when I was prosecuted in Sligo in November 1879. I know I distributed more of this money as charity in visiting poor districts near which I might be addressing meetings; and I have admitted in my evidence that I defrayed the expenses attending the distribution of some copies of the 'Irish World' in 1879 and 1880; but in no other way was any of this money expended by me, and, as I have already shown, it was paid back by me out of my own, and not out of Land League or other resources.

Passing from this, the part which the 'Irish World' has taken in the Land League movement has been at once so significant and singular that I may be permitted by your Lordships to deal with it in this portion of my argument so as to obviate the necessity of returning to it again. The nature and extent of this paper's support of the League will not, on examination, substantiate the theory of the 'Times,' that the Land League was the virtual creation and instrument of the 'Irish World,' 'The inspiration of the Land League' did not come from the 'Irish World,' though it is true to say that no paper gave a more enthusiastic or more substantial help to the movement. Its owner was not consulted either in regard to the initiation of the agitation at Irishtown in 1879, or the formation of the Land League organisation in Ireland in the subsequent October, or when Mr. Parnell started the auxiliary movement in New York on March 13, 1880. No suggestion was ever received by me from the 'Irish World' either as to the inception of the land

agitation or the formation of the Land League. It is, however, only right to say that the land question had been a 'hobby' of the 'Irish World's' almost from the birth of that paper. And it is but equally true to mention that twenty years before the appearance of this paper, there was a Tenant League in Ireland; while so far back as 1848, there appeared in Gavan Duffy's 'Nation' articles as strong in condemnation of Irish landlordism as any that have ever been printed in the 'Irish World.'

The very same reasons which appealed to the Irish people of America for a support of the Land League movement, influenced the editor and the proprietor of the 'Irish World.' The League attacked Irish landlordism. It proposed to abolish the system which had levelled the homes of tens of thousands who had then to look for shelter and opportunities to live beyond the Atlantic. The memory of the Crowbar brigade lived in the minds of expatriated American citizens, even when freer and happier surroundings might tend to obliterate the recollection of other adjuncts to Castle rule than landlordism; and a paper like the 'Irish World,' ably edited by the son of an evicted Galway peasant, would be no organ of Irish-American opinion, if it did not reflect the views and sentiments which every Irish exile has held of Irish landlordism. It therefore warmly espoused the movement of the Land League; but so likewise did every other organ of Irish-American opinion, save the paper owned and edited by Jeremiah O'Donovan Rossa. The 'Boston Pilot,' the 'Buffalo Catholic Times,' the 'New York Weekly Union,' the 'Irish-American' of New York, the 'Monitor' of San Francisco, the 'Daily Post' of Montreal, and other journals whose names I cannot recall, were all enthusiastically helping the League, propagating its principles and appealing to their readers for financial support to the movement as well as the 'Irish World.' The 'Irish World,' therefore, while undoubtedly the strongest and most influential of the Irish journals supporting the League in America, was not the only one, as the 'Times' has sought to make out before this tribunal.

Some extracts have been read by counsel for the 'Times' from copies of the 'Irish World' to prove that its policy was one of extreme violence during its advocacy of the Land League movement. I will trespass a little upon the time of the Court in read-

ing a few more which will show that the paper deprecated assassination, and endorsed the language of those who strove to keep the organisation of the League free from the charge of illegal or unconstitutional methods. My selections, few in number, will be from papers coming in matter of date within the ruling given by your Lordship on the question of the admissibility of the 'Irish World' as evidence.

In the 'Irish World' of April 16, 1881, page 1, there is a long historical editorial about the Skirmishing Fund. I will only give two extracts :—

'Now some of you gentlemen over there, in the London Parliament, may pounce upon this and try to use it against Parnell and the Land League. You have already shown yourselves capable of such tricks. But Parnell and the Land League are in nowise responsible for this Skirmishing idea.'

The President.—What was that idea ?

Mr. M. Davitt.—This is giving a history, my Lord, of the Skirmishing idea.

The President.—It seemed to refer to something which had gone before.

Mr. M. Davitt.—Yes, it is a long leading article, from which quotations have been read, I think, by the 'Times,' giving a history of the part which the 'Irish World' played in this Skirmishing Fund idea, which I have partly explained to your Lordships this morning in my observations.

'Furthermore, the "Irish World" does not now advocate skirmishing. It does not advise physical warfare on any plan. The "Irish World" sincerely desires "Peace on earth." War, however, may yet become necessary in the settlement of this Irish question. Almost everything depends upon England herself. May God inspire her with a sense of justice.'

Then the article goes on down two or three columns, and it winds up as follows :—

'We had tried to keep both sides out of the newspapers ; and failing in the effort, our confidence, not in the patriotism, but in the good sense, of the chiefs of the Irish movement got a chill.'

Those chiefs of the Irish movement refer to the Skirmishing Fund trustees, not to the Land League :—

‘And we took no further interest in, nor did we offer any more encouragement to the Skirmishing Fund.’

Another article preceding that in matter of time, I find under the date of August 14, 1880, page 4. It is headed ‘Landlord Lies’ :—

‘One of the favourite arguments of the land thieves against the Irish land agitation is that it is inciting the people to acts of violence. The changes are constantly rung on the charge with the intention of giving the world to understand that the object of the Land League is to inaugurate a reign of terror. Lord Oranmore and other “honourable” and “right honourable” land thieves never tire of narrating in the House of Lords stories of “outrages” that they directly trace to the land agitation, They are constantly proclaiming that the bonds of society are being loosened by the doctrines propagated by the land agitators, which, translated into plain English, means that landlordism is in danger of being destroyed.

‘How much foundation in fact there is for the outrage stories told by those in the landlord interest is shown by the reports of the judges’ charges to the grand juries that have been summoned for the business of the Summer assizes.

‘According to the Irish papers just at hand, 21 of these addresses have been delivered in 21 different places. With remarkable unanimity they bear testimony to the absence of anything like crime of any kind. This is not only a complete refutation of the charges of the land thieves, but it is also proof of the good work that is being done by the land agitators.

‘Under their instruction the Irish people are taking broader views of the causes that produce the misery that they are made the victims of. They have been taught to look beyond the landlord, and to see not in him, but in the system that upholds him, the source of all their sufferings. They have learned that to shoot a landlord is but removing one tyrant to make room for another, and that the most sensible way of proceeding is to concentrate their energies upon an effort to uproot an institution that gives one man the power of life and death over so many of his fellow creatures.’

Well, my Lords, in this same line I will quote another article from this paper of December 11, 1880, the same year. It is headed :—

'Sentence of Starvation.

'So far as deprecating assassination is concerned, that is well enough. No true Christian or friend of Ireland can afford to justify one crime by offering another. But so far from making the unnatural demise of two or three of these cruel monsters a cover for their iniquities, radical thinkers should be all the more bent upon exposing the crimes which can induce otherwise peaceable men to take upon their brows the brand of Cain.

'It is, moreover, cowardly and unbecoming in men of culture to hold the agitators who expose these crimes responsible for the results. Garrison, who, at the time of his most violent denunciations of chattel slavery, was an advocate of peace and non-resistance, always answered the charge of inciting assassination, by quietly asking slavery to bury its own dead. The old doctrine of "constructive treason," which formerly held a gag over the mouth of every reformer of England, was long since struck with death. It is doubtful whether the far more ridiculous doctrine of constructive assassination can be brought to life.'

Then, again, on February 12, 1881, page 4, there is an article, from which I will only read a short extract. It is headed—

'Fenian Plots.

'The Irish land agitators have declared over and over again that they have no quarrel with Englishmen ; that, in fact, they are fighting the battle of the disinherited Englishman as well as their own, and look to the English democracy to support their Irish brothers in their struggle against landlordism. Things were getting too uncomfortable for the English landlords. They saw that the war would be soon carried into Africa.'

Which, my Lords, does not mean, as was once said in this Court, that we were carrying assistance to the Boers ; it means, figuratively speaking, that we were to preach Land League doctrines here in Great Britain.

One more article in this connection. In the 'Irish World' of June 25, 1881, page 4, there is another article, headed

'The War in Ireland,' and I will quote from the concluding part of it :—

'Never before in the history of Ireland was there a more sincere desire shown by the Irish people to obtain their rights by keeping within the lines of constitutional agitation than was displayed at the beginning, and all through the present agitation until the passage of the Coercion Act, when the English Government, trampling under foot all forms of decency, sought to stifle the voice of Ireland by methods worthy of Eastern despotism.

'If the discussion of a purely economical question has led Ireland to the verge of civil war, the English Government has itself to blame for this.

'Davitt, Brennan, and other Land League leaders who are now in prison, did their best to have the land agitation conducted without bloodshed or violence of any kind, *and if they had been let alone they would have succeeded.* But at the instigation of the landlords, Gladstone and his Cabinet undertook to stifle discussion.'

Then lower down the article this sentiment appears :

'A sort of guerilla warfare is at this moment being carried on in many parts of Ireland. Let anyone compare the present condition of affairs with that existing at the time of Davitt's arrest, and then tell us whether landlordism has profited much by seeking to obtain its object through brute force.'

Well, my Lords, extracts similar in tone to these could be multiplied from the files of the 'Irish World' which cover the Land League period ; but I think those which I have read to your Lordships will prove that if 'Transatlantic' could in a few numbers of this paper rave like a madman about the feasibility of burning London, the editor could likewise frequently repudiate the use of violence and outrage in the Land League battle of land reform.

I come now to a very important part of what is called the 'American story.' That is with reference to the support given to Land League funds by the 'Irish World.'

What the 'Irish World' has said of Irish landlordism and English Government would never have troubled the political conscience of the 'Times' had the Land League not received through the 'Irish World' large sums of money. This is the

head and front of Patrick Ford's offending. O'Donovan Rossa, who has written and printed a ton of journalistic dynamite against England to every ounce printed by Patrick Ford, has scarcely attracted even the attention of the 'Times' during this inquiry. The reason is obvious. The landlord clients of the 'Times' dreaded the principles of land reform propounded by the Land League much more than the 'Times' feared for England the effect of Rossa's verbal dynamite bombs; and if the 'Irish World' had gone in all along for dynamite along with Rossa instead of for Land League principles, this Commission would have heard as little of Patrick Ford as it has of O'Donovan Rossa from the 'Times.'

Every species of allegation and innuendo has been used by counsel for the 'Times' in regard to the transmission of funds by the 'Irish World' to the Land League in Ireland. Patrick Ford has been described in 'Parnellism and Crime' as the paymaster of Mr. Parnell and his party, just as if the money subscribed by his supporters among the readers of the 'Irish World' was at the personal disposal of its editor. Again, it has been insinuated that the moneys transmitted by Mr. Ford came from the coffers of the Clan-na-Gael, and was contributed by that organisation for the perpetration of outrage. In all this there is not only no word of truth, but there is manifestly the same careful resolve not to search for the true source from whence the Land League funds were derived, as there was on the part of Houston and Mr. McDonald not to inquire from whence their wretched tool Pigott got the forged letters. And the shutting of eyes in both of these instances was a deliberate act dictated for the purpose of suggesting what was false to this Commission.

I will now, with your Lordships' permission, justify these charges of mine, by explaining, from the pages of the 'Irish World' itself, the sources from whence the moneys came which were transmitted through the editor of that paper; the origin of what I will call the 'Irish World' Land League collection of funds; the reasons why more financial aid was transmitted through that channel than any of the other collecting mediums in America; to which I will add, for your Lordships' information, samples of the sentiments which influenced the

readers of the 'Irish World' to help the Land League in its fight with Irish landlordism.

The first money subscribed for the Land League through the 'Irish World' appears recorded on page 5 of that paper of December 27, 1879, in the following letter to the editor:—

'Land and Liberty.

'Something to Aid in the Work for it.

'N. Y. City, Dec. 19, 1879.

'Editor, "Irish World."—A few friends of Ireland's cause met Friday, Decr. 13th, at P. Donnelly's, 488, 7th Avenue, and will continue to meet at the above address every Friday evening, at 8 o'clock. Our object is to assist and encourage Mr. Parnell and his friends in the work they have undertaken, and to prove that we in America are not unmindful of their exertions in behalf of our rack-rented countrymen at home, and also to show that the "Herald" is not the truthful exponent of opinion in New York.'

At that time, my Lord, the 'New York Herald' was antagonistic to the Irish leaders and the Irish cause.

'The following subscriptions were handed in to the treasurer within a few minutes: A friend, 10 dollars; P. Donnelly, 5 dollars; J. McMahon, 5 dollars; J. Corrigan, 1 dollar; J. W. Keagh, 5 dollars; P. Ryan, 5 dollars; W. Moran, 2 dollars; Con Roche, 5 dollars; Peter Burke, 5 dollars; J. Fogarty, 5 dollars; Chas. James, 2 dollars. Total, 50 dollars.

'WILLIAM MORAN, Treasurer.'

I have no knowledge of who these friends to the Irish cause were, beyond what is conveyed in this letter, but I think your Lordships will see as clearly as I do that the money was not subscribed, according to that letter, for dynamite, and that there was no mention of the Clan-na-Gael, nor reference to the ravings of 'Transatlantic.' 'Our object,' say the subscribers, 'is to assist and encourage Mr. Parnell and his friends in the work they have undertaken, and to prove that we in America are not unmindful of their exertions in behalf of our rack-rented countrymen at home.' These are the sentiments which have governed the action of 999 out of every 1,000 Irish-American subscribers to the Land

League fund, no matter what was the medium through which the assistance was sent. Confidence in Mr. Parnell's integrity of purpose, hatred born of experience or transmitted memory of landlordism, rack-renting and eviction in Ireland; these were the two mainsprings of Irish-American financial aid to the Land League.

But while this letter was the foundation of the 'Irish World' Land League fund, it was not the first effort to organise financial support for the League in America. The initial move in this purpose was made in Boston in September of 1879, as will be seen from a circular which will be found on page 5 of the 'Irish World' for the 4th of October 1879.

There were three reasons why so comparatively large an amount of money came to the League by way of the 'Irish World.' This is dealing with the 'Irish World' generally. First, the paper had the largest circulation of any organ of Irish American opinion in the United States, and it was, from the outset, an advocate of the most radical settlement of the Irish land question, namely, National or State ownership, as against an extension of individual ownership by what is called peasant proprietary. Secondly, subscribers, through the 'Irish World,' being, all but exclusively, working men and women, saw their names and donations acknowledged in the pages of the paper a few days after subscribing, and this formed a powerful inducement to others to do likewise. And, thirdly, when I organised the first Land League branches in a tour across the American continent in 1880, I advised the members everywhere to transmit their contributions through the 'Irish World' or the 'Boston Pilot.' I was influenced in giving this advice by two considerations: one is explained by the reasons just given why people sent their money through the 'Irish World' newspaper, and the other was on account of an understanding come to on the matter between the Rev. Lawrence Walsh, the first treasurer of the American Land League, and myself. This understanding was arrived at between us after and in consequence of what occurred at the first Land League Convention in America, that of Trainor Hall, New York, held in May of 1880, to which reference has been made in the evidence, especially during my own examination.

At this convention—a report of which has been put in in my evidence—there was a conflict between the extreme and Conservative elements present over the creation of a Central Land League treasury in America, to which one party, the party advocating this treasury idea, wanted all subscriptions in the first instance to be forwarded, to be from thence transmitted to Ireland. The clerical and Conservative parties opposed the creation of any such treasury, on the grounds that it was not necessary; as funds could be sent by each branch direct to Ireland; and, secondly, from the fear that such a central treasury might ultimately fall under the control of extremist influence. I was anxious then, as I have been from the very start of the Land League, not to antagonise the revolutionary parties, either in Ireland or America; as, between an open hostility on the part of extremists, and coercive opposition by the English Government in Ireland, the Land League would have had but a precarious chance of existence. A compromise was therefore suggested on the question of a central treasury at the Trainor Hall Convention. It was this: that a central treasurer be appointed, and that he be the Rev. Lawrence Walsh, a most respected and widely known Catholic clergyman, of Waterbury, Connecticut. This was agreed to unanimously, and the convention adjourned, after electing officers, myself becoming the central secretary, practically invested with all power over the infant auxiliary Land League of America. Following these proceedings, and previous to my organising tour from New York to San Francisco, Father Walsh and I agreed that whenever advice was sought for how subscriptions were to be sent to Ireland, he would recommend their transmission through the 'Boston Pilot,' while I would advise the channel of the 'Irish World' and the 'Pilot.' The adoption of this course by me caused John Devoy (a name which has been frequently mentioned from the beginning of this inquiry), who was an advocate of the central treasury idea, to attack me bitterly in his paper, the 'Irish Nation,' afterwards, and it explains an unrelenting hostility towards me by that gentleman, which lasts to the present day.

My advice to forward money through the 'Irish World' was generally followed. The 'Irish World' was an independent organ, neither the mouthpiece of the Extremist nor of the Conservative

elements in the Land League of America ; and many thousands of people who may have had extreme views or Conservative convictions on the Irish question, made the 'Irish World,' for the various reasons already adduced, the medium of their contributions to the League in Ireland.

I return to the 'Irish World' columns to further explain the wherefore of sending money through that paper. In the issue of the 5th February 1881, at page 4, there is an editorial article upon the subject, which explains the whole origin of the part played by the paper in the collection of Land League moneys :—

'Mr. Davitt, before his return to Ireland, left a hundred copies of a Land League constitution at the office of the "Irish World." These copies went to their destination in quick time. But calls coming in from all parts of the United States, and having no more printed documents to forward, the "Irish World," at its own risk, wrote out, printed, and distributed 5,000 copies of a constitution, with a platform of principles and instructions how to organise branches. These 5,000 little books we mailed to 5,000 different towns, and to our own readers only. The beneficial effects of that act are made manifest in the large weekly remittances sent to the Land League in Dublin.

'Some foolish jealousy, it would seem, has been occasioned by this general recognition of the "Irish World." The following from Steubenville, Ohio, will serve as an instance. They formed a Land League branch in that town, and the Secretary, Mr. David Hanley, in communicating an account of it, adds this : "The motion that the printed rules be adopted gave rise to a little unnecessary talk. As to the clause providing that the money be sent through the 'Irish World' office, an amendment was offered that it be sent through some other source. Lost by a decided majority. Thereupon, one member asked leave to retire. He retired."

'Now with regard to the transmission of moneys, it is a small matter how it goes, so long as it reaches its destination in due time. To the "Irish World" the duty imposed upon it has been a labour of love. For the 54,000 dollars forwarded through it to the Land League, not one penny has been charged. We transmit cheaper than any national bank in the country would. Herein is one substantial element for the consideration of the jaundiced. Again, the publicity given to those who forward through this paper serves as an incitement to others who are somewhat backward in the

cause. The substantial sympathy, wrapped up in hundreds of patriotic letters, is calculated to stir the enthusiasm of the coldest. It says to them, "Go and do likewise." Accounts of money said to be sent through other channels are sometimes mailed to the "Irish World" for acknowledgment. This, of course, we cannot do. We cannot acknowledge any money for which we can give no receipt.

'However, let there be no jealousy in the matter. People who wish to send their remittances to the Land League through the "Irish World," have, of course, the right to do so. If anyone prefers to transmit through some other medium, why, he is entitled to his opinion, or his prejudice, if you please—do not molest him—he may be a good man; and Ireland, just now, wants the combined help of all her sons.'

Again, on the 14th May 1881, the editor throws further light upon the sources from whence the subscriptions came for the League through his journal. The international character of the donations explains the concluding portion of this leading article, though it is well known to all who have studied the writings of Patrick Ford that he advocated radical land reform in every other country, England included, as well as in Ireland. The editorial of the 14th May 1881 proceeds :

'This week the "Irish World's" Land League Fund reaches over one hundred thousand dollars. Here we have an offering the most remarkable ever made to any movement. These hundred thousand dollars represent the contributions of fully a quarter of a million of people. Not a city, town, or village in this broad land but has helped to swell this munificent testimony of America's sympathy with Ireland in her struggle against landlordism. Irishmen, and the sons of Irishmen, have not been the only contributors. Americans, Germans, Frenchmen, and even Englishmen, have sent us their dollars. No such practical manifestation of universal sympathy with Ireland was ever before seen on this side of the Atlantic.

'There have been funds raised in this country to help Ireland to gain her independence. But the money came exclusively from the pockets of men in whose veins flowed Irish blood. Thousands of dollars have also gone at different times from these shores to save the people of Ireland from perishing during landlord-created famines. This, however, was the offering of charity, and the men who gave it looked

not beyond the immediate relief of distress. . . . The "Irish World" in opening its columns for Land League subscriptions did so because it thought it saw in the Irish land agitation the beginning of a movement that ultimately would extend far beyond the limits of Ireland.

'The men who have so generously responded to our appeal to sustain the Land League have done so because they too saw that Ireland had begun a skirmish that would yet develop into a world-wide battle for the restoration of their birthright to the disinherited of all nations.'

I pass from a consideration of why funds were so largely transmitted through such a channel, to the character of the sentiments or reasons which influenced those who subscribed ; because I think this is very important in view of the fact that the 'Times,' both in 'Parnellism and Crime,' and in statements made here, has endeavoured to impress upon the Court and upon the public the idea that all this money that came through the 'Irish World' came from members of the Clan-na-Gael. I have already shown by reference to these articles that, on the contrary, the 'Irish World' Land League Fund was started by men who never alluded to the Clan-na-Gael or a skirmishing fund or any revolutionary purpose whatever. I have also shown in subsequent quotations that Germans in America, Frenchmen in America, and even Englishmen, sent contributions to the Land League through the 'Irish World.'

I may probably have occupied an unreasonable proportion of the time of the Court in dealing with the part which the 'Irish World' and its editor have played, not alone in the Land League organisation in America, but in previous revolutionary movements. I did so with the view of putting before you something like a connected story, from my point of view. I may have said, in speaking of Mr. Ford, something which might possibly prejudice this Court and public opinion outside these walls against me, especially with reference to the good opinion I have expressed of a man who has undoubtedly upon many occasions written very violent articles favouring the use of dynamite. But, at any cost to myself personally or politically, I feel bound to speak of Mr. Ford, and of everyone else I have been associated with for any length of time, casually, intimately, or publicly, as I found those men.

I drew attention to certain letters that had appeared in the 'Irish World' from 1879 down to 1881 containing remittances to that paper for the Land League. I did this with a view of putting before your Lordships the fact that the money that came to the Land League through the 'Irish World' did not come from men who were engaged in criminal conspiracy, or what is called a criminal conspiracy, in America. I did not mean, in directing attention to these letters, to insinuate that there were not other letters, hundreds of letters, in the 'Irish World' during those years that contained more violent sentiments than those to which I referred. What we assert with reference to the money received from America, either from the 'Irish World,' the 'Boston Pilot,' or any other source, is, that we appealed to all our countrymen in America, irrespective of class or social position, for assistance in the movement we were carrying on in Ireland for the purpose of abolishing landlordism and establishing national self-government. We did not appeal, either by public speeches or through our writings, to any particular class either at home or abroad, but to the whole Irish race; and I maintain that whatever assistance came from America came from the Irish race and not from any section or organisation of men exclusively engaged in particular movements. I will not trouble your Lordships with a continuance of the series of letters which I was reading last evening; but in passing these over I come to half a dozen very short letters of the same kind that appeared in the 'Irish World' on the 27th May 1882, and these letters deal also with the Phoenix Park assassination that had taken place a short time previously.

I bring in this matter now with reference to that deplorable tragedy in order to get rid of the 'Irish World,' except in so far as I may be compelled by-and-by to refer to it casually when I come to analyse the evidence. Your Lordships will probably remember that Sir Charles Russell, in the examination of Mr. Parnell, and I think of myself, read a few articles from the 'Irish World' condemnatory of that great crime. I supplement those articles by reading these few letters from subscribers to the Land League Fund—letters which appeared in the 'Irish World' on the 27th May 1882. The first letter reads:

'Creditable sentiments from the ladies of Lewistown, Maine. Editor, "Irish World."—Please find enclosed 717

dollars—80 dollars monthly dues from Miss Lizzie Driscoll, treasurer of the Ladies' Land League, and 637 dollars, the proceeds of a bazaar recently given for the cause from Miss Mary Heanue, treasurer for the bazaar, to be forwarded to you to the help of the people of Ireland who have so nobly and through many hardships and privations sustained the motto of our banner—"No Rent." We were congratulating ourselves on the substantial victory achieved by the beloved advocates of our principles when the sad news reached us of the cowardly assassination of Lord Cavendish and Under-Secretary Burke. Trusting the Land League will not be compelled to share any responsibility for so unjustifiable an act, and denouncing unstintedly the same, we have the pleasure and honour of being, very truly yours, devoted to the cause, Miss Mary Heanue, President *pro tem.*, Miss Mary Sullivan, Secretary, Miss Mary Roche, Vice-President.'

And there are about thirty or forty names following.

Then, the next letter is headed—

'The Davitts of Paterson have no sympathy with assassination. Paterson, N.J. Editor, "Irish World."—Enclosed find 100 dollars—the fourth remittance of equal amounts from the Davitt branch of this city—the personal contributions of its members, unaided by outside appeal of any kind. With unwavering faith in the old cause and renewed confidence in the ability, integrity, and patriotism of our glorious triumvirate Parnell, Davitt, and Dillon, and unspeakable detestation for the ghouls of assassination who would wrest from their keeping the sacred cause of our sire land, we, one and all, desire that this, our mite, should be applied in bringing to speedy justice the perpetrators of the foulest crime that has ever blackened the fair fame of Ireland. Whilst the great majority of our members are in progressive nationalism—stalwarts of the stalwarts—we abhor and denounce with all our vehemence this dastardly outrage. Davitt's ideas are advanced enough for us. We believe in his teachings and Davis's that "Freedom comes from God's right hand and needs a godly train. For 'tis righteous men must make our land a nation once again."

'J. PURCELL, Treasurer.'

The next letter is—

'Resolutions of the Banner branch of West Rutland, Vermont. Editor, "Irish World."—Enclosed find twenty-five dollars, initiation fees of twenty-five members, received

May 7 at a special meeting called for the purpose of expressing joy at Ireland's victory. Scarcely had we realised her glorious triumph' (that was with reference to the release of Mr. Parnell) 'when the sad news reached us that a great blow had been dealt our cause. A special meeting was therefore held on the 14th instant for the purpose of adopting resolutions denouncing the Phoenix Park tragedy. The following resolutions were unanimously adopted. "Whereas, in the dawn of Ireland's prosperity, and in the flush of the great victory won by the Land League, a dastardly assassination has taken place by the hands of those who can be no true friends of Ireland, therefore be it—Resolved, That we, the members of the West Rutland branch of the Irish National Land League, denounce in the most unqualified terms the authors and perpetrators of this awful deed, and while abhorring assassination in all its forms, we can have no sympathy with the Government whose cruel laws have been the indirect cause of this horrible crime."

The next—

'Vote of Confidence from the Ladies of Philadelphia. Editor, "Irish World."—Please find enclosed fifty dollars from the Archbishop Croke branch (Ladies), which we desire forwarded to Miss Anna Parnell, if you please. We with our sister Leaguers deeply deplore the terrible tragedy in Phoenix Park. We feel assured it is an enemy of the Land League, and, in our opinion, it looks like the work of desperate landlords; they are old hands at murder. We have confidence still in the success of the Land League in spite of its enemies; and to-day it has proven itself the grandest, the most united, and most moral organisation that ever spread the earth.'

Then the next is in the same paper, and is headed—

'A message of love and sympathy to Ireland from Newark, Ohio. Editor, "Irish World."—The Newark Land League sends greeting to the "Irish World," joining heartily in the result of America's outspoken sympathy with oppressed Ireland, recognising the fact that the recent concessions of the British Ministry, and the changed condition of public sentiment in England, are largely due to the bold and manly protests of native and adopted citizens of the United States demonstrating the fact that there is a force more potent than arms to control mankind when in accord with the enlightened civilisation of the age. Whilst we rejoice with all

friends of Ireland everywhere over the prospect of relief for the oppressed tenants of Ireland, we desire to join every friend of Ireland in denouncing the dastardly act of vandalism and assassination committed on the persons of the Secretary of Ireland and his Under-Secretary, believing it to be the cowardly act of some enemy of our cause.'

The next—

'Fifty dollars from the John Mitchel Branch, of Lonsdale, Rhode Island. Editor "Irish World."—At a regular meeting of the John Mitchel branch of the Irish National Land League, it was voted to send Patrick Egan, through you, fifty dollars, which you will find enclosed. The following resolution was unanimously adopted: "Resolved, That we, the members of the John Mitchel branch of the Irish National Land League, do most emphatically condemn the cowardly and cruel murder of Lord Frederick Cavendish and Thomas H. Burke; and we believe the assassins, whoever they may be, to have been actuated solely by the design to injure Ireland and Ireland's cause." Wm. Burke, President, John Hanlon, Secretary. The names of contributors I will send in my next.'

Such sentiments as those are not credited by the 'Times' with having caused the inflow of financial help to any extent into the coffers of the Land League through the 'Irish World.' The extracts read from the 'Times' in this court, and published in 'Parnellism and Crime,' as I remarked yesterday, would tend to lead the public to believe that all the money that came to us from America came stained with blood—came from men who had no thought, no purpose, no object in view except the employment of dynamite and violence against England in Ireland. According to the opening statement of the learned Attorney-General, money came in response to a special effort made by Mr. Parnell on the occasion of his visit to the United States in the winter of 1879-80. This money-inspiring appeal is associated with a particular speech of Mr. Parnell's; and while I am dealing with the sources from whence the money came to the Land League, I think it well, in passing, to make a few observations upon that speech. It is known here, and known everywhere, as the 'Last Link Speech,' delivered by Mr. Parnell in Cincinnati on the 23rd of February 1880, and it was quoted from by the Attorney-General at page 221 of the official minute. The Attorney-General was good

enough to admit that Mr. Parnell had repudiated the concluding sentence of this part of the speech, in which the 'last link sentiment' appears; but he marred the justice of this admission by insinuating that, because this was the only occasion on which Mr. Parnell had dissociated himself from the words referred to—he was practically confessing to the authenticity of these words in the very act of denying them. Apart from the unfairness of holding a public man responsible for every word which a newspaper puts into his mouth, unless he has gone over and corrected the report, it is generally known in the political circles of this country that Mr. Parnell has, rightly or wrongly, concerned himself very little with what appears about him in the press. When the words alleged to have been spoken by him in Cincinnati were brought to his attention in the House of Commons and were repeated by Sir George Trevelyan, the then Chief Secretary, Mr. Parnell gave the 'last link sentiment' an emphatic repudiation. I believe he did the same in the witness-box here; and if I am not mistaken, he produced a copy of some Cincinnati paper giving or purporting to give a verbatim report of the speech in which this 'last link sentiment' did not appear. For myself I certainly do not think, if the words attributed to Mr. Parnell were brought home to me, I should feel under the necessity of repudiating the words, taking them with the context, of his speech. There is no doubt, speaking for myself, that I have been working almost all my life to break the last link that binds Ireland to England under existing conditions, and to substitute for that link the link of friendship based upon mutual understanding and equality; but I think it was very unfair to hold Mr. Parnell responsible for those sentiments, simply because they appeared in a particular speech, when obviously a fairer manner of estimating what Mr. Parnell's views were would be to take all his speeches delivered in America or in the House of Commons or in Ireland, and form an opinion from all, instead of from one.

Some articles in the 'Irish World' have been read condemning Mr. Parnell's parliamentary policy. The 'Times' alleges the 'Irish World' was constantly giving him and his party both its advocacy and its aid. I think it right to draw attention to these articles in the 'Irish World,' in the absence of anyone speaking here for Mr. Parnell. Many—I do not know how many—of

those extracts were read while Mr. Parnell was in the witness-box. I will not inflict them again on your lordship; I will simply call attention to the dates, so that counsel for the 'Times' can refer to the particular paper and see whether these leading articles are what we say they are. (Dates of casual articles given from about September 1882 down to March 1885.)

With reference to the 'Irish World,' I have now shown that in 1876 it started the Skirmishing Fund, and advocated, with Rossa and others, a policy of violence; that Augustine Ford, brother of Patrick Ford, became secretary of that fund, but resigned the position in 1878. (I cannot give the exact date, but I think it was in 1878.) I have shown that in 1879, when the land agitation began in Ireland, the 'Irish World' gave it a warm support, and that from the end of 1879—that is, from the visit paid to America by Messrs. Parnell and Dillon at Christmas, 1879—the 'Irish World,' though it did not specifically repudiate its former advocacy of violent methods, denounced those of its former associates in such methods who attacked the Land League. I believe during the latter portion of 1879, while the 'Irish World' was supporting the land agitation in Ireland, it continued to publish in one of its columns 'Maxims for Skirmishers.' They belonged to the Skirmishing Fund policy period, and had, either intentionally or accidentally (I cannot say which—probably intentionally) remained in the 'Irish World,' I think during 1879. Whether they were continued in 1880, I do not know, but I think not. I believe they disappeared from the columns of the 'Irish World' early in 1880. I have shown that this paper opened its columns for subscriptions to the Land League in 1879, in a letter which I read yesterday, and I have read from more than one of the 'Irish World' editorials the reasons which induced it to make this appeal to its readers, and to initiate this Land League Fund. I have read letters from subscribers showing that the money came to the 'Irish World' for the Land League from all quarters of America, and from all nationalities, Englishmen included. I did not, nor do I attempt to, prove that hundreds of other letters were not to be found in the paper from men expressing sentiments the opposite of those I have read from the letters quoted yesterday and to-day. My object was to point out that Irishmen in America, irrespective of political opinion, and people who were

not Irish at all, sent aid to the Land League through the 'Irish World,' because it published their subscriptions and names, and supported the Land League against the system which carried out evictions and upheld class ownership of land.

I have also shown that in its support of the Land League the 'Irish World' was acting independently, and did not claim to be either the organ of the revolutionary party or of the Land League ; and finally I have called attention to numerous articles in the paper from August 1882 to 1885, in which Mr. Parnell's policy was condemned by its editor.

What amount of legal guilt, if any, there is on the part of the persons charged, in having been the leaders or members of an organisation which received money from such a source as the 'Irish World,' I do not know, not being a lawyer ; but I will assume that it would be as unjust and as unfair to hold Mr. Parnell responsible for the sentiments of the 'Irish World' because the 'Irish World' sent money, subscribed by all kinds and conditions of men, to the Land League, as to charge the Chancellor of the Exchequer with being a Home Ruler because he receives direct and indirect taxes from millions of people in these three countries who believe in and advocate Home Rule.

VII. THE ALLEGED ALLIANCE WITH THE REVOLUTIONARY PARTIES

I come now to the third count of the special indictment against myself, namely, bringing about the alleged alliance between the so-called party of violence in America and Mr. Parnell's party on this side of the Atlantic. This charge in the language of the 'Times' alleges that 'he' (that is, meaning myself) 'was in close and intimate association with the party of violence in America, and was mainly instrumental in bringing about the alliance between that party and the Parnellite and Home Rule party in Ireland.' If in my reply to this, the most sweeping of the charges made against me by the accusers in this case, I elected only to take note of the evidence brought forward to substantiate the allegation, there would be no necessity for me to

waste one moment more of your Lordships' time. There has absolutely been no evidence whatever placed before the Court to make good this charge. The testimony of the spy Beach, is the only direct evidence which has attempted to associate me with men and parties alleged to be criminal in America, and this testimony amounts to this—that Beach saw me, on one occasion, in 1878 at a railway depôt in Chicago with one Colonel Clingen, and that on a subsequent visit to America I attended some meetings. Colonel Clingen was sworn by Beach to be a member of the Clan-na-Gael, and the meetings referred to were not sworn by him to be of any particular kind, private or public, revolutionary or Conservative. This is the whole of the direct proof laid before your Lordships by the 'Times' to convince the Court that I did what the third charge in the special indictment accuses me with having done. But in reference to the second or more important part of that charge, namely, the bringing about of the alleged alliance between the alleged party of violence in America and Mr. Parnell's party in Ireland; the evidence of the 'Times' principal witness is at variance with its accusations in 'Parnellism and Crime.' Beach, at page 2510 of the evidence, swears that what he calls the true alliance—an alliance which Mr. Parnell and myself have both, on oath, denied the existence of—dated from his alleged interview with Mr. Parnell in the House of Commons, in April 1881; which alleged interview occurred eighteen months after the League was formed in Ireland, a year subsequent to its organisation in America, and at a time when I was closely confined in Portland prison. The secondary or indirect evidence in support of this third charge against me, is founded upon extracts that have been read from the pages of the 'Dublin Nation' and the New York 'Irish World;' a kind of evidence one unskilled in law may be pardoned for calling makeshift testimony, and which might be produced with some reason against me if I were the editor or proprietor of either of these papers. But as I am neither one nor the other, the relevancy of such testimony ought to have no appreciable legal value. And again may I ask in this connection—that is, with reference to this alleged alliance—if the 'Times' believed me to have accomplished this compact; if it had in its possession, or hoped to obtain knowledge of the necessary facts to prove this allegation; why did it omit to pro-

ceed against me in the first instance before your Lordships? Why did it wait until I challenged it here in this Court to make good the charges that had been preferred against me in *O'Donnell v. Walter* and in 'Parnellism and Crime'? May I not fairly infer again that its reason for not including me among those sought to be incriminated when this tribunal began its investigation, was because it possessed nothing but the gleanings of newspapers seven or eight years old upon which to build its baseless fabric of accusation?

At page 107 of the evidence, the learned Attorney-General, in his opening statement, said :

'In fact, the only references that are made to Davitt in "Parnellism and Crime" are as to his connection with Fenianism a long time before, and beyond a few speeches, to which I have referred, in which he undoubtedly advocated the entire separation of Ireland from England, I am not aware that Mr. Davitt did take any active part in the organisation of Land League meetings.'

This was said in this court in my presence, and, as I have already remarked, such an admission is a significant comment upon the charges levelled against me the following day, when I demanded an investigation into the allegations made against me elsewhere.

At page 138 of *O'Donnell v. Walter*, the Attorney-General charged me with being 'in trade and traffic with avowed dynamiters and known contrivers of murder.' And again, at page 155 of same, the learned Attorney again says : 'There are hundreds, nay, thousands, of most distinct and direct attacks made upon Davitt and others, not one of whom have brought actions against the "Times."' And these words are again, in their turn, an instructive comment on what the Attorney-General said at page 107 of the evidence given in this court.

I have said that no reply is needed from me in the matter of the direct testimony offered by the 'Times' in support of this charge; but, as the 'Times' has proceeded from beginning to end in this inquiry by insinuation and innuendo, rather than by a straight and manly method of indictment, it is incumbent upon me to take cognisance of and reply to what has been covertly alleged rather

than what has been sought to be proved against me by direct evidence.

The evidence which I gave on oath before your Lordships gives the lie direct to this charge. I have given in some detail an account of my first and subsequent visits to America, whom I discussed my new policy for Ireland with, and what was the extent of my intercourse with men who have been liberally accused, but who have not been proved by any testimony whatever, of having been advocates of crime or violence at the time when such intercourse took place. I have, likewise, solemnly testified on oath that no alliance, direct or indirect, was brought about by my agency or consent or knowledge between any party in America and Mr. Parnell's party in Ireland, and I again reiterate this statement. What has induced the 'Times,' knowingly, to be misled in this matter, was the despatch sent in October 1879 by John Devoy to Mr. Parnell proposing a co-operation between advanced Nationalists in America and Parliamentarians in Ireland. This despatch has been read and referred to more than once in these proceedings by the Attorney-General.

In addition to this despatch, the Attorney-General has read extracts from a letter of mine to the 'New York World,' in which letter—written, I may remark, three years before the appearance of the 'Parnellism and Crime' libels in the 'Times'—I gave a categorical denial to statements made by Mr. Alexander Sullivan, of Chicago, which claimed for John Devoy and other Nationalists in New York the credit of having, in conjunction with me, started the Land League organisation in America.

As it is of importance to make this point as clear as possible, I may be pardoned for reading a couple of extracts from this letter, though I think the whole of it is somewhere upon the minutes; after which I will go into some necessary detail regarding this portion of the 'Times' case against me. This letter of mine is dated the 21st of May 1884, and was written from Ballybrack, Ireland:

'To the Editor of the "New York World."—Dear Sir,—Your issue of the 4th of this month contains what appears to be an official communication from Mr. Alexander Sullivan, and as the able president of the National League of America connects my name with some statements which are calculated

to mislead your readers on certain points relating to the origin of the Land League and the principle upon which it was founded, I will thank you to allow me to correct the errors which want of fuller information has led Mr. Sullivan into regarding the subjects he has thus written upon.

‘ Mr. Sullivan says that (1st) “ The Land League was of American origin.” (2nd) “ Its platform was drawn in the city of New York by Irish Nationalists residing in America, of whom the best known is Mr. John Devoy, in consultation with Mr. Michael Davitt on his first visit to the United States in 1878.” (3rd) “ The first plank of the platform was a declaration for self-government.” (4th) “ The second advocated peasant proprietary.” (5th) “ After the platform drawn up in New York had been thoroughly discussed by the Irish Parliamentary party, it was agreed to try them.”’

‘ (6th) “ In all his speeches in Ireland prior to the foundation of the Land League, and subsequent to its foundation and preceding his arrest, Mr. Davitt advocated peasant proprietary as the only mode of settling the land question satisfactorily to the Irish people.”’

Then I go on in the letter to set Mr. Sullivan right :—

‘ Most of these statements are contrary to facts, and the remainder are either totally or partially inaccurate ; while they are all, I am sure, advanced with no intention of misinforming the opinion of your readers.

‘ 1st. The Land League was not of American, but of Mayo, origin ; as no such name or organisation was heard of previous to the holding of a county conference in Castlebar, 16th August 1879, at which “ The National Land League of Mayo ” was established, and a declaration of principles and a policy of agitation proclaimed, upon which the subsequent National Land League of Ireland was modelled.

‘ 2nd. The platform of the Land League, from which Mr. Sullivan quotes, was not drawn in the City of New York by Irish Nationalists, but in the Imperial Hotel, Dublin, on the 21st of October 1879, by Messrs. Parnell, Egan, Brennan, Kettle, and your humble servant, or, more correctly speaking, by two of these in consultation with the rest.

‘ 3rd. The first plank of this platform was not a declaration for self-government, nor was there any allusion to or demand for self-government in the platform of the Land League as adopted at the initial meeting in the Imperial Hotel in October 1879, but from which Mr. Sullivan quotes,

correctly, in reference to a plank which was adopted thereat, namely, peasant proprietary.

'4th. "The platform" to which Mr. Sullivan alludes, and to which I shall refer by-and-by, as having been drawn up in New York, sent to the Irish parliamentary party, thoroughly discussed, and then adopted by them, was not sent to such party, for the best of reasons: such party did not come into existence until after the general election of 1880, when Mr. Parnell superseded Mr. Shaw as leader, and from which event the history of what is now known as the Irish parliamentary party commenced; while the transactions about the real nature of which Mr. Sullivan is somewhat confused took place in 1878. The resolutions drawn up in New York, I believe in the fall of 1878, with which Mr. Sullivan confounds the platform of the Land League as adopted in Dublin in 1879, were cabled by Mr. John Devoy to a third party here in Ireland in the name of himself and other well-known Nationalists in New York, with, I believe, the request to lay them before Mr. Parnell. This intermediate Nationalist dissented from the proposals contained in these resolutions, which subsequently became known as "the new departure," but had them forwarded to Mr. Parnell.'

I stated that in the letter, and I think it is right to read it. I was under the impression at the time (my memory had played me false) that these resolutions had been sent by the late Mr. Kickham to Mr. Parnell. Mr. Parnell, however, told me he never received them. The letter goes on to matters not very material; anyhow, the whole of the letter is on the minute, and I will only read this next paragraph, because it deals with those propositions referred to in Mr. Sullivan's letter, which, he says, John Devoy sent to Mr. Parnell, and which, he asserts, Mr. Parnell on his part discussed and accepted.

'I promised, at the commencement of this letter, to refer again to what Mr. Sullivan erroneously terms "the platform of the Land League," namely, the resolutions that were cabled from New York some time in 1878, to a third party in Ireland, for the consideration of Mr. Parnell. I have already fully shown that these resolutions were not the platform of the Land League, either as initiated in Castlebar in August, or as organised at the conference in the Imperial Hotel, Dublin, in October 1879. What, then, were they? They represented the praiseworthy efforts of those respon-

sible for what became known as the "New Departure," which efforts sought a basis of union between the advanced Nationalist and advanced Constitutionalist parties in Ireland.

'As I have already remarked, those proposals were not discussed by any parliamentary party, neither were they replied to by Mr. Parnell, while they were utterly repudiated by the leaders of the advanced Nationalist party here in Ireland, who subsequently expelled me from their organisation for my share in the aforesaid "New Departure," and my alliance with the Constitutionals in the Land League movement.'

This letter, as I have told your Lordships, was written in May 1884, long before the appearance of 'Parnellism and Crime.' I may once again be allowed to remark that not alone in this letter, but in an interview with the reporter of the 'New York World,' which has more than once been referred to in this case, an interview which took place in July 1882, I gave substantially the same account of the origin of the Land League movement as given in the letter from which I am now quoting. And in that interview of 1882, here is what I said. I am only giving two very brief quotations, but they are the material matter so far as this inquiry is concerned. I said :

'I made up my mind that the only issue upon which Home Rulers, Nationalists, Obstructionists, and each and every shade of opinion existing in Ireland, could be united, was the land question. I at first proposed my plan to leaders of the Nationalists.'

I told your Lordships in my evidence, that at the meeting of the Supreme Council in Paris, this new policy was repudiated, while I was ultimately expelled the Fenian organisation in 1880 for the part I had taken against their wishes and their opinions in the open or constitutional movement. I go on to say, in the interview referred to :

'I at first proposed my plan to leaders of the Nationalists when a short time out of prison, but they refused to have anything to do with constitutional agitation.'

Again, in the same interview I said :

'If the weak have a just cause they can, by presenting its claims to recognition, force the strong to grant them

justice. They can do this purely as the result of public opinion ; in other words, by influencing the party of the strong in their favour by winning public opinion on their side. Now, it must be perfectly apparent to everyone that if you wish to reach public opinion you must do everything openly. The converse of this would be so absurd that it is scarcely worth discussing.

‘ A secret society then makes the use of the only weapon of the weak, if not impossible, exceedingly difficult. I therefore resolved that my new plan in connection with Ireland should not be placed for operation in the hands of any secret society, though I was willing, if the Nationalists chose to adopt it as a new departure, to let them inaugurate it. They refused, however.’

So much is sought to be proved against Mr. Parnell by the ‘ Times ’ from what I proposed by way of a policy for Ireland on the occasion of my first visit to America in 1878 ; and such inferences, detrimental to Mr. Parnell and his party, have been drawn by the accusers from what they call my intimate association with members of the alleged ‘ party of violence ’ in the United States, that I must ask permission to relate more consecutively than I was able to do in the witness-box, whom I met, what I proposed, and what came of these efforts of mine, during that visit to America after my release from prison in 1878.

I had no mission whatever from any person or party when I left Ireland for America. That I have stated on oath in the witness-box. Mr. Parnell knew nothing of my going, and was not consulted by me in any way with reference to my journey. I went to the United States to see my family after my imprisonment, and to see and understand Irish-America. I had a well-defined purpose in my mind, which made a journey across the Atlantic more than a mere incident ; but this purpose rendered it unnecessary for me to consult with Mr. Parnell or anybody else. The first person, and the only one, on whom I called in New York, was Mr. James O’Kelly, now M.P. for Roscommon, a gentleman who has been before your Lordships in the witness-box, and who is one of the parties here charged. I had known Mr. O’Kelly in former years, and he was the only person in New York who knew me personally. He was then on the editorial staff of the ‘ New York Herald.’ So was John Devoy. Mr.

O'Kelly introduced us to the editorial department of that paper. I had never met Devoy previously ; but on one occasion, when trying to kill the monotony of separate confinement in a convict cell in Millbank Prison, I found the name of 'John Devoy' scratched on the back of my cell door. He had preceded me along the dreary path of penal servitude. On the day following my arrival in New York I travelled to Philadelphia to visit the only home I then had—that of my mother. Devoy journeyed with me to the same city and introduced me to Dr. William Carroll.

Dr. Carroll was at that time, and is now, a gentleman of the highest respectability ; eminent in his profession of medicine, a man of conspicuous intellectual attainments, of culture, and of refinement ; a gentleman who in any civilised country would be written down as one of Nature's noblemen. He was the son of an Ulster Presbyterian, and rightly gloried in the fact that his ancestors, evicted by landlordism from Donegal, had paid England back blow for blow in the war of American independence.

About a fortnight after my arrival in Philadelphia, I was invited by a committee, of which Dr. Carroll was chairman, to deliver a lecture in that city. I consented, and at the appointed time and place addressed an American audience for the first time. I regret that no report of this speech appeared in any paper. I was not at the time considered of even sufficient importance to get a paragraph in the daily press of Philadelphia, but there was some reference made to this meeting in the 'Irish World.' I cannot correctly give your Lordships the date now, but I will endeavour to give it to Sir Henry James. The speech dealt with the then political situation in Ireland from my standpoint, and in that speech and the subsequent twenty or more speeches delivered by me in America before returning to Ireland, I spoke upon the land question of Ireland and advanced very radical views of settlement ; calling for at the same time, as an indispensable condition of effecting such settlement, united action on the part of the Irish race at home and abroad. On the occasion of the delivery of one of these speeches, at a meeting in the Park Theatre, Brooklyn, a meeting which has been alluded to by the Attorney-General in his opening statement, Mr. Patrick Ford and I met for the first time. He was one of my audience, and when the

proceedings were over we were introduced. John Devoy was one of the speakers at this meeting, and what he said on the occasion has, I think, been quoted from by counsel for the 'Times.' My own speech on this, as on previous occasions when I was reported at all, was not more than one-fifth reported, and this was manifestly a longhand and not a stenographic report.

It was, I think, shortly before this Brooklyn meeting that the celebrated despatch from New York was cabled to Mr. Charles J. Kickham to be laid before Mr. Parnell. Its author was John Devoy.

The sending of this despatch by Devoy to Mr. Parnell in the name of some other revolutionists in New York city, appears to be the foundation of the charge made against me of having brought about an alleged alliance between what has been called the party of violence in America and the Parnellite party in Ireland. To substantiate this charge the 'Times' would have to prove directly or indirectly three things. 1st. That I was a party to the sending of the proposals. 2nd. That Mr. Parnell received them; and 3rd, that the alliance proposed by Devoy was accepted and ratified by Mr. Parnell. But what are the facts? I was not only not a consenting party to these proposals—I was a thousand miles from New York when they were cabled. I had no knowledge whatever that any such message was contemplated, and when I learned from the papers of what had been done, I protested strongly to Devoy against so unwarranted a proceeding. This I have already said on oath, and I again repeat it.

Now, as regards Mr. Parnell's alleged share in this proposed alliance. Mr. Kickham, to whom it was sent in the first instance, objected, as a consistent revolutionist, to any such alliance with a party to whose principles he was honestly hostile, and remained hostile until his death; and he apparently declined to transmit Devoy's cable offer to Mr. Parnell.

It will be clearly seen therefore, that in respect to each and all of the three essential conditions to the formation of the alleged alliance, the 'Times' could not possibly prove what had never occurred, and it has therefore neither directly nor indirectly established any facts to substantiate this third special charge against me. A circumstance which would be preliminary to such

an alliance, if it was really made, did take place. John Devoy did make a proposal ; but beyond this fact nothing was done to warrant the inference which the accusers in this inquiry draw from this circumstance, and the allegation which is born of their inference therefore falls to the ground.

The next event in this 1878 American tour of mine, which could lend colour to the alliance allegation, was the delivery of a speech by me in Boston on December 8 of that year, and immediately preceding my departure for Ireland. This speech was, in fact, the same in which I had previously, and in other cities, propounded a policy for a new movement in Ireland, in which the social or land and national questions should form a joint programme of reform to appeal for support to the whole Irish race.

The speech was fully reported on this occasion, because I handed the manuscript to the editor of the 'Boston Pilot;' but as it is of inordinate length, and is neither conspicuously wise nor particularly dangerous, I will not inflict the whole of it upon the Court. I will only read parts ; but the whole of the speech can be found by Sir Henry James in Cashman's book, if he wishes to waste time upon it. After one or two introductory remarks, I say :

'I will assume that there are certain matters or contingencies important to or affecting the Irish race which are of equal interest to its people (irrespective of what differences of opinion there may be amongst them on various other concerns), such as the preservation of the distinctive individuality of the race itself among peoples ; the earning for it that respect and prestige to which it is by right and inheritance entitled, by striving for its improvement, physically and morally, and its intellectual and social advancement, revival of its ancient language, &c. ; and that there are past occurrences and sectional animosities which all classes must reasonably desire to prevent in future, for the honour and welfare of themselves and country, such as religious feuds and provincial antipathies. I will also assume that the raising of our peasant population from the depths of social misery to which it has been sunk by an infamous land system would meet with the approval of most classes in Ireland, and receive the moral co-operation of Irishmen abroad ; as would also the improvement of the dwellings of our agricultural population and condition of our labourers.

Without particularising any further measures for the common good of our people, for which political parties cannot refuse to mutually co-operate if consistent with their *raison d'être*, as striving for their country's welfare, I think it will be granted that Nationalists (pronounced or quiescent), Obstructionists, Home Rulers, Repealers, and others, could unite in obtaining the reforms already enumerated by concerted action by whatever means the present existing state of affairs in Ireland can place within their reach.'

And then I go on further to illustrate those points :

'If, therefore, a platform be put forth embodying resistance to every hostile element pitted, or adverse influence at work, against the social progress and national individuality of Ireland, and a programme of practical labour for the general welfare of our country be adopted, resting upon first principles and those wants and desires which have a first claim upon the consideration of Irishmen, such a platform if put forth, not to suit a particular party, but to embrace all that is earnest and desirous among our people for labour in the vineyard of Ireland's common good, a great national desire would be gratified and an immense stride be taken towards the goal of each Irishman's hopes.'

Then I come to the proposals which have been already read by Sir Charles Russell, but as they are not very long I will trouble your Lordships with them again :

'1st. The first and indispensable requisite in a representative of Ireland in the Parliament of England to be a public profession of his belief in the inalienable right of the Irish people to self-government, and recognition of the fact that want of self-government is the chief want of Ireland.

'2nd. An exclusive Irish Parliamentary representation, with the view of exhibiting Ireland to the world in the light of her people's opinions and national aspirations, together with an uncompromising opposition to the Government upon every prejudiced or coercive policy.

'3rd. A demand for the immediate improvement of the land system by such a thorough change as would prevent the peasantry of Ireland from being its victims in the future ; this change to take the form of a system of small proprietorships, similar to what at present obtains in France, Belgium, and Prussia ; such land to be purchased or held directly from the State. To ground this demand upon the reasonable fact that, as the land of Ireland formerly be-

longed to the people (being but nominally held in trust for them by chiefs or heads of clans elected for that among other purposes) it is the duty of the Government to give compensation to the landlords for taking back that which was bestowed upon their progenitors after being stolen from the people, in order that the State can again become the custodian of the land for the people owners.

‘4th. Legislation for the encouragement of Irish industries, development of Ireland’s natural resources, substitution, as much as practicable, of cultivation for grazing, reclamation of waste lands, protection of Irish fisheries, and improvement of peasant dwellings.

‘5th. Assimilation of the county to the borough franchise, and reform of the grand jury laws, as also those affecting convention in Ireland.’

I told your Lordships yesterday that at this time it was impossible to hold a convention in Ireland, owing to some law which, I think, came into operation in 1812 ; but this was repealed in 1879 by the Imperial Parliament, and the first exercise of the right to hold a convention in Ireland since the Act of Union, or since 1812, was in Castlebar on August 16, 1879, when I called a convention which established the Land League of Mayo.

Then I go on :

‘6th. A national solicitude on the question of education by vigorous efforts for improving and advancing the same, together with every precaution to be taken against it being made an anti-national one.

‘7th. The right of the Irish people to carry arms.’

When we consider how comparatively tame such a programme as this would seem to Irish-Americans, who had been accustomed to listen to projected military raids on Canada, and told to look forward to an armed invasion of Ireland as the only policy worthy of support from exiled Irishmen, (though it may be egotistical to say so) it required no little moral courage to advocate under such conditions a constitutional line of action involving a compromise with England upon the national and land questions. There was neither dynamite nor a propaganda of terrorism in these proposals. Several of them are now in line with the policy of both English parties towards Ireland, though at the time when this programme was put forward, the feeling in England was not

so marked in favour of such a change in the land system of Ireland as it is now. It is significant, but nevertheless true, that O'Donovan Rossa was as antagonistic to the plan of reform thus put forward as was the Right Hon. James Lowther, then Chief Secretary for Ireland, who shortly after the inauguration of the land agitation in the west of Ireland, denounced its abettors as favouring communism and confiscation. The Boston speech, however, was but a tentative pronouncement of individual views, eliciting the approval of prominent Irish-Americans, it is true, but, at the same time, exciting the adverse criticism of others who deemed it to be a departure from the true path of Irish independence.

Your Lordships will have observed with reference to this speech, that it did not propose any alliance whatever between extremists and parliamentarians. It outlined a new policy, and it was as plainly as possible indicated that such a policy could only be carried out in Ireland upon constitutional lines. And, I say again, when it is taken into account that such a plan of public action was propounded before Irish-Americans, who had never before been asked to support any movement that was not based upon physical force and rebellion, I think an impartial judgment upon what I have read would define its meaning to be an effort on my part to substitute an open agitation for secret conspiracy as the best and surest means of enlisting the co-operation of the Irish race the world over in a movement for the social welfare and political advantage of Ireland. Such, in fact, has been my endeavour on each of my visits to America, and I am proud to say I have largely succeeded in my exertions. To succeed, made it necessary for me to associate in public meetings and at conventions with men who were members of revolutionary organisations. I would to-morrow, if invited, attend any meeting of Irishmen, no matter how extreme on the one hand, or Conservative on the other, and endeavour by fair argument to induce them to accept and support a policy which had for object the greatest attainable unity among men of the Irish race at home and abroad, for the purpose of winning by open and common-sense means the greatest measure of relief from Irish landlordism and Dublin Castle government that could be got for the people of Ireland from the people of England.

And now I think I have effectively disposed of the more personal part of the third special charge contained in the particulars served upon me by the 'Times.' The 'alliance' which I was charged with being mainly instrumental in bringing about, was never made, and, consequently, never existed. I had no authority from Mr. Parnell or any other leader, constitutional or otherwise, in Ireland to negotiate any such alliance as that alleged between physical and moral force parties. What John Devoy proposed and what I have said in my American speeches, stand on their own merits. Mr. Parnell did not receive the Devoy message, and my outline of policy in the Boston speech was an argument and an inducement addressed to physical force revolutionists and the American-Irish generally to support a programme of reform for Ireland which was to occupy a neutral position between the Home Rule and revolutionary parties. This was a 'New Departure,' but it was not the 'New Departure' proposed by Devoy, which sought to dictate to Mr. Parnell the terms upon which its advocates would consent to support him. The 'Times' alleges, among its other charges, that the movement led by Mr. Parnell has been controlled, or has had its policy shaped, by men in America, whose sole political aim was the complete separation of Ireland from England, and whose plans for this revolutionary purpose included the employment of dynamite and a recourse to assassination. The efforts at proof of this allegation are about the weakest ever attempted in a court of justice. The 'Times' argument amounts to this : Because some six or eight men of pronounced revolutionary principles have met Mr. Parnell, myself, and other Land League leaders, when in America, in connection with the meetings and lectures of these gentlemen ; and because such extremists, in common with hundreds of thousands of people of Irish birth and parentage in the United States, who are not extremists, have joined the Land League, and contributed to the support of Mr. Parnell's movement ; therefore, reasons the writer of 'Parnellism and Crime,' Mr. Parnell has become the puppet of John Devoy and John Finnerty, while Mr. Davitt is the willing tool of Patrick Ford. Priests, doctors, lawyers, merchants by the thousand, have joined the Land League and have given Mr. Parnell a kindred support in every state of the Union ; and it would be as ridiculous to

seek to connect himself and his party with the professions and callings thus represented by his tens of thousands of allies and friends, as to attempt to do so with the ulterior objects of a half-dozen of extremists who have identified themselves with the American branch of the movement which Mr. Parnell leads. In the fifty or more meetings addressed by Mr. Parnell when in the United States in 1880, he must have come into contact, more or less intimately, with at least 500 people at each meeting. The money forwarded by him to Ireland for purposes of relief as a result of those meetings was upwards of 50,000*l.*, while some 20,000*l.* more was contributed through his appeals and exertions for the Land League. This immense sum could never have been raised from any one section in Irish-American politics. Mr. Parnell appealed to everyone in America who sympathised with Ireland in its then condition; and those who responded with their subscriptions, or went to his meetings, or came into personal contact with him, or joined the League, must have numbered ninety men of moderate views to ten extremists. The very converse of the 'Times' allegation is what has resulted from Mr. Parnell's first visit to America and the foundation of the Land League there, as has been abundantly shown before this tribunal. It is Mr. Parnell who has won over the vast majority of men who had hitherto believed in Fenian raids on Canada, and suicidal efforts at insurrection in Ireland. A conspicuous proof of this is manifest now to the whole world in the changed feeling among Irish-Americans on the Home Rule question. In 1878 and 1879 the language of the 'Irish World' was uncompromising towards the late Mr. Butt's Home Rule programme. Attempts to organise active support for Irish constitutional movements among the American-Irish had hitherto always failed. Now, however, the proposal to settle the Irish question on the basis of a federal union with England commands the assent and goodwill of ninety-nine per cent. of the Irish race in the United States.

Apart from my supposed agency, the 'Times' has endeavoured to prove in two ways the existence of this alleged alliance between what it calls 'the party of violence in America' and Mr. Parnell's party in Ireland. It has failed, disastrously to its case and itself in one attempt; and its effort in the other is only less conspicuously a failure, because there was no dramatic in-

cident associated with the newspaper readings which formed the groundwork of its second line of attack. Pigott's letters, with their author's story about Clan-na-Gael agents meeting him in Paris and selling him the proofs of Mr. Parnell's complicity in the Phoenix Park murders, was the first gospel of accusation preached by the prophets of Printing House Square. This they stuck to with the tenacity of fanaticism until the flight and confession of the forger. From page 91 to 103 of the proceedings of *O'Donnell v. Walter*, the Attorney-General laboured with all his great ability to establish the genuineness of these letters; demonstrating by their language, the contemporary events which their contents commented upon, and by the peculiarities of Mr. Parnell's signature, that these documents proved a criminal alliance between Mr. Parnell and American Invincibles. And said the learned Attorney:

'Cost what it may to the "Times" . . . they will not expose one of the *several* persons from whom these documents were obtained, at the risk which they know to be a real risk, that many hours would not elapse from the time of their names being given before they would be in active and positive danger to their lives.'

Probably a more unscrupulous instruction was never given to counsel than that which induced Her Majesty's Attorney-General for England to take such a position with regard to these letters. Here we see it insinuated that the documents were procured from *several* persons, in order to remove suspicion from this wretched creature who was then known to Houston and his co-conspirators in the 'Times' office as the actual forger of these infamous letters, for it has come to my knowledge, through Pigott's servant, that he confessed to her that he had told the 'Times'—

The President.—I cannot have that.

Mr. Davitt.—I thought I might mention it.

The President.—I cannot have any statement of any fact of that kind.

Mr. Davitt.—I shall not insist in saying that. It can be proved by me, and proved elsewhere it will be. And then, to bolster up so illegal a position as that assumed by the Attorney-General, he put forward the plea, worthy in every way of his clients, that if the names of the alleged vendors of the letters were

given, their lives would be taken by, to use the words of the learned Attorney-General, 'the men who were connected with the Land League.' These tactics worked out their own infamy, and the proof of Mr. Parnell's alliance with the Invincibles and Extremists of America, which Pigott forged for the money of the I.L.P.U., and for the service of the 'Times,' was reluctantly abandoned when their agent confessed his crime. But if your Lordship had not backed up Sir Charles Russell's demand that Pigott should be put into the witness-box before the 'Times' expert who was prepared to endorse the opinions of O'Shea and Delaney, and prove Pigott's fabrications to be Mr. Parnell's writing; the enterprising Shannon might have induced Pigott to depart a little earlier for Spain, and so have prevented the complete vindication of Mr. Parnell from complicity in these infamous letters. Thus failed the first attempt of the accusers to fasten upon Mr. Parnell the guilt of complicity in criminal courses with the alleged party of violence in America. Their attempted secondary proof is more varied in form and more general in character than Pigott's concrete testimony; but on careful examination it becomes just as baseless in foundation, while losing nothing in comparison as to baseness of purpose.

Before meeting and answering the evidence and arguments addressed by the accusers to sustain the allegations supported by this attempted secondary proof, I will introduce to your Lordships the prominent men in America with whom I have had contact in my various visits, and with some of whom it is alleged I planned the so-called union or compact between the Clan-na-Gael and Mr. Parnell's party. Mr. James J. McCafferty, of Lowell, Massachusetts, was the first president of the American League. He was elected at the first convention of that body, held at Trainor Hall, New York, in 1880. Mr. John Dillon and I were present as representing the Land League of Ireland. I confess I am ignorant of Mr. McCafferty's qualifications for the post to which he was then appointed. The only one which I remember being advanced in his favour was the interesting one, that he was supposed to be the handsomest man in New England; and as this recommendation was put forward by a poet, the decision of the convention must have been influenced by such an appeal to its fancy. Anyhow, whether it was the dignity or the duties

of the office had least attraction for Mr. McCafferty, he, like the hero in Cowper's poem, 'did nothing with a deal of skill,' and therefore leaves nothing either for the 'Times' to allege against or the defence to record in favour of his administration of the League.

I was elected at the same convention central secretary of the Auxiliary League of America, and, as I have already told your Lordships in my evidence, the organisation of the League was entirely in my hands from June 1880 until my return to Ireland in the following December. I have read and put in as evidence the constitution and rules of the American Land League, which were practically drawn up by me, and which I circulated throughout the United States. After my departure from America the Rev. Lawrence Walsh, of Waterbury, Connecticut, the treasurer of the League, assumed also the duties of central secretary; and the organisation was subject to his control, at least those branches which did not transmit their moneys through the 'Irish World,' until January 1881, when at a convention called by Father Walsh at Buffalo, Mr. Collins of Boston was elected head of the organisation. In the official report of the Buffalo convention, there is a full account of the administration of the League by the reverend treasurer, together with a financial statement of his receipts and disbursements. I may add that in each of the official reports of League conventions, either put in as evidence or in my possession, there is a similar statement of all receipts and expenditure of the American Leagues, copies of which I shall be very happy to give Sir Henry James.

Mr. Patrick A. Collins, Congressman, lawyer, and general, presided over the first Land League Convention held in America, and became the second president of the organisation. No attempt has been made to connect Mr. Collins with any secret revolutionary body, or to impugn the contention of the defence that he was from the first, and is still, the recognised leader of what has been called, and truly so named, the Conservative elements in the American Leagues. Mr. Collins is a politician of American reputation. He is one of the recognised leaders of one of the two great American parties, the Democratic party. It was this gentleman who was unanimously chosen to preside over the National Democratic Convention of last year which nominated

Mr. Grover Cleveland for a second term president; and to General Collins was deputed the duty to convey to the then occupant of the White House the notification of the official act of the convention. There was no better-known or more widely esteemed citizen in Boston than the gifted and genial orator, statesman, lawyer, and patriot who ruled over the American Land League from the Buffalo Convention of January 1881 to that of Washington in 1882. Nothing has been proved or attempted to be proved here against Mr. Collins except a moderation of language and a restraining influence of action singularly in harmony with as kind and as true a heart and as jovial a disposition as dame Nature ever endowed an Irishman with. I do not at the moment recall what was the opinion expressed by the spy Beach of Mr. Collins; but if your Lordships could imagine a private of a militia corps, who would be drummed out of his regiment as a disgrace to its records, criticising the character of General Gordon for want of heroism at Khartoum, you could then picture the value which American public opinion will set upon Beach's estimate of Mr. Collins of Boston.

The next prominent man whose name was mentioned was Mr. James Mooney of Buffalo, the third president of the American League. I will not be absolutely certain whether I am correct in this or not, but my recollection is that Beach had some hesitancy whether Mr. Mooney was Clan-na-Gael or not—anyhow I speak of him as I know him. He is a business man of undoubted capacity, and well and favourably known in his native city. Like Mr. Alexander Sullivan, he is, I believe, an American citizen of Irish parentage—that is, born in America. It can be nothing, I maintain, but transmitted honest love of Ireland which could induce such men, whether Clan-na-Gaelers or Leaguers, to manifest Irish patriotism while born to fulfil the duties of American citizenship. A sham sentiment of nationality would never live in this way in a country where law and liberty know no class or racial distinctions, and where the sons of Irishmen are born co-equal heirs to the highest honours of the Republic with the lineal descendants of the fathers of American independence.

Mr. Mooney's administration of the League covered the period from the Washington Convention of February 1882, to the merging of the Land into the National League at the Phila-

delphia Convention of April 1883. No speech or act of Mr. Mooney's has been referred to by the 'Times' which can in any way justify its charges against the Auxiliary League organisations of America.

Now, with reference to the next prominent Irishman that I have been identified with, Mr. Alexander Sullivan, the fourth president of the American League, I have in the witness-box put on record my opinion of that gentleman. I know that he has been charged here and elsewhere with grave crimes. His character has been commented upon by a person who has no character to boast of himself, except in his capacity as a spy. I will speak of Mr. Sullivan as I know him, from having met him repeatedly in Chicago, through having heard him spoken of by men of all classes in America with whom I have associated, men who would not on any account have anything to do with Mr. Sullivan if he was guilty of any of the charges that have been made against him by this spy Beach, or by his traducers in 'Parnellism and Crime.'

Mr. Sullivan became president of the National League of America at the Philadelphia Convention in 1883. Whether he was or was not then a member or an official of the Clan-na-Gael, I know not ; but this I affirm, he was not elected to the head of the American League on account of any connection with a secret organisation. At that convention he steadfastly declined the nomination of the League presidency until the clerical and Conservative forces at the convention joined in the general movement for his election. Now, it is obvious to every mind not closed to the reasoning of common sense, that if the priests and moderates at the convention believed Mr. Sullivan to be the nominee of the Clan-na-Gael, they would have stood out strenuously against him. The converse of this would be as unlikely as to expect a Primrose Habitation to admit me as one of its members. That Mr. Sullivan was not elected League president on Clan-na-Gael principles, is demonstrated as clear as day, from both the official records of the convention and the contemporary newspaper reports.

It is not denied—not denied by me—that Clan-na-Gael men were present as individuals at that, and previous, and subsequent League conventions. We have never denied the fact—at least I have not—nay, more, it would have been a policy which

I would have at once opposed if any effort had been made to exclude men of the Clan-na-Gael as Irishmen or Americans from becoming members of our League organisation. Both in Ireland and in America, from the very inception of the Land League, it has certainly been my desire and effort to bring into our movement every man of the Irish race, whether Fenian or Orangeman, who could help in the task of bringing this suicidal Anglo-Irish struggle to a close, and thereby bring peace, and some chance of prosperity, to an unfortunate country. Mr. Parnell tried a wise and a gigantic political experiment when he planned a world-wide national movement and appealed to revolutionists on the one hand, and Conservative Nationalists on the other, to meet upon a neutral platform from which a strong but practical appeal could be made to English sense of justice and England's selfish interests; and he would be unworthy of the great idea which shaped his policy if he excluded from the ranks of the Land League men of the stamp of Alexander Sullivan. All that the leaders of the Land and National Leagues were called upon to guard against, was the danger of allowing the principles or platform of their organisation to be tampered with or changed from their constitutional character, and to prevent their movement from being turned to illegal purposes. This they have successfully done, save when the Liberal Government of 1881 ran the League leaders into prison for, among other reasons, to give revolutionary opponents of the League a better chance of smashing its branches throughout Ireland; and for whatever disorder and bloodshed occurred in Ireland after the suppression of the League in October 1881, I hold, and have always held, the Castle advisers of the Liberal Ministry of the day morally responsible. Except in this instance, and for the reasons stated, the leaders in Mr. Parnell's movement have never relaxed their hold upon the principles which governed the League organisations in Ireland and America, and those organisations have been held to the lines laid down at the conventions or conferences which called these bodies into existence.

At the Philadelphia Convention the platform and plans of reform which had been adopted at the conference of October 17, 1882, in Dublin, and which platform, as I told your Lordship this morning, was adversely criticised by Mr. Ford in the 'Irish

World,' were unanimously endorsed and printed with the official record of this convention, which record has been handed in as evidence. The spirit in which Mr. Sullivan accepted and carried out the duties of the presidency of the National League of America, will be justly appreciated by a perusal of an article which he contributed to the 'American Catholic Quarterly Review' of January 1884, while he was at the head of the League organisation. With your Lordship's permission I will quote the concluding sentences of this article.

'The National League in America,' said Mr. Sullivan in the concluding page, 'and the societies affiliated with it—the Temperance, Charitable, Mutual Benefit, Military, and other societies—do still more to render the Irish in the United States more useful men, and therefore more useful citizens. It is difficult for an American to realise how thoroughgoing and how complete are the mischievous influences of political misrule in Ireland. Let him contemplate a country without foundries, without factories, without mills, without workshops, without elevators or granaries, without shipping, without industrial arts. His imagination will be subjected to a severe strain. Let him contemplate such a country overawed by soldiery, its people cowed by ubiquitous police, the right of public assembly almost permanently suspended, religious hatreds spasmodically incited to keep the people from uniting; every home liable to rough midnight intrusion, and every citizen liable to capricious arrest and indefinite imprisonment, without trial. What business habits will the mass of such people have? What will they know of self-discipline? What knowledge can they possibly possess of trade, manufactures, machinery, of sanitary laws, of literature, the progress of the world, the sciences? What acquaintance can they have with those methods which experience and competition have been creating for rendering life cleaner, happier, brighter, more beneficent? There is not one of these societies which does not perform an educational function. Their members are brought into contact with living thought, many of them for the first time in their lives. In these societies they learn the value of thrift. Thrift in Ireland has always been a misfortune for the mass of the people because it exposed them to increased rent. Many of the Irish tenantry have to discover when they come to the United States that political freedom is necessary before thrift can be considered good fortune. All these societies

encourage, if they do not actually enjoin, sobriety. All teach their members self-denial, economy, frugality. All help to diminish pauperism in the United States, because each has its own treasury and takes care of its sick members, aids their widows, makes some provision for their orphans. To keep the treasuries full, the men must deny themselves indulgences to which they would otherwise resort. Thus the societies improve health, promote virtue, and render homes more comfortable. In the meetings of the National League and all the affiliated organisations, the members learn the duty of mutual respect and forbearance, of courtesy to each other and to all men. They learn to think before speaking, and to confer before acting. Many of the societies have reading-rooms, lectures, music, discussions upon many questions wholly unconnected with the politics of Ireland; and thus in still another way they are educating, informing, and refining. They discipline their members to transact business in business-like ways. They enable men engaged in diverse occupations to convey to each other practical and useful knowledge which it would be utterly impossible for many of them, working all day and at night weary, to acquire by more expensive or more fatiguing methods. In a word, all the Irish organisations in the United States, which were fused at the Philadelphia Irish Race Convention into the National League to assist their kindred in Ireland in securing national independence, are calculated to make Irishmen better men and better American citizens. Instead, therefore, of being a menace to American institutions, the Irish National League in the United States is a benefit to the Republic.'

The next prominent man in America with whom I was identified is a gentleman whose friendship I had the honour to possess before he went to America—Mr. Patrick Egan, the fifth president of the American League. Of Mr. Egan I find it more difficult to speak than of others, because my intimacy has been so close—I may say so affectionate—that what I say of him must be influenced by this fact. Sir Charles Russell has spoken of him what his friends among those who are accused here desired he should say as their representative. I endorse every word so well expressed. I have known Mr. Egan since my release from prison in 1877. His was the first hand extended to welcome me when I landed at Kingstown a free man on Ireland's shores. I have known him as well and as intimately as any man could know another from the time he assumed the treasurership of the Land

League until the present hour ; and that record could stand the closest possible scrutiny from any fair tribunal in any part of the world. He has been charged by the 'Times' with the greatest crimes that could be imputed to any man. He was so charged on the forged testimony of a self-confessed villain. It has been imputed that he fled from justice when he left Ireland in 1883, and the paper which says this now, printed the following statement two years ago, which directly contradicts the 'Times' allegation as regards the flight, and explains Mr. Egan's removal from Ireland to America. I will ask permission to quote it here in order that the 'Times' may be made to contradict what it charged later against Mr. Egan. The statement appears in the 'Times' of April 21, 1877.

Sir Henry James.—That is original matter ?

Mr. Michael Davitt.—Yes, it is page 6, columns 1 and 2 ; it is headed 'The Alleged Flight of Mr. Egan,' and it begins—

The President.—1887 ?

Mr. M. Davitt.—1887. I was wrong in saying it was two years before the charges were made ; anyhow it is dated April 21, 1887, and it is page 6, columns 1 and 2. It says :

'The "Daily News" of yesterday published the following telegram from its Paris correspondent under the heading of "Mr. Egan and the Phoenix Park murders."'

This has not been referred to in this investigation, so far—

The President.—It appears to be a quotation from the 'Daily News.'

Mr. Michael Davitt.—Printed in the 'Times.'

The Attorney-General.—On April 21 ?

Mr. Michael Davitt.—

'Paris, Tuesday night.—The French papers reflect the excitement which the Parnell affair causes in England.'

What it was I do not know ; perhaps it was some discussion in the House of Commons.

'Perhaps it may not be amiss for me to describe how Egan, whose name has been mixed up in the matter, received the news of the Phoenix Park murders. I sought entirely for journalistic purposes to make Egan's acquaintance when he was here, and got to know him very well, as he happened

to live near me, and I had frequent opportunities of meeting him in the tram-cars, public gardens, and other places.'

The President.—It amounts to this—it is a statement that somebody made from what Mr. Egan said.

Mr. Michael Davitt.—It was printed in the 'Times.'

The President.—I need scarcely say that is not evidence.

Mr. Michael Davitt.—I cannot read this without your Lordship's permission, but as the most serious charges that ever were made against a public man have been made by the 'Times' against Mr. Egan on the foundation of forged letters —

The President.—But then that might have been met in a legitimate manner. Mr. Egan has not appeared, nor has anything been done by him to meet any of these charges.

Mr. Michael Davitt.—Mr. Egan has ceased to be a subject of this Government.

The President.—I am only pointing out the fact.

The Attorney-General.—As far as we are concerned, I would rather your Lordship would permit Mr. Davitt to read it.

Mr. Michael Davitt.—I thank you, Mr. Attorney-General.

'It happens that I saw him at the moment he heard of the Phoenix Park murders. It was at the Madeleine station of the tramway leading to the Avenue de Villiers, where he resided. I was going in that direction, and Egan was coming from it. He stepped out of a car and went to a kiosk to buy an evening paper, and then sat down on a bench and looked at it. When he opened and looked at it the paper fell from his hands and he became quite corpse-like. I had not, as he had not seen me, intended to accost him, but when I perceived his state I was under the impression that he was dying, and went to see what was the matter, so as to call assistance were it wanted. For perhaps five minutes he could not speak and kept staring in a fixed way and looking more dead than alive. I questioned him at last, and he pointed to the paper "La France," and said, "Look at that." I picked it up and read of the Phoenix Park affair. Egan's words, when he was able to speak, were: "What an awful fatality! Cavendish was the best of the whole lot. Poor Cavendish, poor Lord Cavendish!" Later on he conversed a good deal. His feeling was that what had happened would damage the cause which he had at heart. He was terrified at the savagery of the act. About ten days later I met him again in the street, and he told me that he thought of going off to

some western part of America where peace and quietness were to be obtained. Egan was, it appeared to me, the very contrary of reckless or unscrupulous, and struck me as a man of gentle disposition and by no means strong nerve.'

Then it goes on to say what the result of Mr. Parnell's opinion was, but I quote this, my Lords, simply to show that so far back as this date, 1882, Mr. Egan had intended to remove from Ireland to America, and we are told in April 1889 by the Attorney-General that he fled from Ireland later because of apprehensions that he was to be prosecuted.

The President.—I do not quite understand. This appeared in the 'Times' of April 1887, as quoted from the 'Daily News,' of what date?

Mr. M. Davitt.—The 'Daily News' going back to 1882, when this thing occurred, the correspondent giving the particulars.

The President.—Did it appear in the 'Daily News' in 1882, or in a later article?

The Attorney-General.—1887. I think it said——

Mr. Davitt.—'The "Daily News" of yesterday published the following telegram from its Paris correspondent.' This evidently had some reference to something which occurred in April 1887, and which recalled to the mind of the correspondent this conversation with Mr. Egan in 1882.

The President.—I now understand.

Mr. M. Davitt.—My point was that in 1882, at this time, he was contemplating a residence in America.

Mr. Egan was elected president of the National League of America at the Boston Convention of 1884. No act of his administration has been cited by the 'Times,' which substantiates its allegations regarding the supporters of Mr. Parnell's movement in the United States. What the spy Beach has related as to what he alleges Patrick Egan told to him, would amount to nothing criminal against him, even if Beach's yarns were true. If, as alleged by Beach, Egan joined the Clan-na-Gael after becoming president of the National League, it would amount to no crime, surely, against those on this side of the Atlantic who are not members of any but the open organisation. If Mr. Egan had chosen to be a Mormon or a Freemason, instead of becoming, as alleged, a Clan-na-Gael man, Mr. Parnell could not well be

accused of Masonry or Mormonism through the act of Mr. Egan. Mr. Egan no more made the National League of America a part of or subservient to the Clan-na-Gael society by joining its ranks—if he did so—than he would have turned it into a Mormon or Masonic institution had his ambition looked in these directions. The question which I take it your Lordships will determine is, not what Mr. Patrick Egan may have become personally, but whether Mr. Egan, as president of the National League in America, has done or connived at the doing of those crimes which the 'Times' imputes to the League organisation. Mr. Egan resigned the presidency of the League at the Chicago Convention of 1886, and the official report of his administration, as submitted to and approved of by that body, has been tendered by me, who was present at that Convention, as evidence in this case. I need not remind your Lordships, in passing, that Mr. Egan has been distinguished by the President of the United States by being appointed as Minister to the Republic of Chili.

The next important man with whom I have had contact in America is Mr. John Fitzgerald of Lincoln, present and sixth president of the American League. I was present at the convention which elected Mr. Fitzgerald. I also know him personally. He is a self-made man, who from landing in New York, a poor Irish labourer, has raised himself by his own natural ability, and the fair play which Irishmen receive when they leave Ireland, to a position of great wealth and affluence. He is the most influential citizen of Lincoln, Nebraska, with its population of 50,000. He is a great railway contractor, and is identified in enterprise and sympathy with the great and rapid development of the rising State of Nebraska. He is familiarly known in his own and neighbouring States as 'Honest John Fitzgerald,' and the integrity, straightforwardness, and honourable dealing which have distinguished his career as a business man have been the characteristics of the rule of the National League under him and the able and unassuming League secretary, Mr. Sutton.

Now, my Lords, I come to another man, whose name figures also prominently from time to time in this inquiry, Mr. John Finnerty. Mr. Finnerty has undoubtedly advocated warfare of dynamite against England as a ruling power in Ireland. He is an avowed physical-force man, and has never disguised his views,

at least since 1883, as far as I know. He presided over the National Convention which was held in Chicago in December 1881, but he had not, at that time, as far as I know, and I think as far as the evidence has gone here, avowed himself an advocate of dynamite. At the League Convention in Philadelphia in 1883 he was refused a hearing by the chairman and delegates, because it was believed he intended moving a resolution or making a speech favouring a policy opposed to that of the League. He was not present, I think, at the Boston Convention of 1884, at which Mr. Sexton and Mr. Wm. Redmond were present as delegates from Ireland. He was present at that of Chicago in 1886, at which myself, Mr. Wm. O'Brien, Mr. John Redmond, and Mr. John Deasy were also present. The fact of any man being appointed chairman of a convention is simply proof that at the time he was deemed to have some local claim to that position. As a rule the presidents of conventions, be they democratic, or republican, or temperance, or Irish of whatever kind, are chosen from the city where the convention assembles. Mr. Finnerty has never held any office in the American League. He believes, and honestly believes, that Mr. Parnell's policy, or any constitutional methods whatever, will never win from England any measure of national autonomy that would give Ireland the status of a nation. Mr. Finnerty may be right or wrong in this conviction, but the fact that he has held and expressed it, and that he has likewise preached a dynamite warfare against England, proves nothing against Mr. Parnell or the League. To those who know Mr. Finnerty and what the state of feeling was among the Irish in America, even ten short years ago, these sentiments of Mr. Finnerty's prove how widespread has been the moderating influence which Mr. Parnell and his movement have exercised over the minds of expatriated millions of our race, who once thought that nothing was to be got from England but by means of violence and open revolution. And yet, my Lords, Mr. Finnerty is no vulgar brawler, no empty-headed person, no bloodthirsty miscreant. He has been in Congress as a representative of the State of Illinois, and if he was either of these things he never would have been sent there. He is a man of conspicuous ability, of known personal honour, and of reputation, and has lately filled a highly responsible position in the municipal government of the

city of Chicago. He is England's enemy because he believes England to be the enemy of Ireland ; and he knows well that the methods of physical warfare which he would resort to if he could against this country, are but among those which a powerful empire has itself used against peoples and nations who have never done England injury or wrong except to be poor and weak, and to invite subjugation. If it be a charge against me that I have met Mr. Finnerty and associated with him at meetings and conventions, I plead guilty to it, and say, by way of extenuation, I am ready and prepared to do it again, unless Mr. Finnerty, which is not unlikely, should object to any association with one so tarred with constitutionalism as I am. I may say that since the quarrel I had with him, in 1886, in Chicago, he has denounced me in his paper as 'that British subject, Michael Davitt.' His methods are not my methods, but I believe him to be as honest in his love of Ireland, and as ready to make sacrifices in her cause, as any man I have ever met ; and if such a man has become England's implacable enemy, and vows that nothing but England's own methods should be resorted to against England, blame the landlords of Ireland, blame your Castle government, which thinks that the highest form of rule is that which drives Irishmen from their native land—blame these agencies of extermination, but do not blame Mr. Parnell or myself for the John Finnertys of America. I could read from Mr. Finnerty's paper, the 'Chicago Citizen,' of May 13, 1882, an editorial, honestly, I believe, condemning the Phoenix Park assassination. I will satisfy myself by saying he joined sincerely and heartily in the condemnation of the Phoenix Park murders, which went forth from the whole Irish race, and he denounced it as one of the greatest crimes ever committed in that country.

The next prominent man with whom I associated in America is John Boyle O'Reilly, and in respect to him I would say this : it has been said of some eminent Englishman who once resided in the East, if his name, with Asia after it, were but written on an envelope, and posted, it would surely reach him. I am certain, from personal experience with the name of John Boyle O'Reilly, that the same can be said of him and America. He is one of the parties mentioned in the particulars with whom we are charged

with having had criminal intercourse, and with having been the author of crime.

He is, in my opinion, an Irish-American Admirable Crichton. He is a gentleman of great literary ability ; is a poet of American reputation, a citizen of whose attainments Boston is justly proud ; while no one who has ever had the pleasure of meeting Mr. O'Reilly failed to recognise in him one of the most charming and cultured of men.

Mr. O'Reilly has been a Land Leaguer from the beginning. He has never filled any office in the organisation ; but in his able paper, the 'Boston Pilot,' and on the platform as a speaker, he has been one of Mr. Parnell's ablest and most enthusiastic supporters in America. Mr. O'Reilly was once a Fenian, and, like myself, has made the sad acquaintance of convict life. He is now, and has been since the leadership of Mr. Parnell began, a Conservative Nationalist amongst Irish-Americans.

The next and the last name I shall mention in this connection is that of Mr. Thomas Brennan, whom I have met at the Chicago Convention, and with whom I have associated whenever I have gone to America since he left Ireland. He was closely associated with me in the initiation of the land agitation of 1879, and became the first responsible secretary of the Land League. He was arrested in May of 1881, and remained imprisoned as a suspect under Mr. Forster's Coercion Act, until June 16, 1882. The informer Delaney, who swore that he saw in 1882 some letters which Pigott confessed to having forged some years afterwards, swore also that Brennan and Egan were leaders in the Invincible organisation ; which organisation he again swore came into existence about the latter end of 1881, or several months after Brennan had been arrested, and Mr. Egan had removed to Paris. But in his sworn depositions before Mr. Maloney, the resident magistrate at Sligo, in the Sligo conspiracy case in 1884, this same informer, Delaney, swore twice that he joined the Invincibles so late as January or February 1882, at a time when Mr. Brennan had been over eight months a prisoner in Kilmainham ; and in these depositions, a copy of which I applied for to, and have had supplied me by, the Lord Lieutenant of Ireland, the informer swore as follows with reference to Brennan : 'I first met Brennan in 1876 or 1877.'

The President.—What is this ?

The Attorney-General.—I should like to understand what you are reading from, Mr. Davitt. Is it anything in evidence ?

Mr. Michael Davitt.—This is a copy of the sworn informations of Delaney in Sligo.

The Attorney-General.—There is a little difficulty about that. Delaney has been in the box, and has been cross-examined.

Mr. Michael Davitt.—I had not this at that time. I will not insist on reading if the Attorney-General objects. I wrote to the Lord Lieutenant for a copy since then for the purpose of my speech, and I have got this copy. I do not want to read it. I satisfy myself by saying that, in 1884, when he swore these depositions in Sligo, he never associated the name of Egan or Brennan with the Invincibles. It was subsequently, after he had confidential interviews with Mr. Shannon in Maryborough Prison, that he stated these things.

Well, Mr. Brennan, since arriving in America, has attended the Land League conventions, and has given an independent support to the League organisation there. Anything which he has said on these occasions that has been read here, amounts but to declarations in favour of Ireland's complete independence ; and if that is a crime, of course I have to admit, as his friend, that he is guilty of it.

The Attorney-General.—I should rather, of course, if there is anything in this statement, that it was read than not ; I was merely meaning to say I was not certain what Mr. Davitt was referring to. I have not the smallest objection to any statement of Delaney going before your Lordship ; at the same time, I was only anxious to know whether what Mr. Davitt was referring to had been proved.

Mr. Michael Davitt.—No.

The President.—Perhaps you had better look at it, Mr. Attorney.

The Attorney-General.—I do not see how it can be material as to anything about Fitzgerald.

Mr. Michael Davitt.—I was not referring to anything about Fitzgerald.

The President.—I understood Mr. Davitt to say that it does

not contain anything to the effect that Egan and Brennan were parties to the Invincible conspiracy.

The Attorney-General.—Of course it might not be.

The President.—I am only trying to take stock of what it is, and from that, assuming it to be so, Mr. Davitt argues that his statement now made in the box is not to be relied upon. Is that the substance of it?

Mr. Michael Davitt.—That is the position exactly.

The President.—Then it all turns upon this: If there is nothing in the deposition about it, then that argument of Mr. Davitt is a good one—I mean it lays a basis for that argument.

The Attorney-General.—Assuming it was relevant to the inquiry at that particular time?

The President.—Quite so.

The Attorney-General.—One does not know.

The President.—Therefore had not you better look it out?

The Attorney-General.—Yes.

Mr. Michael Davitt.—Certainly. That is the passage I wanted to read. [*Pointing the passage out to the Attorney-General.*]

Mr. Brennan has been, to those who knew him best, a high type of disinterested patriotism—young, ardent, and gifted with many qualities that would find in a self-governed Ireland the recognition which they have already won for him in the prosperous city of Omaha in Nebraska. As a man, a Nationalist, and a Land Leaguer, I am proud to claim Thomas Brennan as a valued and intimate friend, whom I know to be incapable of any low or base transaction, political or otherwise.

There is another man whose name has been associated, to some extent, with mine in this inquiry, but as he is an avowed personal and implacable enemy of mine I do not like saying anything about him here. His name is John Devoy. I have told your Lordships the circumstances under which I first met him, and the extent of our intercourse; and I have shown—at least I have said that shortly after I returned from America in 1880, Devoy began to attack me openly for having, with the Rev. Lawrence Walsh, the treasurer of the Land League, encouraged the people of America in the 'Irish World' to send their subscriptions direct through the press to Ireland, and not to a central treasurer. Devoy being so pronounced an enemy of mine,

I do not wish to say anything against him. I met him under the circumstances I have related, and whatever guilt there is in being associated with such a man under those circumstances, I am willing to accept.

The Attorney-General in his opening statement endeavoured to convince your Lordships that the conventions of the Land and National Leagues in America, were but so many gatherings of dynamiters and supporters of assassination, who assembled from time to time, now in one city, now in another, for the sole purpose of carrying out a policy of extreme violence against England. It has also been asserted by the writer of 'Parnellism and Crime,' and repeated here by the Attorney-General, that, at such conventions, so constituted, plans and policies were laid down which Mr. Parnell and his colleagues were compelled to carry out on this side of the Atlantic, under pain of supplies being cut off by what was called 'the paymasters of the League.' Where has the evidence been produced to prove these sweeping allegations to be true? Has Beach and his bundle of so-called 'secret' circulars given a tittle of evidence to substantiate these charges? I affirm no. The evidence has been all the other way. The official records of the Buffalo, Washington, Philadelphia, Boston, and Chicago Land and National League Conventions have been searched through, and have been put in as evidence; and I challenge Sir Henry James to point to anything in these records that can give the faintest possible corroboration to the reckless allegations touching the character of these League Conventions made here by the Attorney-General, and repeated over and over again in 'Parnellism and Crime.' I affirm the same of the other two Conventions, that of Trainor Hall, New York, held on May 18, 1880 (the first of the Land League conventions in America), and the Chicago National Convention of November 30 and December 1 and 2, 1881. I have been unable to obtain official reports of these two conventions; but press reports have been referred to and quoted from, I think, by Sir Charles Russell and by myself. Such newspaper reports of these two conventions will, along with the official reports of the other conventions, amply refute the allegations of the 'Times' and the Attorney-General with reference to the character of these assemblies. These seven conventions would average 700 delegates each. The name of every single

one of the 5,000 or more persons who attended these seven League conventions as delegates, will be found in the official records, and in the newspaper reports of the proceedings. Let Sir Henry James, with the aid of the staff of the Irish Loyal and Patriotic Union, and under the guidance of the spy Beach—who has been for twenty-seven years associating with Irish Americans in the hope of betraying them—let them go through the lists of delegates attending these conventions, and the resolutions which formed the principles and platform of each, and produce if they can any proof, direct or indirect, that these conventions were anything else but what they purported to be. No such evidence has yet been put before your Lordships. We produce the official records. The 'Times' has produced uncorroborated accusations.

VIII. 'LE CARON' AND HIS 'CIRCULARS'

I am aware that Beach has handed in his alleged U.B. 'secret' circulars, in some of which (those, I think, which followed the Chicago Convention of November 1881 and the Philadelphia Convention of 1883), it was claimed by the authors of these documents that the U.B. had in its membership, at each of these conventions, a controlling influence. But this assertion of Beach's circulars is in direct conflict with the published facts relating to both these conventions, as found in the official report of the one and in the newspaper report of the other; while the other 'secret' documents which have been read in connection with the Buffalo and Boston League Conventions, prove conclusively that the U.B. was numerically nowhere at the one, while it had to issue special orders to meet an anticipated direct attack at the other from the Conservative forces.

But, may it not be asked, with reference to this part of the 'Times' case, its allegations with regard to the League in America, as it also can be asked as to all its charges against that organisation both there and in Ireland; why, if it was believed by the 'Times' to be a criminal conspiracy, the 'Times' did not instruct its counsel to attack the League at its centre or vital part, and prove by the League constitution, rules, and official documents of

every kind that have been produced here, that it was a murder combination, or any of the other choice things said against it by the Flanagan author of 'Parnellism and Crime'? Surely there ought to be found within the official pronouncements of the League, especially the American League, some evidence that would justify the accusers in this case in asserting that the Clan-na-Gael and the League were one organisation. This proof ought to be all the more easy of discovery from the fact that, according to the declaration of the Attorney-General, both Mr. Parnell and all those of his party who subsequently went to America, had to tune their music to suit the advanced tastes of those whom he calls the party of violence in that country. If money could only be got for the League at home by truckling to the leaders of the Clan-na-Gael in the United States, why has the 'Times' not been able to prove this truckling in the official acts or documents of the American League, or in even a tithe of the speeches delivered by the envoys who went there from the League in Ireland?

These acts and documents and speeches were published under all the newspaper-extracting power of America. Concealment of union, of purpose, of ultimate aim, would be out of the question—would, in fact, be how not to do it, if the 'Times' theory be true, namely, that Mr. Parnell could not stir hand or foot or obtain any money in America, if he did not pronounce in favour of complete national independence for Ireland, or come up to the Clan-na-Gael programme.

Then again, what motive would, could, or should there be in concealing such a union if, as is alleged, the so-called masters of Mr. Parnell made it the *sine quâ non* of their support of his policy?

Surely if our real object was to get money in America by proclaiming complete national independence, we would adopt that tone in all our speeches; we would ridicule the idea of being concerned about the land question; we would make 'last link' speeches all over the United States as the best means of getting this money, and we would openly avow that we were anxious to co-operate with the Clan-na-Gael in order to get the Clan-na-Gael support, financial and otherwise.

There was no prospect as far back as 1880, or 1882, or 1883,

of this Commission. Those who drew up and published the constitution, rules, and by-laws of the American Land League, could not possibly have your Lordships' present position in their minds when these documents were issued. Why, then, if the 'Times' honestly charged the Land League of America with being one with the Clan-na-Gael, did not the spy Beach produce a single copy of the League's constitution or rules? Why did the I.L.P.U. which prepared the 'Times' brief not supply from the columns of the 'Irish World' a single official document of the American League? And why, may I again ask, was there no mention whatever made, either in the Attorney-General's opening statement, or in any evidence produced by the accusers, of the first Land League Convention, that of Trainor Hall, New York, in 1880, the Buffalo Convention of 1881, or the Washington Convention of 1882? It was within the period embraced in those years that Beach alleges what he calls 'the real union' was established: yet we look in vain through that part of the 'Times' case, covering these years, for even an allusion to these three of the first conventions of the American League; while with reference to the subsequent conventions, those of Philadelphia, Boston, and Chicago, counsel for the 'Times' content themselves with 'a few extracts from two or three speeches made at each convention, and scarcely quote at all from the resolutions or platform which embodied the purposes for which these gatherings assembled.

The 'Times' relies upon Beach's secret circulars for proof of this alleged union, but these circulars are so secret that evidence of such union cannot be found there, because no such union ever existed.

How far these so-called 'secret' circulars are evidence in this case, I am unable from want of legal knowledge to say. All of them are, I believe, in Beach's own handwriting, and beyond this they have not been traced. No other human being has been produced to whom similar circulars had been sent. They begin and end with Beach, and Beach's only achievements, so far as his evidence here throws light upon his labours as a spy, seem to have been confined to the transmission of these 'secret' circulars to his employer, Anderson.

We have had one 'Times' witness in the box who was also at various periods selling information to the Andersons of Dublin

Castle ; a witness upon whose *bona fides* the 'Times' so far relied as to publish letters received from him which he said had been signed by Mr. Parnell and others. Pigott swore in the most solemn manner that these letters were got by him from Clan-na-Gael agents in Paris. Your Lordships know now what was the real origin of these letters.

Another 'Times' witness, Beach, who, like Pigott, associated with Fenians, and gave information to the Government, likewise produced documents which he also swore came from Clan-na-Gael sources. It is on the faith of these documents, backed by the oath of a man of the infamous profession of a spy, who acknowledged having perjured himself repeatedly, that the 'Times' relies for its proof that the Clan-na-Gael and the Land League of America were practically the same organisation, and that the dynamite explosions which have occurred in England were carried out by agents of the Clan-na-Gael.

So far as the allegation of one organisation goes, there is not in a single one of the Beach circulars, or in the whole of them combined, a statement, or a boast, or a pretension that the Land League formed part of the Clan-na-Gael body. Boasts there are in one or two of them that members of the Clan-na-Gael were present in the disguise of Land League delegates, at certain League conventions, and that such members acted together so as to influence the election or non-election of certain persons to certain posts. But beyond this kind of cloaked participation in such proceedings, these circulars of Beach's are eloquently silent as to the League being but part of the U.B. organisation, as alleged by his employers. If, as the 'Times' alleges, the two organisations were really one, and as such carried out a programme of dynamite outrage ; why do these circulars give directions to U.B. members to gain admission surreptitiously to the conventions of the Land League ? Why, in the instance of the convention of December, 1881, at Chicago, at which members of the Clan-na-Gael were to propose the federation of all societies there represented, the proposal was defeated, and why defeated ? Because, according to his own admission, the admission of the circular, 'Mr. Collins, the head of 1000 branches of the Land League,' opposed such proposal at that convention ! And if, as Beach has sworn, at page 2510 of the evidence, a true alliance between the

Clan-na-Gael and the Land League or Mr. Parnell was arranged at the U.B. convention of August, 1881 (held in Chicago, I think) ; why, at the League convention which followed at Chicago three months subsequently, did the leader of the American League organisation oppose, and successfully oppose, the proposals put forward by the Clan-na-Gael emissaries at such convention ?

Why, again, may I ask, with reference to two other League conventions, that of Buffalo which preceded, and that of Washington which followed, the Chicago Convention of December 1881 ; there is in no one of Beach's circulars anything claiming any credit for any appreciable Clan-na-Gael element being even present at these two conventions ? I need not, I am sure, call to your Lordships' mind the language of Beach's circular which preceded the Boston League Convention of 1884. Clan-na-Gael men were warned in that circular to be prepared for an attack upon their principles ; and there is not in this circular a single word or sentence that does not disprove the allegation of the secret and the open organisations being one body.

With reference to the League Convention of 1886, held in Chicago, at which Messrs. O'Brien, Redmond, Deasy, and I attended ; I think it has been abundantly proved that the Clan-na-Gael exercised no control whatever over that convention ; that Conservative influence predominated, and that resolutions opposed to the policy of the League which had been read at the Ogden Grove demonstration, and which Beach swore he came as a Clan-na-Gael man to support at the convention, were not even proposed at the convention, which adopted unanimously, excepting the dissent on the part of Mr. John Finnerty, the resolutions suggested and the policy laid down by me on that occasion. And I say it is an instructive incident, which ought to be noted in this Court, that here is a man in the pay of the British Government, avowing that he went to that convention to support a policy of dynamite, though he had to admit that I, an incriminated Land-Leaguer, went to that convention and denounced and defeated a policy of dynamite, while men like himself, though not as infamous as himself, came there hoping to get encouragement from the delegates for such a policy of violence.

I have purposely passed by, in these comments upon Beach's circulars, the League Convention of Philadelphia in April 1883,

at which Mr. Alexander Sullivan was elected president. This is the only one of the seven League conventions held in America which can be open to the suspicion of having been controlled by the Clan-na-Gael. I do not admit it has been proved either by Beach's circulars or by his evidence that such control was successfully exercised ; as Sullivan's own article in the ' American Catholic Quarterly Review,' which I have quoted, speaks of Temperance, Catholic, and other non-political bodies as having been on that occasion affiliated with the National League. Then, as it has been pointed out to your Lordships before, when speaking of Mr. Sullivan, it is obvious that if the Catholic priests who were present in large numbers together with the other Conservative elements, saw or suspected that the Clan-na-Gael were ' running the machine ' or ' bossing the show ' (to use Americanisms) they never would have supported Mr. Sullivan's candidature. We have proof of this in the significant incident which records that Mr. John Finnerty, who attempted to move a physical force resolution at this same Philadelphia Convention, was denied even a hearing and was howled down by the assembled delegates on the occasion.

I contend and affirm that, even if we admit Beach's circulars to be what he represents them to be—and I do not—they do not prove, but they do disprove the allegation of the ' Times ' that the Land and National Leagues of America were one organisation with the Clan-na-Gael. The direct evidence which has been given by the defence on this point would be unnecessary to refute a charge which the ' Times ' has utterly failed to make good by the testimony which it has produced before your Lordships ; and at page 2669, Beach, their chief witness, has said :—

' There was never any circular or communication from the V.C. to the senior guardians to my knowledge in which there was directly or indirectly any reference made to the alliance or understanding.'

Now, the defence on the contrary has produced and handed in as evidence every official document issued in connection with the Land League in Ireland and the Land League of America. They ought all to be found on the official minute, or in the possession of the secretary ; anyhow, I have copies of them here with me. These documents speak for themselves, all the more

eloquently from the fact that the 'Times' did not attempt to introduce even one of them into the case which it has sought to make out against the Land League. Our documentary evidence was full and genuine. Our accusers consisted mainly of Pigott's forgeries and Beach's alleged U.B. circulars. I will deal as briefly as I can with the official record of the American League, as written in the official and newspaper reports which we have put in, in order to disprove conclusively by genuine documentary and public evidence this particular charge of alleged union between the League and the U.B.

I called your Lordships' attention to the only direct evidence which the 'Times' brought before this Court to substantiate its charge that the Land League in America was one with the Clan-na-Gael organisation, and I may be permitted to make this further observation, with reference to this direct evidence which consisted entirely of the testimony of the spy Beach; that if this man had not come forward voluntarily as he said himself (after having watched the proceedings of this Commission for some time), we are not aware that any direct evidence whatever would have been produced by the 'Times' to substantiate this 'union' allegation. However, the evidence, such as it is, has been before your Lordships. It has consisted of these so-called 'secret' documents of the U.B., all written in Beach's own hand. Your Lordships have had the advantage of reading those 'secret' circulars. There is as much secrecy about them as there is about any document which could be brought under the notice of men able to read the English language. It would be as vain for one of Barnum's elephants to try and disguise himself with a lady's parasol held in his trunk, as for the authors of these 'secret' documents to disguise their designs by the ridiculous ciphers which they employed. Anyhow, this is the only kind of evidence apart from newspaper reports and records that the 'Times' has adduced to substantiate what is said in 'Parnellism and Crime,' and what has been repeated by the learned Attorney-General here, about a 'union' between the Clan-na-Gael and the Land League.

IX. FOUNDATION OF THE AMERICAN LAND LEAGUE

Now, on the other hand, I propose to go over the line of the evidence for the defence controverting this alleged alliance. I will examine as briefly as I can the printed official records of the seven League conventions, to which I have already had to make reference, more or less, in order to meet the special charge made against myself, that I had brought about the so-called alliance between the physical-force party and the constitutional party. I have remarked, more than once, that all these official documents issued by the Land League in America have either been put in here as evidence or referred to; anyhow, I have them all here, and I shall be only too glad to give them to Sir Henry James. On one occasion, I regret to say, I acted discourteously towards the Attorney-General when he asked me for a copy of one of these reports. I ought not to have refused the copy, and I am sorry that I did on that occasion show discourtesy to the Attorney-General, which he did not repay in kind.

Now, I have to impress upon the Court this one fact, which has not been sufficiently emphasised even by the defence in this case, that it was Mr. Parnell and not myself who established the Land League of America. I went to America on my own account in 1878. I made certain speeches, and made certain proposals, and claimed (with that absence of modesty peculiar to public men) afterwards that, probably, these speeches of mine in America were the real foundation of the Land League in that country. But facts prove that Mr. Parnell was the first to lay down a programme for the National League of America, as was shown during his examination. On March 13, 1880, on the eve of his departure for Ireland, after the tour he had taken in the United States, he called a conference in the New York Hotel, in New York city. The proceedings of that conference were read while Mr. Parnell was in the witness-box. I will read the platform or programme which he laid down on that occasion, and which undoubtedly formed the basis of the Land League of

America. These resolutions were put by him and unanimously adopted :—

‘1. That in the opinion of this meeting it is expedient that an auxiliary organisation of the Irish Land League be formed in America, in harmony with the organisation in Ireland, and to assist its object.

‘2. That the Irish Land League in America be organised by states, territories (and District of Columbia), with an executive council for each, the members of which are to be elected by the several local branches in the state, each being entitled to a representation in the council in proportion to membership. The president, secretary, and treasurer shall reside in the same city.

‘3. That there shall be a central council in the Union, consisting of representatives from the several state councils, through whom official communications and funds may be forwarded to the Dublin Executive of the Irish National Land League. The secretary, treasurer, and president to reside in the same city.

‘4. That a convention of local associations, to elect their state council for the transaction of business, meet within their states at least once a year.

‘5. That a convention of representatives of state councils be held yearly to elect the central council in the same way.

‘6. That a committee on rules be hereby appointed to draw up suggestions for the guidance of the councils and the local associations, such rules being held to be the rules of the councils and associations, unless objected to by a majority of the branches and councils after the lapse of one month after the notification thereof.

‘And 7. That an executive committee of this meeting, consisting of one from each organisation represented, be appointed to select said committee.’

Now that is the report put in by Mr. Parnell of the platform of this conference, and it is undoubtedly, as I have said already, the foundation of the subsequent American Land League.

This gathering was a conference, not a convention. The resolutions are silent both with reference to national independence for Ireland and the other matters, which, according to the statement of the learned Attorney-General, were indispensable to the getting of money and support in America for the Land League in Ireland.

We know that Beach has sworn that Mr. Parnell's tour in America was managed all through by the Clan-na-Gael. But we also know that upon cross-examination he had to admit that he had no actual information concerning five-sixths of the meetings addressed by Mr. Parnell ; while in the few instances of which he had, or professed to have, some knowledge, he said that representative Americans, who were not Clan-na-Gael men, presided, and took the most prominent part at each of these few meetings.

I have gone over Mr. Parnell's tour in America for the purpose which I stated when asking permission to deal with the evidence Beach gave upon that matter. I think it is only due to Mr. Parnell to emphasise the fact that there are no sentiments akin to those in the 'last link' speech to be found in any of his pronouncements while in the United States. If, as I said this morning, his object was to get the money that only could be got, according to the Attorney-General, by talking to the Clan-na-Gael and uttering sentiments that would be agreeable to the 'Irish World ;' then I must say that Mr. Parnell went a very strange way to get the necessary funds in the United States for the Land League and Irish distress. When the Attorney-General said, as he did in his opening statement, that Mr. Parnell could not have stirred hand or foot in America if he had not made that speech, he was showing a very remarkable ignorance of geography so far as the United States is concerned. The Cincinnati speech was the thirtieth, I think, of the series delivered during the tour, and yet the Attorney-General says, only for this particular speech, which contained these seven or eight 'last link' lines, that Mr. Parnell would have got no money in the United States and could not have stirred hand or foot in the country ! The facts are (and the facts were open to those who prepared the brief for the 'Times,' because they are found even in the 'Irish World') that he had visited twenty-nine cities and delivered as many addresses before he made this famous speech in Cincinnati.

I have dealt with the conference which Mr. Parnell called in New York for the foundation of the Land League ; I have read his speech in New York, which I maintain is practically the speech that he delivered at subsequent meetings ; I have given the dates of all the subsequent meetings, and I have referred Sir Henry James to the reports in the 'Irish World' ; and I chal-

lenge him to find either in the report or in the programme of that conference, or in Mr. Parnell's speeches, any evidence to justify the allegation that the Land League of America was one with the Clan-na-Gael organisation.

X. THE AMERICAN LAND LEAGUE CONVENTIONS

The first convention of the American League was held in Trainor Hall, New York, on the 18th of May 1880 (I have already referred to it this morning, and I think yesterday when dealing with the special charges brought against myself), or two months following Mr. Parnell's New York Hotel Conference. Mr. John Dillon and I attended this convention. It has been stated to your Lordships in my evidence that when Mr. Parnell returned to Ireland from America in March 1880, to take part in the then general election, I proceeded to America (on the 9th of May), in order to take up the work which he laid the foundation of at the conference of March 13 preceding. I landed in New York on the very day when this first regular Convention of the Land League of America was being held. General Collins of Boston presided. A full report of the proceedings, I think, was read either while I was under examination or while Mr. Parnell was under examination, and will be found on the official minute.

I will read the resolutions or platform :—

‘Mr. John Boyle O’Reilly presented a report from the committee on resolutions, as follows :—

‘Whereas, a famine has been raging in Ireland for the past six months, and at the present moment hundreds of thousands of the people are being fed by the charity of foreign nations; and whereas, the terrible national affliction is of periodical recurrence; we deem it our duty to declare our conviction that these famines do not arise from natural causes, but are the results of bad laws enacted by the English Government, and maintained despite the Irish people. Therefore, be it—

‘Resolved, that it is the duty of every Irishman to aid to the utmost of his ability all honourable effort made by the Irish people to free themselves from these ruinous laws.

‘Resolved, that we regard the present system of land

tenure in Ireland as one of the chief causes of famine and of the chronic poverty and oppression which prevail in that country.

‘Resolved, that the National Land League of Ireland, having appealed to the Irish of America to assist them in removing the cause of poverty, we hereby pledge the earnest co-operation of this organisation to the Irish Land League in the work of abolishing the present English land system and establishing a peasant proprietary in Ireland.

‘Resolved, that while prepared to aid the Irish Land League to the utmost of our ability, we desire to place on record our conviction that the kindred interests of manufacturing, mining, fisheries, and commerce are also being prostrated by deliberate and wickedly selfish restrictive legislation, and that poverty must remain the normal condition of the Irish people until they organise the power to regulate and protect these interests.’

Then a committee on industrial interests was formed, and several well-known American names proposed for it, among others, General Garfield, who subsequently became President of the United States. Then the report continues :—

‘On motion of Mr. Harman, of Illinois, a committee of thirteen to name officers for the ensuing year was appointed. After a short recess they presented the name of John Boyle O’Reilly for president, but in view of his positive declination, the following ticket was nominated and unanimously elected :—

‘For president, James J. McCafferty, Lowell, Mass.’

The gentleman whom I described to your Lordships this morning.

‘Vice-president, William Purcell, Rochester, N.Y.

‘Treasurer, Rev. Lawrence Walsh, Waterbury, Conn.

‘Recording secretary, Michael Davitt.

‘Council :—Thaddeus Flanagan, San Francisco ; Lawrence Harmon, Peoria, Ill. ; Wm. Carroll, Philadelphia ; James Gibson, Paterson, N. J. ; J. O. Reddy, Richmond, Va. ; P. K. Walsh, Cleveland ; and M. E. Welsh, Providence.’

I think it is right to say of Dr. Carroll—what has been repeated before—that he wrote a letter to the ‘Irish World’ saying that he was not present at this conference, he was not a Land Leaguer, and could not accept any position in the Land League organisation. Therefore he did not act upon this council.

This is the record of the first convention of the Land League of America, so far as its constitution and platform are concerned. In neither of these do we find the conditions laid down by the Attorney-General which, according to the 'Times,' were to govern all our actions with the American League. As central secretary of the League, it was my duty to lay down the lines upon which the organisation was to work, to show how financial aid for the League in Ireland was best to be obtained, and how branches were to be established throughout the Union. Documents which I have put in as evidence, fully set this forth and describe what these plans of mine were. These documents were written and published more than nine years ago. The 'Times,' or rather the I. L. P. U. agents who compiled its indictment against the Land League, had these circulars before them in the columns of the 'Irish World' and 'Boston Pilot' for May 1880, when the libels in 'Parnellism and Crime' were being written. That is, these papers of that date, May 1880, were of course within reach of the 'Times' people when in 1887 the libels in 'Parnellism and Crime' were being prepared for publication. But there is no reference made in 'Parnellism and Crime' to this convention as far as I know. There is no attempt to prove that the platform laid down there—the principles enunciated—were what the writer in 'Parnellism and Crime' said was the true character and teaching of the Land League in America.

Now though these documents have been read, and are found upon the official minute, I think it of the utmost importance for the defence I am endeavouring to make, that these circulars should be read now, because they explain in the fullest possible manner what were the means which I adopted near ten years ago to organise the Land League in America and to get financial aid for the Land League in Ireland. They are not documents prepared during the last two years like 'Parnellism and Crime;' they speak for themselves, and can be found in the pages of contemporary newspaper reports. The address of the Council of the Irish National Land League, United States of America, to the Irish race, reads:—

'On behalf of a famine-stricken country, and in the interest of the movement which aims at removing the cause of a people's periodic starvation, we beg to address the men

of Irish blood and the people of generous sympathies throughout the United States. Our appeal is not for charity. In conjunction with the Land League in Ireland, we desire that our kindred in the parent land should henceforth be free from the humiliation of a beggar's position among nations, and that the liberal charity of this and other civilised countries should be taxed no more in their behalf.

'Coincident with the famine which has reduced' nearly a million of our people to the necessity of living during the past six months upon gifts from the outside world, and with the alarming exodus of Ireland's workers, which is once more draining her of the blood and sinew of the country, a land movement has sprung from the people themselves that has for its object their emancipation from famine and misery by the overthrow of the system of land laws which has proved itself the parent and conservator of both. This movement, through the intense earnestness manifested by the agricultural classes in hundreds of great popular demonstrations—by the orderly determination with which they have asserted their right to a better and more elevated social condition, and through the able advocacy of Messrs. Parnell and Dillon, envoys of the Land League to the United States—has arrested the attention of the civilised world and has won a recognition of its reasonable and just demands from the public sentiment of every enlightened community. The National Land League of Ireland has been organised for the purpose of guiding this movement to success; and in order that this purpose may be achieved through means which will appeal alike to the justice and common sense of onlooking peoples, the following statement of objects and plans, particulars of aid required, and details of its proposed application, is placed before the public to show for what its moral support is solicited, and how the kindred race in this country can lend its powerful aid in the work, and know how that assistance is to be utilised in its accomplishment.

'Objects of the League.—The National Land League of Ireland was formed for the following objects:—

'First. To put an end to rack-renting, eviction, and landlord oppression.

'Second. To effect such a radical change in the land system of Ireland as will put it in the power of every Irish farmer to become the owner, on fair terms, of the land he tills.

'The means proposed to effect these objects are—

‘(1.) Organisation amongst the people and tenant farmers for purposes of self-defence, and inculcating the absolute necessity of their refusing to take any farm from which another may be evicted, or purchasing any cattle or goods which may be seized for the non-payment of impossible rent.

‘(2.) The cultivation of public opinion by persistent exposure in the press and by public meetings of the monstrous injustice of the present system and of its ruinous results.

‘(3.) A resolute demand for the reduction of the excessive rents which have brought the Irish people to a state of starvation.

‘(4.) Temperate but firm resistance to oppression and injustice.

‘How the Land League expects its supporters in America to aid it in its work :—

‘Irishmen in America can give most effectual aid,

‘First. By enlightening American public opinion as to the working of the landlord system and by exposing through the columns of the American press the oppressions and outrages which are practised on the tenant farmers of Ireland.

‘Second. By the immense moral influence which their support exerts on the people at home, encouraging them to be steadfast in the struggle and not to give way to despair.

‘Third. By contributing sufficient means to enable the League to carry on the movement in Ireland on such a scale as is necessary to insure success.

‘Purposes for which assistance is asked from America. Up to the present, through want of money, the League has been obliged to confine its operations chiefly to a few counties. The purpose for which funds are needed are—

‘First. To enable the League to spread its organisation throughout the thirty-two counties of Ireland.

‘Second. Pending the abolition of landlordism, to aid local branches of the League to defend in the Courts such farmers as may be served with processes of ejectment, and thus enable them to obstruct such landlords as avail themselves of the poverty of the tenantry and the machinery of the law, to exterminate the victims of the existing system.

‘Third. To enable the League to afford protection to those who are unjustly evicted. Already the League has been obliged to undertake the support of the families of the men who were recently sentenced to imprisonment for resisting eviction in one of the famine districts, and it is now supporting evicted families.

‘Fourth. To oppose the supporters of landlordism whenever and wherever they endeavour to obtain any representative position in Ireland which would be the means of aiding them in prolonging the existence of the present land laws and perpetuating the social degradation of our people.

‘As an auxiliary to the Land League of Ireland in the work it has undertaken to accomplish, the Irish National Land and Industrial League of the United States has been organised upon an appeal from the parent body. Its objects are to render moral and material assistance to the land movement in Ireland. In the conviction that the primary purpose of that movement can be furthered, and the best interests of Ireland protected and advanced by an equal solicitude for manufacturing, mining, fishery, and commercial industries now, and for centuries past, prostrated by deliberate and selfishly hostile English legislation, we claim it to be a duty devolving upon all earnest Irish reformers to demand for Ireland the right to regulate and protect the various interests which build up the prosperity of an industrious people upon the foundation of their country’s developed resources. We have therefore placed this addition to the platform of the Land League of Ireland, and on this programme for the social and industrial advancement of an oppressed and poverty-stricken people we rest our claim to solicit the good wishes of the American people, and to ask for the earnest and organised co-operation of the Irish race in this country. No movement for the political or social welfare of the Irish people has been initiated in Ireland for the past fifty years which failed to obtain the sympathy and support of her exiled children here. The chances of success were never calculated in order to regulate the measure of assistance to be given. A prompt and generous help was the answer to every appeal from the motherland, no matter what party stretched forth its hand across the Atlantic or what enterprise aroused the national spirit of a banished people. The cumulative results of unrelinquished struggles at home and of sustained generosity abroad, has placed the land movement in Ireland in the determined and conspicuous position it now occupies before the world. It wars only against injustice and misery, and aims at accomplishing only what is in accord with justice and reason. Its objects are the uprooting, by fair and justifiable means, of the system of Irish landlordism which inflicts famine, suffering, and discontent upon a people that is entitled to a share of that plenty, happiness, and contentment which every other civilised country has won and now

enjoys. It is a movement which endangers no national principle nor asks its supporters to forego any reasonable or legitimate aspiration for the future of their country. It recognises no sectarian distinctions, and refuses no proffers of assistance from any class or any creed. It is a movement of Irishmen for Ireland and humanity which endeavours to unite upon one platform men of all parties and religions, to work out the common good of Ireland and its people. It asks from the Irish race the material help which is essential to success, and from the civilised world the sympathy and moral support which is necessary to secure it.

Signed :—

‘ JAMES J. McCAFFERTY, Lowell, Mass., President.

‘ WILLIAM PURCELL, Rochester, N.Y., Vice-President.

‘ REV. LAWRENCE WALSH, Waterbury, Conn., Treasurer.

‘ THADDEUS FLANAGAN, San Francisco. . .

‘ LAWRENCE HARMON, Peoria, Ill.

‘ JAMES GIBSON, Paterson, N.J.

‘ J. O. REDDY, Richmond, Va.

‘ P. K. WALSH, Cleveland, Ohio.

‘ M. E. WELSH, Providence, R.I.

‘ MICHAEL DAVITT, New York City and Dublin, Central Secretary.

} Central Council.

‘ CENTRAL OFFICES, University Building,
‘ Washington Square, New York.’

Here again in the plainest language we find condensed the whole scope, meaning, and methods of the Land League of Ireland, expounded to the Land Leaguers of America in that document, signed by the Executive of the first Land League of the United States. In that document it is plainly said of the League in Ireland :—

‘ It wars only against injustice and misery, it aims at accomplishing only what is in accord with justice and reason. Its object is the uprooting by fair and justifiable means of the system of Irish landlordism.’

Well, I contend that this does not bear out ‘ Parnellism and Crime’ in its interpretation of the objects of the Land League. It does not verify what the Attorney-General has said in his opening statement. There is no appeal there to the views held by Mr.

John Finnerty. There is even no talk in that circular, though it was drawn up by me, of complete national independence for Ireland. That document placed before the American people explains what Mr. Parnell's programme was, what the platform of the Land League was, as laid down by him at the conference in March 1880 at New York, after having been adopted at the initial meeting of the Land League in Ireland on the 22nd October 1879.

There is another address of a similar character, which I shall not inflict upon your Lordships, because it is already upon the minutes. But there is one sentence in it which I had better read, for if it is left to the tender mercy of the other side, it might be tortured into another meaning.

‘Can the year’s celebration—that is, the Fourth of July celebration—can the year’s celebration be organised with the view of aiding the work of independence now progressing in Ireland, independence of famine, misery, and social degradation, and of the causes operating against our parent country’s contentment and happiness—’

The Attorney-General.—Where are you reading from ?

Mr. Davitt.—A circular issued by me from the central office of the Land League of New York. It is already upon the official minutes.

‘I appeal on behalf of the objects of the Land League of Ireland to those who organise these annual demonstrations to devote the proceeds this year to aid the Land League to support the people now being evicted in Ireland and to assist that body in the work of striking down the cause of famine and eviction in that country for ever. Any suggestion by you as to the best means for furthering the ends of this movement in your locality will be gratefully received by your obedient servant, Michael Davitt, Central Secretary.’

I will now read the constitution and rules of the branches which were adopted by the Trainor Hall Convention, and issued by me and my successors in the secretaryship of the American Land League to local bodies of that organisation in the United States. These by-laws and constitution were also printed in the ‘Irish World,’ the ‘Boston Pilot,’ and in fact in all the organs of Irish-American opinion in the United States, so that I am sure

they were read by whoever compiled 'Parnellism and Crime.' But there is no reference there to such constitution, or to the by-laws ; as there was no mention whatever of the Land League Convention at which this constitution and these by-laws were adopted. The rules and by-laws are :—

'1. Name. The name of this branch shall be "The Irish National Land and Industrial League of ."

'2. Object. The object of the association shall be the rendering of moral and financial aid to the National Land League of Ireland.

'3. Government. The officers of this association shall be a president, vice-president, secretary, and a treasurer, to be elected by the general body.

'4. Branch organisation. Each branch or organisation, in wards or otherwise, to elect a chairman, secretary, and treasurer ; also one delegate from their body to represent the branch on the executive committee, should an executive committee be resolved upon.

'Ward organisers : Two members of each branch shall be appointed as ward organisers or canvassers, whose duty shall be to organise the ward or division of such branch and canvass for members, or assistance for the Land League of Ireland.

'Ward organisers can solicit subscriptions for the Land League of Ireland from persons who may not desire to become members of a branch organisation. Such subscriptions to be entered in the treasurer's book as donations and forwarded with membership fees, &c., to the central office.

'5. Membership : Any person paying the sum of one dollar towards the objects of the association becomes a member, and is entitled to a card of membership. The dues shall not be less than one dollar per annum.

'6. The various ward organisations shall report once every three months to the central secretary and produce their accounts whenever required.

'7. The treasurer of each branch shall forward to the treasurer of the central council for transmission to the Land League of Ireland all moneys which may come into his hands, less necessary expenses for rent, stationery, &c.

'8. The treasurer of the branch shall pay all necessary expenses for printing, postages, stationery, rent, and such other legitimate expenses as may be incurred.

'9. The secretary shall keep a list of all the members of his branch, write the minutes of branch meetings, join with

the treasurer in a monthly report to the central offices, and perform the other clerical work of the branch.

'10. The executive committee, wherever organised, shall hold a stated meeting once a month. They shall elect a chairman and secretary from their own body, and shall have the general supervision of the branches in a city or county, the officers of branches in a city or county, including branch organisers or canvassers, should form the executive committee.

'11. Each branch shall hold stated meetings at least once a month, and annual meetings on the 2nd of January for the election of officers, and for the transaction of such other business as may be brought before it.

'12. The officers first elected by a branch shall hold office until the second Sunday of January 1881, or until their successors shall be elected.

'13. These rules and by-laws may be amended by local branches, if so required, providing such amendment shall not conflict with the constitution of the central body.

'14. Special meetings of the branch may be held on a call by one-fifth of its members, or by the executive committee, and it shall be the duty of the secretary to call such meetings. Three days' notice at least of special meetings must be given.

'These rules and by-laws are issued subject to the approval of the central council at its next meeting.

'MICHAEL DAVITT,

'Central Secretary.'

So much for the first League Convention in America. These platforms and constitutions, adopted at conferences and conventions, form the charters of the Land League of the United States.

They speak in no ambiguous or double-meaning manner. They are *bona fide* Land League pronouncements, and they disprove the charge of identity between the League and Clan-na-Gael as completely as Pigott's confession disproved the hand of Mr. Parnell in the forged letters.

Compare these documents with the alleged U.B. circulars produced by Beach. Try to trace the least possible relationship in meaning or in purpose between the literature of the two organisations, and it will then be seen how ridiculously false the 'Times' allegation is, that the two bodies were one and the same.

Before I pass from conventions and documents and League work with which I was personally identified in America, there are two points I desire to call your Lordships' attention to, arising

out of the allegation that the League and U.B. were identical organisations. I was in the United States, as I have told your Lordships, in 1878 and 1880 ; also in 1882 and 1886. Beach, in his disguise of a spy for the British Government, saw me on each of these occasions. In 1880 I was actually his guest in Braidwood, Illinois. I was suffering from sore throat, or cold, or something of the kind, and I think it is only just to him, spy as he is, to say that he prescribed for me, and, I believe, the medicine did me good. He has been in that witness-box for the 'Times ;' he has produced circulars by the score, and has given a history of his connection with the Fenian movement and the Clan-na-Gael.

Now the first point to which I desire respectfully to call your Lordships' attention is this: Where in Beach's evidence or in Beach's circulars is there any mention of me, direct or indirect, as having brought about a union or understanding between Mr. Parnell and the American Clan-na-Gael ? There is no such mention. Beach must have known what I told your Lordships in my evidence, that I had visited Clan-na-Gael camps in 1880, for the purpose stated by me in the witness-box. If I mistake not, he actually introduced me to his own camp in Braidwood, Illinois. I am not certain of it. I would not be at all positive that he did. Why, then, did he remain silent during the whole of his evidence about these visits of mine ? If I attended these meetings for the purpose of effecting a union between the Clan-na-Gael and Mr. Parnell ; why did Beach, when trying to prove such a union, omit all reference to the part which the 'Times' charges me with having played in bringing about such a combination between Mr. Parnell's party and the Clan-na-Gael ? The answer is—Beach knew I attended these meetings for the purpose explained in my evidence, namely, to expound the Land League to them, as I did to other Irishmen in America, and to prevent, as far as I could, acts of hostility towards the League, such as many extremists on both sides of the Atlantic were advocating, because of the constitutional character of Mr. Parnell's movement. He knew right well I went to these meetings for no other purpose ; and he gave no evidence whatever, either in his circulars or in the box, to support the 'Times' charge that I effected a union between the physical-force and constitutional parties. Whether Beach introduced me or not to his Clan-na-Gael circle, when in Braidwood, I do not

know. I do know, however, that he either organised or took a prominent part in organising a public meeting which I addressed in Braidwood, under his distinguished patronage. I made a speech on this occasion, which is fully reported in the 'Irish World' of the 14th of September 1880. Part of this speech was read during my evidence, and it will be found on page 5598 of the official minute. I will read this portion of the speech, and ask your Lordships whether it is the kind of thing a man would say in America whose alleged purpose was to advocate Irish Republics and truckle to Clan-na-Gael sentiment? This is a speech delivered at a meeting organised by the paid spy of the English Government; at that time not suspected by me, not suspected by anybody, of the part he was playing. He introduced himself to me as a member of the Clan-na-Gael, told me about the part he played in the raid on Canada, and the high esteem that General O'Neil had of his military reputation and skill. The conversation he had with me would induce me to speak in a similar strain if, as the 'Times' alleges, the Land League was a similar organisation to the Clan-na-Gael under another name. This is the speech delivered under those circumstances.

'Hitherto our efforts have been futile, our strength has been wasted, and at the end of each abortive attempt despair and discouragement have rested upon us. Experience has taught us that our worshipping of idols like O'Connell and others, and our occasional appeal to arms, that our desires to gratify revenge, were vain and useless. Though no nation or people ever had greater cause for a just indignation and revenge than ours, they neither boded nor worked any good results. They courted what the English Government wanted—our defeat as law and order breakers—and at each attempt on our part, she was half justified in the eyes of the world in chastising us. Our impulses fed themselves on poetic victories, and our means and lives were sacrificed in these unreasoning directions. To-day we let our reasons govern, we fight landlordism with different weapons; we keep inside the law; we do what all the world will justify; we refuse to see our families starve before our eyes while the landlords live in luxury on what our exertions raise. We have paid, according to Government valuation, many times the price of the land, and in addition to this, as God has given it to us by right of a just occupation, we will not

be dispossessed of it. How will we do this? I shall tell you; but first let me state why we are becoming so strong and united. In former methods, when we told men to shoulder the musket or handle the pike, we invited them to violate the law, with little hope save death and imprisonment, and such was ever the result. Now we show them how beggary and starvation are to be avoided by union, and that eventually they are sure to be the possessors of the land; that the British Government could not fight a peaceful revolution of this nature, and that what was already gained was a promise of certain victory. This movement is not confined to Ireland alone. Already it begins to animate the hearts and minds of the English and Scotch, and the time is not far distant when they will all be united as one man to crush out the system of land-ownership that is their curse and bane.'

Then there is something omitted which is not material.

'Some there be who say shoot the landlords. To this we say no, a thousand times no. It will do no good, it will do a great deal of harm. We stand in need of the moral support of the world. People are very much averse to the shedding of human blood, and wherever our people adopt this course we subject ourselves to the disapproval of those who aid us and desire our success. No, my friends, we need resort to no such violent means of defence. If there must be murder, let the hands of those that uphold a Government that permits such cancers to exist on the body politic, be the only hands that drip with the gore of their fellow-men. I think you understand the principles on which the Irish Land League looks for and expects success; and we are conscious, as are the landlords throughout the British Empire and throughout the civilised world, that our success means simple justice to the despised and oppressed toilers.'

I think the 'Times' counsel will find it difficult to discover in that speech anything like what Beach has been trying to persuade your Lordships was the real programme of the Land League in America.

I pass from this to the next convention, that of Buffalo. The following call for this second regular convention was issued by the Rev. Lawrence Walsh, of Waterbury, Connecticut, who was at that time both treasurer and secretary of the Land League of the United States. This also has been read, and will be found upon the evidence, though I cannot give the exact page now.

‘Waterbury, Connecticut, December 20th, 1880.—To the Branch Land Leagues and their members.—As I am the only officer now in active service of the national organisation, I am compelled, by circumstances, to call a convention for Wednesday and Thursday, January 12th and 13th, 1881, to be held in Buffalo in St. James’s Hall. The head-quarters of the delegates will be at the Lift House. Each branch of fifty members or more is entitled to one delegate, and where the branch has three hundred members, it can send two delegates ; and on application I will send to each branch two blank forms of credentials, one to be returned, signed, to me, and the other to be used by the delegate or delegates at the convention. I hope every League will try and send its delegate without fail, as we are anxious to have as large a convention as possible.—Rev. LAWRENCE WALSH, Treasurer and Secretary, Irish National Land and Industrial League, U.S.A.’

The convention was held on the dates mentioned in the circular. There were two hundred and ninety-two branches represented, in thirteen States, by one hundred and twenty delegates. Among these delegates the names of twenty-five Roman Catholic clergymen are recorded. The entire list of delegates will be found in the official report.

The following report from the committee on resolutions was read by Rev. T. J. Conaty, of Worcester, Massachusetts :—

‘That we firmly believe that Charles Stewart Parnell, Michael Davitt, and their colleagues, should have the constitutional rights of English freemen in their efforts to redress Irish grievances, and we solemnly and emphatically protest against the action of the British Government in instituting a State prosecution of the Irish leaders, as unconstitutional, and aimed at the suppression of free speech, which England proudly asserts as her noblest birthright.

‘That we cordially unite with the Irish National Land League of Ireland in deprecating all forms of violence, and earnestly urge the Irish people to continued patience under all provocation, remembering the words of O’Connell, that “He who commits a crime gives strength to the enemy.”

‘That while we honour the sanctity of contracts, we cannot hold a contract to be sacred which leaves to the industrious son of toil no alternative between a rack-rent and the roadside, workhouse, or emigrant ship.

‘That our gratitude is due to the American Congress for

the sympathy extended to Ireland, and we beg it to continue to use its good offices in the interests of an oppressed, down-trodden people, reminding it of Ireland's service to America in the day of its difficulty.

'That while the Irish National Land League of America earnestly seeks the co-operation and kind words of the liberty-loving press of America, it has never recognised and does not recognise any paper as an authorised organ to speak in its name.'

These are the resolutions, or platform, adopted at this second convention of the Land League in America, of which second convention——

The President. What is the date of it ?

Mr. Davitt. It was held on January 12 and 13, 1881, and I think you will find these resolutions recorded upon the minutes. There was no reference whatever to this Land League Convention by the author of 'Parnellism and Crime,' though according to that writer I had brought about a union of the Clan-na-Gael and the Land League previous to that date in America.

From the period of this, the second to that of the next, or third, League Convention in America, that is from January to December 1881, the League movement in Ireland had grown to enormous dimensions. Events had also marched with extraordinary rapidity, and had caused a corresponding excitement among the Leaguers of America. The arbitrary arrest of myself in February, occasioned indignation in every city which I had visited in America, and among the whole Irish-American people. The passing of what is known as Mr. Forster's Coercion Act, followed as it soon was by the arrest and imprisonment, without trial, of other Land League leaders, and of hundreds of men of local influence throughout Ireland, inflamed to an intense degree the passions of all who had been led to believe that constitutional action only would be resorted to by the Government in dealing with a movement which was avowedly constitutional. And when, finally, Mr. Parnell was also thrust into Kilmainham, and with him the entire executive of the League, the whole bearing of Irish-American feeling became intensely embittered again towards England ; while the tone of papers like the 'Irish World' grew fiercer and fiercer at every new act of arbitrary suppression by

Dublin Castle. Acts of violence which wore the appearance of landlord or Castle oppression, were answered by inflammatory leading articles in all Irish-American papers, and this helped to swell the volume of indignation set going by the arrest of Mr. Parnell. Extremists, who had always decried the League as weak because constitutional, and who had ridiculed the notion that England would ever concede anything to the persuasion of moral force, began to exult in the fulfilment of their predictions, and took the opportunity of the League's suppression in Ireland for a propaganda of terrorism in England by dynamite and destruction. The action of Mr. Forster in Ireland appeared as a challenge to every element of disturbance in America, and from this forward the advocates of violence by retaliation grew more and more numerous. Organised societies that had hitherto held aloof from or had acted independently of the League in America, asked for a coalition for the purpose of aiding the people of Ireland in the struggle against coercion and eviction.

The two branches of the League—the legitimate one represented by P. A. Collins of Boston, and the 'Irish World' branch represented by Patrick Ford—agreed upon a convention of all societies favourable to the policy of the Land League of Ireland, and the call for same was issued, which I think has already been read and will be found upon the official minute. The convention met in Chicago.

This convention was in session on the 30th November, and the 1st and 2nd December, 1881. There were about 1,000 delegates present from 33 States and Territories. Convention was called to order by John Finnerty in, for him, a mild speech. W. J. Hynes, of Chicago, was elected chairman, and made a brief and moderate speech. The speeches of T. P. O'Connor, Rev. Father Sheehy, and T. M. Healy were more pronounced than those of the American speakers. But Mr. Healy in part of one speech (which I think was read here at an earlier stage) asserted that no body of men in America could dictate to or control the League leaders in Ireland.

The resolutions adopted by the convention declared,—that English rule was without any moral sanction in Ireland; that England's Government was trying to subjugate the Irish nation by evictions and arrests; that the convention would stand by

the Irish people in resisting the violation of their liberties ; that it endorsed the 'No-Rent Manifesto ;' and that the sum of 250,000 dollars should be raised within twelve months for the movement in Ireland.

These resolutions were proposed by the Rev. Father Conaty of Worcester, Massachusetts, a Conservative Leaguer. An address to the American people was also read by the same gentleman and adopted by the convention. The address recites the reasons for the calling of the convention, and then gives a brief résumé of Irish history, and details the harsh measures resorted to by England to crush all reform movements in Ireland. It justifies the Land League and declares that movement to have been legal and constitutional ; deals with it by showing what led up to the adoption of the No-Rent Manifesto, and tells the American people that this remedy was the only one short of civil war by which the League in Ireland could strike back at the tyranny which effected its suppression. The address concludes by an appeal for support, and with a laudation of the people of Ireland for their fidelity to their principles.

The next or fourth Convention of the American League was held in Washington on the 12th and 13th April, 1882. The Official Report gives full account of the speeches, resolutions, financial statements, names of delegates, States represented, and the names and locations of all the branches of the League in communication with the secretary. On opening the proceedings General Patrick A. Collins, the president, delivered the following address. After prefatory remarks he said :—

'We are here to take counsel of one another, frankly, openly, and soberly, to choose new officers in place of those who have borne their part ; to review the past and correct its mistakes ; to consider our relations with existing bodies ; to make such changes as experience suggests in the structure of our organisation ; to increase its efficiency and extend its scope ; but first and last we are here to preserve and protect the Land League on its chosen lines, and to pledge ourselves anew and for ever to stand by Ireland and her trusted leaders till the great battle is won. Ireland has chosen her leaders. England sees it, and puts them in gaol. More eloquent tribute to the wisdom of the choice could not be given. Ireland has chosen her policy of action ; her voice loudly

proclaimed it till stifled by force. But that voice has found a mighty echo here, where the greater Ireland is ; and to those leaders and that policy our fealty is due till Ireland changes both. And as fast and as far as the people of Ireland go, we go, no faster, no further. Those who brave evictions, persecution, ruin, those who stand in the shadow of the prison or scaffold, are the judges of the means, the time, and the work. We are followers, not leaders ; we are now and for all time the willing, hearty auxiliaries of the Irish people in every step they take, in every effort they put forth, to rid themselves of landlord robbery and English oppression. If I judge the Irish people right, they seek no vengeance, but justice only. In the days of their power and warlike front they never sought to force their rule upon any nation, nor their worship upon any people. They ask now merely to be allowed to live and toil and prosper in their own way, in the land that God gave their fathers. By fraud, force, famine, torture, law, by all means and instruments known to men and devils, England has striven for ages to kill the national spirit and exterminate the race. She stole the land and tried to starve the minds of the people. But mind and spirit and race are Irish still, and the land shall be Irish also.'

Then Mr. John Boyle O'Reilly, of Massachusetts, from the Committee on Resolutions, reported the following for adoption :—

'Whereas the suffering Irish tenant-farmers look to their kindred in America for sympathy with them in their efforts to better their condition, and to explain the motives of their agitation, and protect their good name before the world from the falsehood and aspersion of the English press ; therefore be it resolved—That this Convention of the Irish National Land League of the United States send to the struggling tenant-farmers of Ireland an expression of profound sympathy from the millions of their race in America, who are proud of their faithful and enduring adherence to the principles laid down by their brave leaders now in prison.'

At that time Mr. Parnell was in Kilmainham.

'And an earnest assurance that we will stand by them with continued moral and financial support until they have succeeded in abolishing their antiquated and destructive land system.

'Resolved—That we heartily endorse the desire of the Irish people for a national existence ; and as Ireland, first

by force and again by corruption, was robbed of her national birthright, we pledge ourselves to do all that is consistent with American citizenship to place her once more among the nations.

‘Resolved—That we advise the farmers of Ireland to continue steadily and patiently in their passive resistance which has already proved so effective a weapon. We exhort them to stand unflinchingly by the policy left them by their leaders now in prison, and to keep fresh in memory those words of Charles Stewart Parnell, addressed to them before his imprisonment: “Let no man leave his post. Continue your organisation just as before, and have others ready to take the place of those who may be arrested. By this policy of passive endurance the Irish people will command the respect of the world and prove themselves worthy of freedom.”

‘Resolved—That this convention instruct its officers to confer at their earliest opportunity with the council of seven chosen at the Chicago Convention as to the feasibility of uniting under one head all the Land League branches now organised in the United States.

‘Resolved—That we express the gratitude of the Irish American people to the ladies of Ireland who, like “the women of Limerick,” took the place of their husbands and brothers, and, assuming the risk of arrest and imprisonment, nobly upheld the flag of the Land League.

‘Resolved—That we are proud of the Christian forbearance of the Irish people under their dreadful exasperations; and while exhorting every man in Ireland to continue to use his influence in preventing even the least act of violence, we solemnly charge the British Government with the responsibility of all crimes and outrages of an extraordinary nature, occurring since the imprisonment of the chosen leaders of an indomitable and exasperated race.

‘Resolved—That, while we do not ask the release of any citizen who has violated the just law of the land, we demand of the proper authorities, not as a favour, but as a right, the immediate trial or unconditional release of American citizens, confined without accusation in foreign gaols.’

At that time, a few men who took part in the Land League in Ireland, and who had become American citizens while residing in the United States, were in prison, and this last resolution has reference to such men.

The date of this convention was April 1882, four or five

weeks before the Phoenix Park tragedy; and I will ask your Lordships to contrast the sentiments of General Collins' speech, or the tenor of the resolutions read by Mr. Boyle O'Reilly, with the character of the deed of the 6th of May, and see how foreign such a deed was to the feelings and opinions which were voiced in this assembly of American leaguers, so short a time before the murder of Lord Cavendish and Mr. Burke.

The next event in the history of the American League which has been dwelt upon by the 'Times' as evidence of the allegation of union, was what is known as the 'Astor House Conference.' This meeting was called by me when on a brief visit to the United States in the summer of 1882, and the author of 'Parnellism and Crime' speaks of it as follows (Blue Book, O'Donnell *v.* Walter, pages 131-2):—

'On June 24th, Davitt, Mr. William Redmond, and Mr. William Dillon reached New York. On the 26th they addressed a great meeting. The Fords, John Walsh, and other notorious extremists were present, and Mrs. Parnell received Davitt with effusion. Davitt complained that Mr. Parnell had criticised his land policy unfairly, but he devoted his whole speech to assuring the audience that there was no split of any kind in the party. Mr. Redmond spoke to the same effect. On this occasion Davitt repudiated outrage or assassination as a means of freeing Ireland.'

Now, before dealing with the matters which immediately follow this extract from 'Parnellism and Crime,' I wish to dwell for a few moments upon two expressions in what I have just quoted. Flanagan or Pigott, the author of these libels, describes this meeting in the usual 'Times' fashion as if it were confined to the men whose names Flanagan or Pigott chose to mention in connection with it, and those whom they classed under the term 'extremists.' What are the facts? The meeting in question was presided over by Judge Van Hoesen, of New York. It took place in the Academy of Music, and the audience exceeded three thousand persons. The speech, which has been described in the words, 'Davitt on this occasion repudiated outrage or assassination as a means of helping Ireland,' is reported verbatim in the 'Irish World' of the 1st July 1882, and anything more deliberately suggestive of what is false than this sentence, is not

to be found in that forger's and liar's catechism called 'Parnellism and Crime.'

I must trespass upon the time of the Court with a few extracts from this speech. The following is the account of the meeting which, according to 'Parnellism and Crime,' consisted of Patrick Ford, John Walsh, and a few other extremists. I am quoting now from the very authority that the writer of 'Parnellism and Crime' mentions in his libels about this meeting.

The Attorney-General.—What are you quoting from, Mr. Davitt?

Mr. Davitt.—The 'Irish World' of the 1st July 1882.

'The meeting was called by more than 2,000 representative men of the city, under the direction of Professor John P. Brophy, President of St. Louis College; among the signers of the call being the following:—

'Hon. Geo. M. Van Hoesen, Judge of the Court of Common Pleas.

'Rev. Edward McGlynn, D.D., pastor of St. Stephen's Church.

'Hon. David McAdam, Judge of the Marine Court.

'Col. James Cavanagh, Commander 69 Regiment.

'Prof. John P. Brophy, President St. Louis College.

'William Henry Hurlbert.'

At the time editor of a New York paper, now Coercionist chronicler for Mr. Balfour in Ireland.

'Patrick Ford, "Irish World."

'Hugh J. Hastings, "Commercial Advertiser."

'Hon. F. B. Thurber, President Chamber of Commerce.

'Hon. John McKeon, District Attorney of New York.

'Louis F. Post, "New York Daily Truth."

'Joseph Hart, "New York Daily Truth."

'Hon. Ben. Wood, "New York Daily News."

'Edward J. Rowe, President 98 Club.

'Joseph Atkinson, "Newark Daily Journal."

'Andrew McLean, "Brooklyn Eagle."'

Then follow two columns of names after those I have read, giving such names as signers to the requisition calling this meeting which 'Parnellism and Crime' would have your Lordships believe was confined to a few men holding extreme views.

Of my speech, which has been described as a negative advocacy of outrage and assassination, one of the speakers at this meeting said, referring to me—and I regret that I have to read what is in the way of praise to myself, but in answering these cowardly and unscrupulous allegations I have to regard truth solely; therefore I quote what is said by this speaker of the speech which I had delivered before he addressed the meeting.

The President.—I do not quite follow you, Mr. Davitt. Is your criticism simply upon the use of these words, 'on this occasion'?

Mr. Davitt.—Yes, my Lord; these words are quoted in 'Par-nellism and Crime' representing me as having negatively advocated assassination.

The President.—No.

Mr. Davitt.—On this occasion.

The President.—You say that implies on some other occasion you had not done so.

Mr. Davitt.—Certainly.

The President.—I only say that is the extent of it.

Mr. Davitt.—I wish to quote not only from my speech to which these words apply, but from one of the speakers at the meeting, to show that this was a most libellous imputation on what I said on that occasion and upon what I said on previous occasions too.

The President.—Reading what you said on that occasion will not meet the insinuation which you allege is contained in the words 'on this occasion.'

Mr. Davitt.—What I said upon that occasion I contend was in line with what I said on other occasions.

The President.—That would appear also to be the view of the writer of the 'Times,' that upon other occasions you repudiated outrage and assassination.

Mr. Davitt.—I think what he referred to here is to be read with emphasis 'on this occasion,' but I would trouble your Lordships to allow me to read these three brief extracts from the speech in order that the public may know what I really said, and I contend that what I said there was in line with what I said on other occasions.

The Rev. Father McGlynn said, referring to me :—

'Having spent a fourth of his young life in English prisons, he has not one hard word to say against the English people as distinct from the English Government. He is embittered by no resentment, he cherishes no malice against the land of his oppressor, and declares his intention of labouring in the interests of the English working classes as well as all other working classes.'

After your Lordship's observation I will not read all the extracts I intended, but I will quote the concluding words of my speech :—

'What are the duties of the hour? Loyalty to the Land League; fidelity to Parnell's leadership as long as Parnell remains true to Ireland, and no longer. (Cheers.) Just and kind toleration of diverging opinions within the movement for the social and national regeneration of Ireland. A firm and unflinching front to the opposing powers. Honest, thorough, and unequivocal repudiation of outrage or assassination as a means of helping Ireland. (Applause.) These are your duties and mine, and those of every Irishman throughout the world; with a resolve to so conduct this great Celtic movement on both sides of the Atlantic for the attainment of just and moral ends as to win the sympathy of the American people, command the respect of the civilised world, and vindicate the character of the Irish race.'

On page 132 proceedings of O'Donnell v. Walter, the following words appear :—

'Ten days later he' (that is, meaning myself) 'met the chiefs of the assassination party in conference at the Astor House. On Davitt's motion they resolved to form an Irish Confederation with Mr. Parnell's assistance. The resolution was signed by Mr. Boland, Patrick Ford, and Alexander Sullivan, all notorious advocates and contrivers of murder, and by Dr. Wallace of the indignation meeting of May 1882, on behalf of the Executive Committee of the Irish National Congress, by James Mooney, and others for the American Land League.'

Here the 'Irish World' of July 22nd, 1882, is given by Pigott or Flanagan as authority for this statement, and then the 'Times' writer goes on to assert: 'The body thus created held its first session at Philadelphia on April 25th, 1883.'

Now before going to the very authority quoted for this mis-

statement of facts—the 'Irish World' of the 22nd July 1882—for a complete refutation of what is here alleged against myself and others, may I be permitted again to remind your Lordships that this language of the 'Times' has been circulated all the world over, has been read by millions of people in Great Britain, who would never, probably, doubt the accuracy of the quotations from the 'Irish World,' because they appeared in the 'Times,' or have an opportunity, in case they did, of referring to the 'Irish World' of that particular date, after these words were read by Her Majesty's Attorney-General in a court of law in this city? And the same words, with their context in 'Parnellism and Crime,' have been scattered in special publications by the 'Times' as campaign documents against Mr. Parnell and his party into every city and village in these three countries by the hundred thousand.

What inference would any ordinary British reader of these words draw except that I had actually done what is thus stated on the authority of the 'Irish World' of a particular date, and that Mr. Parnell had subsequently ratified a scheme formulated by me to men who were declared to be the chiefs of the assassination party? And when I prove, as clearly as anything can possibly be demonstrated, that the writer of 'Parnellism and Crime' has deliberately written what he must have known to be false, how can a paper, that will attack political opponents by moral assassination of this kind, be credited in this whole case with anything but the lowest and basest motives that ever disgraced the honourable profession of journalism?

I will read from the 'Irish World' of the date here given—the 22nd of July 1882—what really transpired on that occasion, and who was present. It appears on page 4, column 4.

'Mr. Davitt's confederation scheme. Preliminary conference in America of representative Irish-American citizens. Call to be issued by Executive of Land League through its chairman, Mr. Parnell, to consider the advisability of forming the Irish race throughout the world into a Celtic confederation for the purpose of hastening on the attainment of free land, free labour, and self-government for Ireland. In reference to America I would suggest—

'1. Convention in each State of elected representative. from all societies in such State desirous of co-operating in

the work above mentioned. Representatives to be in proportion to the membership of each society, and to be elected at primary meetings of such societies. No society to be asked to efface its individuality in such confederation.

'2. State Convention to elect State Executive for the administration of State business in connection with temporary federation and for correspondence, &c., with Central Executive.

'3. Also to elect one or more members (as may be determined at preliminary conference and subject to decision of State Convention) to represent such State on the Irish Federal Council of the United States. Each member or members not to be members of State Executive, and to be responsible during period of election to State Convention.'

Then it goes on to give particulars how these conventions should be called (they are not very material), and then it follows on :—

'The Central Executive Irish National Land and Labour League of Great Britain and Ireland to be recognised as the supreme authority, to which is intrusted the right of deciding upon the ways and means by which the Celtic Confederation can best achieve the end for which it is to be formed—the obtainment by moral and justifiable means of free land, free labour, and self-government for Ireland.'

Then there is some provision as to the expenditure of funds, and my name is signed to it.

'The following resolutions, substantially endorsing Mr. Davitt's motion, were then put and carried. They read as follows :—

'Resolved—That for the purpose of carrying out the resolutions of the Irish National Convention, held at Chicago, and of the General Convention of the Irish National Land League of America, held at Washington, D. C., this Conference earnestly recommend that the Executive of the Irish National Land League (of Ireland) be requested to delegate Mr. Parnell, and others of their number, to meet with this body as soon as may be for the purpose of devising means and perfecting arrangements for the union or confederation of the Celtic race in America to effectively aid the people of Ireland in their struggle for the freedom of the land and self-government.'

'Resolved—That, as Ireland is now passing through a

crisis which strains to the utmost the moral and financial resources of the people under the merciless reign of coercion and eviction, we earnestly appeal to the whole race in America to steadily continue their efforts in their several organisations, and to forward ample contributions to enable the Irish people to fight to the end their great battle. M. Boland, Patrick Ford, Patrick A. Collins, W. B. Wallace, M.D., D. C. Birdsall, Alex. Sullivan, A. F. Brown, Executive Committee of the Irish National Congress ; James Mooney, Rev. Lawrence Walsh, John J. Hynes, Central Council of Land League of America ; Michael Davitt.

It will be observed that eleven names are here appended to the report of this conference in the 'Irish World,' and that no less than five names are omitted by the writer in 'Parnellism and Crime' when he is dealing with these names. Your Lordship will observe that Patrick A. Collins, the president of the Land League of America, the man against whom not even Beach has dared to insinuate that he ever countenanced violent or extremest action of any kind ; D. C. Birdsall, whose name also has never been identified with any physical-force policy, and who was, in fact, purely an American politician ; A. Brown, against whom no charge has been made here or elsewhere ; Rev. Lawrence Walsh, the treasurer of the Land League of America, a noted citizen of Waterbury, Connecticut, who with Messrs. Collins and O'Reilly was a recognised leader of the Conservative elements in the American League ; and John J. Hynes, secretary of the Land League of America, who has not been even charged with having been a member of the Clan-na-Gael—were all present at this conference. You will doubtless remember there was another Hynes, of Chicago, who, according to Beach, was a member ; but this John J. Hynes, the secretary, was not a member of the Clan-na-Gael.

Apart altogether from the allegation made against me in charging me with submitting a certain scheme to men who are styled 'the chiefs of the assassination party,' are the names which I have just read out, the names omitted by Pigott or Flanagan in the 'Times' article—are these the kind of men who would have anything to do with a party of assassination ? I feel certain your Lordships will at once appreciate the motive which induced the author of these libels to mention only six out of eleven names for

the purpose of calumniating me all the more easily by deliberately suppressing other names against which no charge whatever has been made, or ever could be made, anywhere in England or in America. But I deny the charge made against the men who are not as conservative in their views as Father Walsh, General Collins, Boyle O'Reilly, Mr. Brown, and Mr. Hynes. Upon what evidence do they base their charges that Boland, Sullivan, and Patrick Ford were notorious advocates of violence to murder? It is true Patrick Ford has written articles in the 'Irish World,' that cannot be too strongly reprobated, as to the use of dynamite; but I know that Patrick Ford has never advocated the cowardly policy of murder.

There is another name referred to here, and referred to in a manner which is insinuating that he was an apologist for assassination. That is Dr. Wallace. He is referred to by the Attorney-General in *O'Donnell v. Walter*, as 'of the indignation meeting of 1882.' In the opening statement of the Attorney-General, this meeting is spoken of by him at pages 234 and 235 of the evidence.

The learned Attorney gives the 'Irish World' as his authority, and this is what he said:—

'Dr. Wallace said in the course of his speech, supporting Major Horgan's sentiments, that he agreed with Major Horgan's sentiments, but he repudiated the suggestions that the resolutions condoned with the British Government.'

I will go to the 'Irish World' report, which presumably the Attorney-General saw and read before he represented Dr. Wallace as speaking only in this sense about the Phoenix Park murders. And Dr. Wallace's observations on that occasion are found in the 'Irish World' of the 27th of May 1882, page 3, column 2:—

'Dr. Wallace in the meantime came forward and made some very earnest remarks, saying that Ireland's battle must go on till the rights of manhood and Ireland's independence were accomplished facts. "Who," he asked, "that is in favour of dynamite or the dagger would be willing to suffer more for Ireland than Davitt?" They have organised the Irish people and championed her rights, and now a trick has snatched away the victory within their grasp. Irishmen, stand by Parnell and his men, and strengthen their hands.

No landlord could have devised a better scheme to strangle Ireland than the deed perpetrated in Phoenix Park. Parnell, Davitt, and Dillon go on, and the Irish in America will sustain you. Begin your work over again and we are with you until England admits that coercion was a crime.'

Well, the man who uttered those sentiments is personally known to me. He is a medical gentleman in New York, and I know that there is nothing more foreign to that man's mind than the idea of assassination. On this occasion, at this very meeting, the Mayor of New York presided—Mayor Grace. It was an indignation meeting to denounce the assassination of Lord Frederick Cavendish and Mr. Burke, and I think it well, with your Lordships' permission, in justice to the man who presided and to the thousands who went to that meeting, to read briefly here what the Chairman said on the occasion, and to read also resolutions which were submitted to the meeting. The Chairman said :—

'We had hardly recovered from our first surprise when there came to us the dreadful news of the assassination. The Chief Secretary had scarcely landed upon Irish soil, when he and his companion were stricken down, and in striking them a staggering blow was aimed at the very cause for which Parnell and the Land League had struggled and suffered. But, thank God, not a true Irishman lives who has not repudiated this thoroughly un-Irish deed. Until to-day, we believed that England must see that her representatives died at the hands of Ireland's enemies and not of Ireland's friends. But the new Bill just presented resorts to unwarranted means which I predict will be a failure.'

Then he makes some reference to the policy of the Land League, which is not pertinent to this subject.

'The resolutions were then read by Dr. Maguire, which, after condemning the assassination, resolved—That the Irish people should not be held responsible for the acts of unknown criminals with whom they have no community of interest or sympathy, and the imposition upon Ireland of the law last night offered by the Government would be a greater wrong than any to which Ireland has yet been subjected. Resolved—That the employment of brute force, whether by the dagger of the assassin or by organised military power, and by whomsoever used against the unarmed and defenceless, as instance

respectively the murder of the Secretaries and the slaughter of innocent women and children at Ballina and elsewhere, is a crime against humanity and the civilisation of the age, and that its employment is only calculated to aggravate the situation and to embitter the feeling between the contending parties.'

After the resolutions were read, the Hon. Richard O'Gorman, who was present as one of the speakers, spoke as follows : I will only quote a part of his speech :—

'The taking off of Lord Frederick Cavendish and Mr. Burke was murder pure and simple ; and there surely can be no need that Irishmen in New York, law-abiding citizens, civilised and Christian men, should pronounce the deed a black and bloody crime, and indignantly repudiate the idea that the Irish people, or any party or section of that people, should be held directly or indirectly responsible for it.'

Your Lordships probably do not know the social position which Mayor Grace and Judge O'Gorman hold in New York City. But if you were as familiar with the Irish in New York as I am, it would not be necessary for me to say one word here regarding these two gentlemen. They never would have gone to any such meeting if they had the slightest idea that men like Major Horgan and a few of his followers would come and urge their insensate nonsense about a policy of revenge.

The next and last name of the eleven members of the Astor House Conference was that of James Mooney, who was the second President of the Land League of America. Not one word has been proved here against Mr. Mooney that could even create the suspicion of his connection directly or indirectly with outrage or crime.

I have thus shown, I hope conclusively, that the 'Times' has again, in this instance, when dealing with an act of mine in America, both suppressed the truth and suggested what was false in asserting that I had met in conference the alleged leaders of an assassination party, when in reality, and according to this very authority which appeared to be quoted from, I met and conferred with ten persons, seven of whom nothing criminal can fairly be charged against, while two of the remainder are but alleged to be what no evidence has been adduced to convict them

of. And then, as a fitting climax to this reckless and wholesale imputation, the writer winds up with a statement that is absolutely false, where he says at page 132 of *O'Donnell v. Walter*, fifteen lines from the top :—

‘The body thus created held its first session at Philadelphia on April 25th, 1883.’

There was no body of any kind created as a result of this Astor House Conference. Certain suggestions, plans of mine, were submitted and approved of there ; but as I have said in my evidence, and as I wrote almost immediately after coming back from America to the New York press, Mr. Parnell, to whom I submitted my plans of the Celtic Confederation, refused absolutely to have anything to do with it whatever. Therefore no body of any kind was created, and no action followed this Astor House Conference referred to in this manner in ‘Parnellism and Crime.’

The next and the last event in the history of the American League with which my name and acts have been written of in ‘Parnellism and Crime,’ and quoted by the Attorney-General in *O'Donnell v. Walter*, at pages 134, 135, and 136, calls for some few observations from me. This is the Convention of the National League held in Chicago in August 1886. I have to pass, in the order of time, two conventions to come to that of 1886 ; but as I took no part in either of these—that of Philadelphia held in 1883, or the Boston Convention of 1884—and not having been accused of participation in either, I pass these events by for the present, in order to deal consecutively with the more personal charges which I have to meet. I will, however, return to the Conventions of Philadelphia and Boston for the purpose of making some general remarks upon the evidence that has been offered for and against the allegations made as to the real character and acts of these gatherings. For the present, however, I confine myself to the charges that are made and implied against myself and others, by what is falsely and maliciously put forward in the words of the Attorney-General, in the case of *O'Donnell v. Walter*, at pages 134 and 135 of the blue-book.

Before, however, I quote these words, the sentence which immediately precedes the language upon which I am going to comment later on, demands some notice. It is this :—

‘A year ago last October, Miss Ellen Ford, the gentle dispenser of Pat Egan’s Martyrs’ Fund for the encouragement of political murder, had issued circulars requesting contributions to a testimonial for Mrs. Parnell.’

There has not been the remotest attempt made in this Court to substantiate this atrocious charge against Mr. Egan. He never established any such fund. There has been no proof submitted here that any fund with that object was organised anywhere. The fund referred to in ‘Parnellism and Crime’ was that started by Patrick Ford for the relief of the families of those executed or imprisoned for complicity in the Park murders; and while it might be permissible to argue that the collection of money for such a purpose might possibly wear the appearance of rewarding the families of men guilty of political assassination; it is as unfair to so stigmatise the action of those who raised this Martyrs’ Fund as it would be to charge the contributors to the Discharged Prisoners’ Relief Fund here in London with subscribing for the support of burglary and the other crimes represented by the ex-convicts who have been relieved by that society.

But what are the actual facts touching this specific charge against Mr. Patrick Egan?

The President.—It occurs to me in passing, Mr. Davitt, that those who contribute to that fund do not call persons to whom assistance is given martyrs.

Mr. Davitt.—That is doubtless true, my Lord, and I am sure that those who contributed to this fund that Patrick Ford established never subscribed money for the purpose of encouraging assassination. After all, as I said in my evidence, these men who committed that terrible deed paid the penalty of the law, and their families are surely not to be condemned for what the guilty members of these families did. I am not defending the action of Patrick Ford in this matter, but I know the Irish race in America so well that I repudiate on their behalf the idea that they would under any circumstances subscribe money for the purpose of rewarding or encouraging assassination.

Well, in the ‘Irish World’ of the 14th of May 1884, the writer of ‘Parnellism and Crime’ finds it recorded that one P. B. Egan has attended what is called a Brady anniversary. The ‘P’ is written down ‘Patrick’ and the ‘B’ is dropped

altogether. And in this manner the readers of the 'Times' are told that Mr. Patrick Egan, ex-treasurer of the Land League, was not only present at the Brady anniversary, but had organised 'a fund for the encouragement of political murder.' All I wish to say on this infamous system of deliberate moral assassination is, that it is in every way worthy of the 'Times.'

I must say, in justice to the Attorney-General, that when it was represented to him by Sir Charles Russell, at page 244 of the evidence, that the 'P. B.' Egan of the meeting alluded to was not Mr. Patrick Egan, who is at present, as your Lordships are aware, United States Minister at Chili, the learned Attorney-General at once withdrew the allegation, and expressed regret for what he termed the mistake that had been committed.

Mistake I am sure it was, so far as the Attorney-General was concerned; but with respect to the author of 'Parnellism and Crime' it was not a mistake. It was done deliberately. The 'P. B.' Egan was made 'Patrick' Egan by that writer in order to stigmatise by a foul accusation the treasurer of the Land League. I have done justice to the Attorney-General by saying that when the matter was pointed out to him he apologised. But, my Lords, this thing has gone throughout the civilised world. Mr. Patrick Egan has been charged with subsidising assassination, and yet there has been no apology made in this Court for the awful wrong thus done him.

I come now to the references made to the Chicago Convention, and my own and others of the defendant's acts, and words thereat. Here is how the Attorney-General began his accusations in *O'Donnell v. Walter*, page 134 :—

'The chief organisers of the inhuman feast we have described, unsurpassed for cold-blooded ferocity in the annals of Christendom, re-assembled at Chicago last August, to mould the policy of Mr. Parnell's constitutional movement.'

Now I might refer to the annals of Christendom and narrow them down to the annals of English rule in Ireland, and I might, without going very far back in those annals, read to this Court of atrocities and murders, the like of which probably could never be found in the history of any other Christian nation.¹ But I

See Appendix A.

shall not inflict what I intended quoting upon this Court. I will simply show you how calumnious this statement was, and how little foundation there was for the writer of these words to make this sweeping charge against those who did go to Chicago and who upheld Mr. Parnell's policy there. The paging of the first volume of the evidence is a little awry.

The President.—Yes, it is.

The Attorney-General.—I think it is page 249 you want.

The President.—I do not know how you have got it, Mr. Davitt, but I have mine corrected. What is page 50, as printed, becomes page 134.

The Attorney-General.—It is much later than that, my Lord ; I expect page 249 is the page Mr. Davitt wants. The double page only goes to a certain point, as your Lordship knows, and then the paging is right.

The President.—Yes, it goes up to page 141.

Mr. Davitt.—The statement is, that Rowe, of the New York Emergency Club, was among the delegates ; and at page 251 of the evidence, the Attorney-General has asserted, but upon what authority he did not say, that this Rowe had, 'as a matter of fact,' framed the very resolutions that were adopted at the Convention. Now, as a matter of fact, it was I who suggested the resolutions to a committee appointed by the Convention for that purpose, the names of which committee are given at page 11 of the official report, which has been put in as evidence for the defence. I was present when the resolutions were framed. As a matter of fact, No. 2, the name of Rowe does not appear on the Committee. As a matter of fact, No. 3, the name of Rowe is not found in the list of delegates to the convention, and I challenge Sir Henry James to find it among the 1,027 names given in the said list from page 15 to 22 of the official report. And, as a matter of fact, No. 4, the Attorney-General's 'matter of fact' about Rowe was no matter of fact at all, but matter of 'Times' fabrication.

Now, I must reply to the remaining jumble of misrepresentation about myself and others at this convention, by reading such extracts from the official report of the proceedings as have been referred to or put in as evidence during Mr. Parnell's and Mr. O'Brien's and my own examination here. I must first observe

that the Attorney-General quoted from a speech by ex-Congressman Finnerty, which he said was delivered at the convention (page 251) ; but it so happened that the speech thus referred to was not delivered at the convention at all. The speech was delivered some days before the convention, at a public demonstration in Ogden Grove, Chicago, at which I was the principal speaker. This demonstration had nothing whatever to do with the convention ; it was one of a series of annual demonstrations organised by the Irish societies of Chicago, and held in the month of August. Neither Mr. O'Brien, Mr. Redmond, nor Mr. Deasy was present at this Ogden Grove demonstration, at which Finnerty used the words quoted by the Attorney-General as having been spoken at the convention. The Attorney-General was also wrong when implying (page 252) that my observations, which are not given correctly, were made at the convention. The words quoted were spoken at the Ogden Grove demonstration, and, as a wrong inference has been placed upon them, I will trouble your Lordships to listen to what I really did say on the occasion : although, on second considerations, as they have been read by Sir Charles Russell, I think I will spare your Lordships the infliction of them again. I do not think their accuracy will be called into account by the other side, as they are found on the minutes of evidence. Then, I think during my evidence, Sir Charles Russell read a leading article from the 'Chicago Tribune,' commenting upon my opposition to the sentiment of violence and dynamite that was spoken by Mr. Finnerty on the occasion. I will read some observations made by the chairman of this convention, Mr. Fitzgerald of Cincinnati :—

'It has been mooted about in some dark corners that a resolution or resolutions would be presented and perhaps adopted here to-day, dictating a policy to those directly interested in the objects of this convention. There may be a madhouse not far from here. There may be an escaped lunatic from that madhouse. But, lunatic or not—no matter who he may be—I predict from looking over the honest countenances that I see before me, from looking over the men who year after year have been trying to win for Erin liberty, that if such a being should dare show his brazen head in this convention, and should for one moment direct Charles Stewart Parnell, and the Irish Parliamentary party

representing the Irish people, should direct or dictate to them a policy, I anticipate that your serjeant-at-arms could not prevent this multitude of good and true men from rising in their might, and as quick as lightning ejecting the crazy fellow that rose to do so.'

Then there are other observations of the chairman in line with this. He says :—

'In proportion as you say, unqualifiedly here, that no matter what we may think of one policy or another, we have no policy here to discuss or to act upon except the policy presented by Davitt and by the representatives of the Parliamentary party, who are the mouthpiece of Charles Stewart Parnell.'

Then the Committee on Resolutions reported the following, which formed the platform of the convention, and was, in fact, the work for which the convention assembled :—

'The Committee reported the following resolutions, and they were adopted with but one dissentient, Mr. John Finnerty, out of a total number of 1,027 delegates.

'Resolved—We, the delegates of the Irish National League of America, in convention assembled, firmly believing in the principles of human freedom and the right of a people to frame their own laws, a right which lies at the foundation of the prosperity and greatness of this Republic, and which has been advantageously extended to the colonial possessions of Great Britain, do hereby resolve :—

'1. That we express our heartiest and most unqualified approval of national self-government for Ireland.

'2. That we heartily approve of the course pursued by Charles Stewart Parnell and his parliamentary associates in the English House of Commons, and we renew the expression of our entire confidence in their wisdom and in their ability to achieve Home Rule in Ireland.

'3 That we extend our heartfelt thanks to Mr. Gladstone for his great efforts on behalf of Irish self-government, and we express our gratitude to the English, Scotch, and Welsh democracy for their support given to the great Liberal leader and his Irish policy during the recent general elections.

'4. That this convention hereby returns its thanks to the American people and press for the generous support which they have given to the cause of self-government in Ireland.

'5. That we record our sense of the remarkable forbearance and self-restraint exercised by our people in Ireland in the face of the cruel and dishonest system of extortion to which they are being subjected by rack-renting landlords, and in view of the license scandalously extended to organised lawlessness in the north of Ireland by partisan officials, and we commend the laudable desire of the people of Ireland to manage their own affairs in their own way.

'6. That we hereby thank the president, treasurer, and secretary of the Irish National League for the faithful and efficient manner in which they have discharged the arduous duties of their respective stations.

'7. That the following cablegram be forwarded, in the name of the chairman of the convention, to the Hon. Charles Stewart Parnell :—

'Delegates of the Irish National League Convention of America send greeting from our body, which embraces representatives from every State and Territory in the Union and also from Canada, and assure you of a cordial endorsement of your policy by a united and harmonious convention.'

Then there follow speeches by Colonel Atkinson, of Detroit, John E. Redmond, and others that have already been quoted from. I will only quote one sentence from Colonel Atkinson's speech :—

'I know that in many Irish hearts there may have been some disappointment at the recent results of the English elections, but I know that every thoughtful man will respond gratefully to the work done by Mr. Gladstone in uniting the democracies of England, Scotland, and Wales in favour of the great principles of Home Rule.'

Financial and other reports were then read, and other routine matters were attended to. The election for president, in the room of Mr. Egan, who resigned, resulted in the adoption of John Fitzgerald, of Nebraska, who is president still of the American League. More speeches were made by Messrs. O'Brien, Deasy, and myself, the task falling to me of practically winding up the proceedings with a vote of thanks to all concerned in promoting the harmony of the convention. It was at this stage that Mr. John Finnerty appeared and made the speech which is referred to in 'Parnellism and Crime,' and which has been quoted

by the Attorney-General. I took exception to that speech of Mr. Finnerty's, and what I said, in so doing, has been read by Sir Charles Russell.

Such is what the official records of this convention say as to its acts and character, in reply to the accusation of the 'Times.' There are also the comments of contemporary opinion in the quotations that were read by Sir Charles Russell during my examination, chiefly from the 'Chicago Tribune;' and when to these testimonies the sworn evidence of Mr. O'Brien and myself is added, I think I can safely leave to your Lordships the task of estimating upon which side truth lies respecting the particular charges made against myself and Messrs O'Brien, Redmond, and Deasy in connection with this the last Convention of the League held in America.

The particular charge in 'Parnellism and Crime,' touching this convention, is—it was repeated by the Attorney-General in *O'Donnell v. Walter*—that Frank Byrne, Dr. Hamilton Williams, Sheridan, and Rowe, who took part in a Brady anniversary in New York some twelve months previously, had gone to Chicago in August 1886, and had laid down the policy for Mr. Parnell's constitutional movement. To refute that charge I have gone into these particulars about this convention.

There is not a single one of these men mentioned by the Attorney-General, with the exception of Patrick Ford and his nephew, who were even present at this convention. Byrne was not there. Hamilton Williams was not there. Sheridan was not there; and yet these men are credited in 'Parnellism and Crime' with having gone to Chicago, with having, in fact, controlled a convention and laid down a policy which it is asserted Mr. Parnell accepted afterwards.

The President.—And if I follow you that would appear to have arisen from confounding the Ogden Grove assembly with the convention.

Mr. Michael Davitt.—It was at Ogden Grove these observations of mine were made, and that, of course, had nothing whatever to do with the convention. But neither of the persons just mentioned attended the Ogden Grove meeting. On that occasion I also took exception to language of a revengeful and violent character used by John Finnerty in his opening address,

and by somebody else who moved a series of resolutions ; and I think in Beach's evidence it was said that the resolutions that were read at Ogden Grove were meant by the Clan-na-Gael to be forced upon the Convention of the League, which was to follow.

Mr. Ronan.—No.

Mr. Michael Davitt.—I see Mr. Ronan is shaking his head. I may be wrong, but that is the impression I gathered from Beach's testimony, and the facts show that the only man who dissented from the platform of the convention was Mr. John Finnerty. He was the only one out of 1,027 delegates who dissented from our resolutions, and Beach, I think, did say in his evidence that Finnerty was the chief figure in the secret Clan-na-Gael caucus that assembled on the eve of the convention with a view of bossing the League proceedings.

At each and all of these conventions, some men were present who are well known to hold opinions of an extreme character. The Attorney-General has made the most of these names. He has trotted them out across the stage of these proceedings over and over again, until people ignorant of Irish America would be inclined to think that Messrs. Alexander Sullivan, Finnerty, Hynes, Boland, Devoy, Mooney, Dr. Betts, and Patrick Ford comprised the entire audience at these conventions, and constituted the Irish population of America. But leaving aside for a moment the position of Mr. Patrick Ford, with whose part in the American Land League I have already dealt ; what evidence has been laid before your Lordships to connect either Sullivan, Hynes, Finnerty, Devoy, Boland, or Dr. Betts with the commission of one single outrage in Ireland, or the attempted perpetration of violence by dynamite here in Great Britain ? There is no doubt that some of these men have used violent and inflammatory utterances, and have advocated a policy which, if put in force over here, would be one of grave crime ; but there has been no evidence, as far as I can judge, introduced before your Lordships to prove that these men actually did plan or did carry out any policy of violence, or crime here or in Ireland.

These men attended Land League conventions and were, according to Beach's statements and circulars, which stand uncorroborated by any other evidence, members of the society known as the Clan-na-Gael or U.B. Now, assuming this society

is the revolutionary body it is represented to be, and that members, leaders of that body, went to Land League Conventions and even held office in the Land League organisation ; what does that prove against the *bona fides* of the organisation of the League ? The Speaker of the House of Commons may be, for anything I know to the contrary, a Freemason. There are, doubtless, a hundred members of that assembly belonging to the masonic body, and they have an undoubted right to be masons as well as M.P.'s, if their constituents are satisfied. But would it not be ridiculous to argue, from these premisses, that the House of Commons is, in reality, a masonic institution, and that it is controlled in its acts by masonic officers, in the interest of Freemasonry ? The Clan-na-Gael is a revolutionary Freemasonry, and not one half as revolutionary in character, or in the effect and secrecy of its action, as the continental organisation with which Freemasonry in England is identified. The Clan-na-Gael has a perfect right to exist as an organisation in the United States, so long as the Government of the Republic tolerates its existence ; and being, therefore, a legal body in the eyes of American law, by what right could Mr. Parnell, or Messrs. Sexton, O'Brien, Deasy, and Redmond, or anyone else who is not an American citizen, object to members of the Clan-na-Gael attending League Conventions and becoming officers of the League organisation, when they so attend and are so elected, not as members of the Clan-na-Gael, but as avowed supporters of the Land League ? The presence of Sullivan, Finnerty, Boland, and others at the League Conventions proves no more of the 'Times' allegations against the Land League than the parliamentary membership of Messrs. Cuninghame Graham, Conybeare, Bradlaugh, and Dr. Tanner, disproves the sound Conservatism of Sir Richard Webster, Mr. W. H. Smith, Mr. William Johnston, of Ballykilbeg, and Mr. James Lowther. Be it an elective parliament, congress, or convention, it must inevitably contain so-called discordant elements. In our day it is impossible to avoid the admission of such elements without interfering with democratic institutions. Revolutionary Socialists sit by as good a right as Prince Bismarck in the German Reichstag. And, similarly, a thousand delegates in Philadelphia, or Chicago, or Boston, may contain men who favour the use of the most extreme violence, who, however, in

their capacity of accredited delegates of local organisations, have exactly as good a right as any other delegates to seats in such conventions. So long as American law does not interfere, nothing else has the power to interfere with the liberty of American citizens. The conventions are not to be judged by the presence of a minority, holding views of extreme violence, but by the convention's own corporate action, as expressed by the vote of an overwhelming majority. If any other rule were adopted, the Congress of the United States, as well as many Sovereign State Legislatures in the Union, would be exposed to the same allegations as those levelled against the American League, seeing that some of those named by the Attorney-General—among others, Messrs. Finnerty and Hynes—were members of Federal and State Legislatures.

Instead of parading the names of alleged dynamiters as proof of complicity on our part with dynamite plots; why did the Attorney-General not attempt to prove that the conventions at which these men were present passed dynamite resolutions and adopted the Clan-na-Gael platform? He attacked the circumference, not the centre, of the American League, and he has failed to make good one single charge of the many alleged and implied against that body. Indeed, the Attorney-General's charges bear about the same relation to the proofs of them, as Falstaff's 'intolerable quantity of sack' bore to the accompanying 'lia'porth of bread.'

Beach and the Attorney-General have conducted their attack at long-distance range. Not a single act of the executive of the Land League of America, not a single act of one of the 2,000 branches of that League, not a single document issued by any such executive or any such branch; not a single resolution emanating from any executive or any branch, has been adduced to give the faintest shadow of corroboration to the charges made against the American Land League by the writer of 'Parnellism and Crime' and repeated by the Attorney-General in *O'Donnell v. Walter*.

Now I would willingly spare the time of the Court in the matter of comment upon the Convention of Philadelphia held in 1883, and that of Boston in 1884, only if I passed them by and ignored the charges made in reference to them, Sir Henry James

might possibly infer from my so doing that I had some other motive in ignoring their proceedings, and what Beach has said about them. I must, therefore, in contending against the main charge levelled against myself and others—myself particularly and mainly—that our Land League in America was one and the same organisation with the Clan-na-Gael, and that there was a union established between the so-called party of violence in America and Mr. Parnell's party in Ireland ;—I must, in order to meet this allegation, deal with every convention of the seven that were held, and disprove by the negative evidence of the 'Times' and the positive testimony of facts adduced by us, the falsity of this charge.

The fifth Land and first National League Convention of America was held in Philadelphia on April 25, 26, 27, 1883. The Attorney-General (Official Report, pp. 238, 239, 240, and 241), speaks as if this was but one convention, whereas there were actually two conventions.

On Wednesday, April 25, the Land League Convention began its session with an address from Mr. President Mooney. The Attorney-General, at page 240, quotes from Mr. Mooney's address. I think it was also quoted from by the defence, and the two quotations will be found upon the evidence, and I will therefore not repeat them again.

Four hundred and sixty-eight delegates were present at this Land League Convention, and the only known extremists whose names are recorded in the official list of accredited delegates are seven. When I say the only known ones, I mean the only men who have made speeches or written articles advocating violence. I have no doubt that among the body of the delegates there were a number of men who may have held extremist views ; but these views are not to be gathered from their names, or anything connected with what they did or said at the convention.

The secretary reported the existence of 854 branches of the Land League in thirty-five States and Territories.

A financial statement of moneys collected and forwarded to Ireland was then read and adopted, together with a general report of the League work done by the executive since the Washington Convention. A motion to merge the Land League into a National League was also adopted, after which speeches

were made by Thomas Brennan and Patrick Egan. These speeches have been quoted from by the Attorney-General at pp. 240, 241. Mr. Egan's speech was a comparatively moderate one. He referred to the audit of his Land League accounts in Paris.

The names of O'Donovan Rossa, Sheridan, Byrne, or Boyton, mentioned by the Attorney-General as being at the 'Philadelphia Convention,' do not occur in the official list of accredited delegates. If they were present at all, it was in the capacity of spectators. Anyone who is acquainted with the holding of conventions in America, knows that the general public is admitted to the galleries and sometimes to the floor and platform. The following resolutions were passed by this Land League Convention before its adjournment :—

'Resolved :—That we heartily endorse the principles and objects adopted and declared by the National Conference held in the Ancient Concert Rooms in Dublin, on the 17th day of October 1882, and pledge an earnest support to the Irish National League there established.

'Resolved :—That in response to the call for an Irish American National Convention, to be held in this hall tomorrow, and in view of the prospects that the deliberations of that Convention will result in the union of all patriotic Irish bodies on the Continent which favour the present Irish policy in a new organisation supporting the National League of Ireland, the delegates to this convention attend in a body the sessions of said Irish-American National Convention and assist in perfecting the union.'

Then the National Convention met in the same city on April 26. There were 1,109 delegates present. This number included the 468 delegates who had constituted the previous day's Land League Convention. Several temperance and benevolent societies also sent representatives, as did various other clubs of a non-political character. Their names will be found in the official report. A very large number of Catholic clergymen were present, with numerous doctors, lawyers, and members of other professions.

Of the extremists mentioned by the Attorney-General at page 238 of the evidence as being present at this convention, the names of but seven appear in the official list of accredited delegates, and neither Sheridan's, Byrne's, Boyton's, nor Walsh's

is amongst them. Consequently they must have been there as spectators and not as delegates. One or two extremists may have been elected into prominent positions at this and other conventions. When I say one or two of these, I refer not to these men I have just mentioned, but to men like Alexander Sullivan, Boland and others, who undoubtedly held office in the Land League in America. In no single instance, however, at any of the seven Land and National League Conventions held in America, has any man been elected to any position, except as a supporter of the policy identified with Mr. Parnell's name in Ireland. The mass of the delegates at all these gatherings were Conservative Nationalists, favouring the policy of Mr. Parnell as against a more revolutionary one ; and whenever a conflict of opinion arose between the advocates of extreme as against moderate views, as, for instance, at this Philadelphia Convention, when Rossa would not be allowed to speak, and at Chicago at the last convention, when John Finnerty attacked myself and was put down by the convention, the advocates of violence were silenced by the numbers of the supporters of moderation.

This Philadelphia Convention was occupied during April 26 by speeches, examination of delegates' credentials, and the reading of reports. The Attorney-General quotes on page 241 of the evidence from a speech by Alexander Sullivan, of Chicago. Then the following despatch was read also by the Attorney-General at page 339. It was from Mr. Parnell, and was read by the Rev. M. J. Dorney, of Chicago :—

‘London : April 26, 1883.

‘My presence at the opening of the most representative convention of Irish-American opinion ever assembled being impossible, owing to the necessity of my remaining here to oppose the Criminal Code Bill, which re-enacts permanently the worst provisions of coercion, and which, if passed, will leave constitutional movements at the mercy of the Government, I would ask you to lay my views before the convention. I would respectfully advise that your platform be so framed as to enable us to continue to accept help from America, and at the same time avoid offering a pretext to the British Government for entirely suppressing the national movement in Ireland. In this way only can unity of movement be preserved, both in Ireland and America. I have perfect confidence that by prudence, moderation, and firmness, the

cause of Ireland will continue to advance, and, though persecution rests heavily upon us at present, before many years have passed we shall have achieved those great objects for which through many centuries our race has struggled.

‘CHARLES STEWART PARNELL.’

‘To James Mooney, President of the Irish-American Convention.

The reading of the cablegram was followed by loud and protracted cheering.

The second day’s session of this convention opened with the reading of letters from some prominent American statesmen, who sent greetings, and also letters from branches that could not conveniently send personal representatives. Among the resolutions adopted as a platform were the following :

‘The English Government in Ireland does not allow that portion of the Empire an equitable and efficient voice in the Legislature. In England one-twelfth of the population votes for members of Parliament. In Ireland one-twenty-fifth of the population votes for members of Parliament.’

Since then, of course, the franchise has been assimilated in the three countries.

‘In England the registration laws are favourable to the voter ; in Ireland they are inimical to the voter. In England all classes of the population are fairly represented ; in Ireland the poor-law is employed to secure the landlords and place-hunters a preponderance in the national delegation. In England the judiciary is independent of the executive, and sympathises with the people. In Ireland the judiciary is the creature and part of the executive, and is appointed exclusively from the enemies of the people. In England the magistracy is chosen without regard to creed ; in Ireland ninety-seven per cent. of the magistrates having jurisdiction over personal liberty are selected from a creed rejected by seventy-eight per cent. of the people, and the detestable spirit of religious bigotry is thus legalised and perpetuated. In England the laws creating civil disabilities on account of religion have long been dead. In Ireland, laws made under Edward the Third, Queen Elizabeth, the Earl of Strafford, Charles the Second, Queen Anne, and their successors are still vital to torment a people. Every measure of legislation proposed by an English member, receives courteous consideration. Any measure, however just, necessary, or humane, pro-

posed by patriotic Irish members, is certain of contemptuous rejection by a combined majority of both the great English parties. Thus the educational system of Ireland is notoriously inadequate. Thus it is that evictions, unknown in England, and declared by Mr. Gladstone to be almost equivalent to death sentences, are of a daily occurrence in Ireland, and have nearly doubled in five years, in spite of the boasted benefits of the Gladstone land laws. Thus it is that, although, according to Government returns, the criminals are 27 in 10,000 of the English population, and only 16 in 10,000 of the Irish population, in spite of the exasperation to which they are subjected; yet England enjoys constitutional liberty, and Ireland is under worse than martial law. The intrepid and persistent attempts of a patriotic Irish deputation to obtain in the English Parliament just and humane laws for Ireland, has always been, is, and, in our belief, must continue to be a failure.

‘Now, therefore, in view of these facts,

‘Be it resolved, by the Irish-American people in convention assembled, that the English Government in Ireland, originating in usurpation, perpetuated by force, having failed to discharge any of the duties of government, never having acquired the consent of the governed, has no moral right whatever to exist in Ireland; and that it is the duty of the Irish race throughout the world to sustain the Irish people in the employment of all legitimate means to substitute for it national self-government.

Resolved—‘That we pledge our unqualified and constant support, moral and material, to our countrymen in Ireland in their efforts to recover national self-government; and in order the more effectually to promote this object by the consolidation of all our resources, and the creation of one responsible and authoritative body to speak for greater Ireland in America, that all the societies represented in this convention, and all that may hereafter comply with the conditions of admission, be organised into the Irish National League of America for the purpose of supporting the Irish National League of Ireland, of which Charles Stewart Parnell is the president.

Resolved—‘That we heartily endorse the noble sentiment of Bishop Butler, of Limerick, that every stroke of Forster’s savage lash for Irishmen is a new proof of Parnell’s worth, and an additional title for him to the confidence and gratitude of his countrymen.

Resolved—‘That we sympathise with the labourers of

Ireland in their efforts to improve their condition, and as we have sustained the farmers in their assault upon the landlord garrison, we now urge upon the farmers just and humane consideration for the labourers. In other words—for the employment of which an Irish member of Parliament was imprisoned—we demand that the farmers allow the labourers a fair day's wages for "a fair day's work."

It was on a discussion as to the adoption of these resolutions that the convention refused a hearing to Mr. John Finnerty of Chicago, who desired to move an amendment in favour of a policy of physical force.

Then the articles and constitution of the National League of America were presented and adopted by the convention, and as they have been already read they will be found in the evidence.

At page 14 of the official report of this Philadelphia Convention, the following disbursements of money are particularised. I will give this to Sir Henry James. I think it is in the volume I have already lent him :—

'Amount remitted to Ireland from the Relief Fund, and to whom remitted :—Bishop Logue, \$4,941.56 ; Bishop Duggan, \$4,186.79 ; Bishop Fitzgerald, \$564.86 ; Bishop McCormack, \$3,102.39 ; Bishop McEvilly, \$2,318.20 ; Bishop Croke, \$500.55 ; Bishop Conway, \$2,283.28 ; Bishop Ryan, \$1,300.28 ; Rev. W. Gallagher, \$529.86 ; Rev. B. McAnorm, 376.09 ; Rev. C. Flinn, \$838.32 ; Rev. P. Greely, \$999.64 ; Rev. T. Shannon, \$300.28,'—

and so on. There is altogether an account given of \$23,652.06 as sent by the Land League of America to Ireland for charitable purposes.

Beach in cross-examination by Sir Charles Russell, at page 2694 of the evidence, makes admissions corroborative of the evidence of the official report of this convention. At question 45,704 he says this :—

'You spoke of Daly of Castlebar?—(A.) Yes, I did.
(Q.) Did you say he was there?—(A.) As a spectator, yes.
(Q.) And I think you said Byrne was there as a spectator?—
(A.) He was upon the platform with his wife.'

I may say with reference to Daly of Castlebar that the man was never in America in his life. Consequently, he could not

have been at the Philadelphia Convention. This was the Daly who presided at the first Irishtown meeting. This is question 45,709 :—

‘Now, I am reminded that at that meeting, which I am just leaving, Philadelphia, that O’Donovan Rossa tried to get at the meeting but was not allowed?—(A.) He was admitted, but not as a delegate. (Q.) He would not be allowed to take any part?—(A.) Well, he did take part. (Q.) What part did he take?—(A.) Oh, yes, he attempted to speak. (Q.) He attempted; was he hounded down?—(A.) Yes, to a very large extent, Finnerty himself and O’Donovan Rossa were hounded down.’

O’Donovan Rossa might not at that time be a representative Clan-na-Gaeler, but unquestionably Finnerty was, and if Finnerty, a prominent Clan-na-Gaeler according to Beach, was hounded down by a thousand delegates at a Land League Convention, I think that fact alone is proof that the convention was not in sympathy with the views Finnerty wanted to bring before it.

I pass now to the Boston Convention, which was the second National League Convention, but the sixth of the whole series of League Conventions, held in America from that of Trainor Hall, New York, in May 1880, to the one at Chicago in August 1886. I shall then have done with the American branch of the story for the present. That convention met in Boston, Massachusetts, on August 13, 1884, and remained in session two days. There were 405 accredited delegates present, representing 552 branches of the League in the United States and Canada. Thomas Sexton, M.P., and William Redmond, M.P., attended as delegates from the National League of Ireland. The Attorney-General prefaced his references to this convention by quoting from speeches delivered in the July of the previous year in New York by Sheridan, Byrne, and Williams; three men who have never been identified directly or indirectly with the Land or National League of America. The Emergency Fund which was started by the ‘Irish World’ eight months previously, is also trotted out by the Attorney-General when introducing his observations about a convention which had no more to do with the speeches of the persons referred to or the fund mentioned than with the deliberations of the Congress of Washington. At this time it is well known the ‘Irish World’ was hostile to the National

League and Mr. Parnell's policy. The convention opened with an address, by the president, Mr. Sullivan. This speech has been quoted from by the Attorney-General at page 247. Speaking on the reasons why Irish-American citizens supported the League in Ireland, Mr. Sullivan said :—

‘ It is now apparent to the thoughtful men on both sides of the sea that the interests of the American Republic are identical with the interests of Ireland. Every year that witnesses the denial of self-government for Ireland, is a year of taxation upon a considerable portion of the American people for the support of the English Crown in Ireland. The drain of money from the toilers of the United States to aid their kindred in Ireland, will continue until the Government which they detest, and which keeps them poor and dependent, is expelled. In whatever measure we enlist the sympathy and the influence of the American Republic in behalf of the people of Ireland, we render a service to the Republic. It has been the practice of the English Government for more than a generation to drive vast numbers of the Irish people off small agricultural holdings into foul and vicious dens called poorhouses. Being thus reduced to poverty, their children robbed of an opportunity to acquire bread-getting skill, they have been forced into the pits of ocean vessels and cast penniless upon the crowded cities of our seaboard.’

The rest of my note on this speech is missing, but the object of the speaker was to show that the National League in America was endeavouring to obtain for the tiller of the soil in Ireland the ownership of the holding, and in this work rendering a service to the Irish-American citizens of the Republic. Mr. Sullivan contended that it was money sent from their earnings to Ireland that helped the poor tenants of that country to pay unjust rents.

Then the usual resolutions were submitted and adopted by the convention. These resolutions are the same in character as those at all the previous League Conventions in America ; they are, in fact, an endorsement of the platform of the National League in Ireland, as laid down at the initial conference in 1882.

I have now dealt with each of the seven conventions of the American League, also with the preliminary conference called by Mr. Parnell in the New York Hotel on March 13, 1880, and like-

wise with what is known as the Astor House Conference, called by me in August 1882. I have read or otherwise referred your Lordships to all the official documents issued by me while in charge of the American League in 1880, including the constitution, byelaws, and programme of the League organisation. I have quoted from the resolutions or platforms adopted by these conventions and conferences, and I have, I think, quoted more or less from speeches delivered on these occasions. While I have told your Lordships that in each instance I read from either the official reports of these gatherings, or, where official reports could not be had, as in the instances of the Trainor Hall, New York, or first Land League Convention, and the Chicago Convention of 1881, I relied on newspaper, but contemporary, records for what I quoted. And I now fearlessly ask your Lordships to take this mass of evidence, along with Mr. Parnell's, Mr. O'Brien's, Mr. Sexton's, and my own sworn testimony in that witness box, and say whether the allegation of the 'Times' has been or has not been made good, that the Land League of America and the Clanna-Gael were one and the same organisation, and that a union between the so-called party of violence in America and Mr. Parnell's party over here was brought about by my agency as affirmed in 'Parnellism and Crime.'

I venture respectfully to say that Sir Henry James will have to explain away against my contention that no such identity and no such union has ever existed, the following facts, which the evidence for the defence has established:—(1.) The solemn sworn evidence of Mr. Parnell and myself in this Court, as the two persons who are alleged to have negotiated or assented to such union and solidarity, that no such union ever existed. (2.) The failure of the 'Times' to produce one particle of written, printed, or published proof—apart, of course, from the forged letters—that I ever effected such a union or that it even existed. (3.) That Messrs. Parnell, Sexton, O'Brien, the brothers Redmond, Deasy, or any envoy from Mr. Parnell, the Land or National League, or Home Rule party from this side of the Atlantic, ever attended, or was known to attend, any meeting in camp or in caucus, in conference or in convention, of the Clanna-Gael of America, which is declared by the 'Times' to be one in organisation with the League and allied in criminality of purpose with Mr.

Parnell's party. (4.) Why, if such identity existed, Messrs. Parnell or Dillon did not, when in America in 1879-80, participate in some, even in the remotest manner, of the Clan-na-Gael councils? (5.) Why, among Beach's bundle of circulars and correspondence, there was not one single scrap of a document or a letter from either the executive of the Land or National League of Ireland, or from Mr. Parnell, or from myself, or from the executive of the Land or National Leagues of America to a camp of the Clan-na-Gael, or to a single member of that body as such, that could give the slightest colouring of truth to the 'Times' allegation? (5A.) Why, on the other hand, there is in more than one of Beach's alleged Clan-na-Gael circulars warnings about Land League hostility to Clan-na-Gael principles and instructions imparted in several of these cipher rigmartole productions, how to capture, or boss, or run a League Convention, when the League, as alleged, was one in body, with the parties who wrote and sent out these circulars? (6.) Why Beach admitted his ignorance of one of the seven League Conventions, that held in Washington, the capital of the United States, on April 12, 1882, at a time when, if the alleged union with the Clan-na-Gael existed, it should be more publicly manifested than at earlier or later periods; at which convention Thomas Flatly, of Boston, was present in his character as secretary of the League, a man who is alleged by Beach to have been a Clan-na-Gael man, and the printed official report of which convention was forwarded to every branch of the Land League in America, which official report also contains the name and location of every such branch, the name of the president of each branch, the amount of money subscribed by the branch to the central treasurer, and what was done with such money? (7.) Why if I, as alleged in 'Parnellism and Crime,' brought about the alleged union between the so-called party of violence in America and Mr. Parnell's party, Beach did not in his evidence try to prove this by reciting some act or word of mine during my three visits to America from 1878 to 1886 that would lend some corroborative colour to the accusation? (8.) Why Beach elected to leave to me the task of informing your Lordships of my attendance at several Clan-na-Gael camp meetings of the U.B. in 1878 and 1880, if he knew or believed I had formed, or endeavoured to form, the aforesaid alleged union? (9.) And

finally, Sir Henry James will have to explain why, if the Land League of America and the Clan-na-Gael were one and the same organisation, had identity of purpose and were wickedly combined in criminality of means to that end ; why, according to Beach's evidence, more than half the delegates at the Philadelphia Convention, which is boasted most about in Beach's alleged U.B. circulars, were men belonging to other than Clan-na-Gael organisations, and why at all the other League Conventions the Conservative or non-Clan-na-Gael League delegates were in an overwhelming majority ?

These are facts which the defence has established by evidence, oral and published, during this inquiry ; and if Sir Henry James is to make good the contention of the Pigott-Flanagan writers, he will have to explain away these facts and establish his case upon evidence which has not yet been submitted to your Lordships' tribunal.

I do not intend to waste much of your Lordships' time over the speeches that have been read from reports in the 'Irish World' of what Frank Byrne, P. J. Sheridan, Dr. Williams, Tynan, and other celebrities may have said in New York, or elsewhere on the other side of the Atlantic. I am sure the Court has heard enough of these performances. These senseless speeches prove nothing whatever against Mr. Parnell or the Land League. Neither of these men was even a member of the National League of America. Those of them who were present at the Philadelphia Convention of 1883, or the Boston Convention of 1884, were merely there as spectators, and Beach has admitted this in his evidence. It is well known to anyone who understands anything about American Conventions, that the public are admitted to the galleries at these gatherings ; therefore the presence of Sheridan, Byrne, and others at the Boston or Philadelphia League Conventions proves nothing, because it is not contended that they were there as accredited delegates or even as simple members of the League. To argue as the writer in 'Parnellism and Crime' does, and as the learned Attorney-General appears to do in his opening statement, that because Frank Byrne had been salaried secretary of the Land League of Great Britain, or because Sheridan or John Walsh had been paid organisers ; therefore the League should be held more or less

guilty of the deeds in which these men profess to have participated, and that Mr. Parnell stands incriminated, is arguing against all reason and common sense. It would be just as fair to say that because clerks in the pay and employment of a bank confess to have committed forgery and to have perpetrated murder and other crimes ; the director of the bank and its shareholders should be held as accomplices in forgery or participators in the guilty knowledge of the confessed criminality of their employés.

XI. THE CLAN-NA-GAEL

I will now leave for the present, at least, the evidence touching what has been called 'The American Connection,' with these few more or less personal observations ; but before I finally pass away from these special charges which the 'Times' has brought against me, I have a few words to say about my intercourse with the Clan-na-Gael in America. This association has been spoken of repeatedly by the Attorney-General as a 'Murder Club.' Whether the Attorney-General had any evidence to justify him in calling this organisation by that name, I cannot say ; but I contend that the evidence has not been produced here. I do not believe the Clan-na-Gael to be a murder club ; if I believed or suspected it was a murder club, I never would have associated with any members of that organisation upon a public platform. As I said in that witness box, it was no more a murder club than are political associations on this side of the Atlantic. I contend that it is not right or fair, especially in a Court like this, to hurl such an accusation against such an organisation in America, which, even according to the evidence of Beach, embraced men of known respectability and social position whom he could not say favoured in any way the detestable policy of assassination. If this infamous accusation were true, if such a society for such a purpose as murder existed in America, what would that fact involve ? That the United States Government, which is on the most friendly terms possible with that of Her Britannic Majesty, permits to exist in all the cities of the Republic associations of

assassins ! The thing is simply a monstrous absurdity ; and the motive which has prompted the 'Times' thus at one and the same time to brand the Irish in America with the foulest of crimes and charge against a friendly Government connivance at a policy of murder, is a motive as black and as dastardly as that which induced the purchase of Pigott's forgeries, and their publication as letters of Mr. Parnell. Because well known Clan-na-Gael men have been on the same platform as Mr. Parnell, though he knew it not, and because members of the same organisation have been as individuals among members of the American Land League ; therefore has it been said of this body, as it was said of Mr. Parnell in Pigott's letters, that they favoured the perpetration of murder. The Clan-na-Gael is not strictly speaking a secret society, Like innumerable societies that are not revolutionary, it has signs and symbols ; but it is as well known outwardly in every city in which it exists in America, as the Foresters, Odd Fellows, or Ancient Order of Hibernians. Clan-na-Gael picnics, excursions, concerts, and entertainments are as frequent of occurrence as are those of any benevolent or temperance association ; and there is, therefore, as little attempt at disguise in the matter of name and existence, as in that of the non-political associations alluded to. It is true the Clan-na-Gael is a revolutionary organisation, and has for its ultimate object the complete independence of Ireland. Why the Irish of all the various European nationalities that are comprised in America's population, should alone have recourse to hostile plots against the Government of their parent land, needs little explanation. I have already shown how, since 1771, when the Friendly Sons of St. Patrick were organised in Philadelphia, men who have been driven out of Ireland by Irish landlordism, have remembered this with animosity against England. The camps of the Clan-na-Gael, like the ranks of Washington's army, are recruited from the victims of rack-renting and eviction in Ireland. The agencies of Celtic extermination which English rule has upheld in Ireland, are the recruiting sergeants for secret societies, agrarian and political, in Ireland and America. Let these agencies once cease operations and Ribbonism and Clan-na-Gaelism will disappear, as effects vanish when their cause is removed.

So far as the charge of 'one organisation' applies to the I.R.B. and the Land League (that is the Irish branch, according to Beach, of the U.B.) it is as groundless as the allegation with which I have been dealing, that the Clan-na-Gael and the American League were one and the same body. The evidence given by witnesses for the defence, has disproved completely the accusations of the 'Times' on this point. The Land League of Ireland embraced in its membership past and present members of the I.R.B., beyond a doubt. It was never intended to exclude any Irishmen from the ranks of the League who accepted its principles, whether they were I.R.B. men or Orangemen; and the same remark applies to the membership of the American League. But it was never intended, nor did it ever happen, that the Land League of Ireland or of America became identified with the Clan-na-Gael or the I.R.B. in the way the 'Times' alleges, or in any other way that could truthfully or fairly be called union or understanding, or co-operation as between organisation and organisation. This is conclusively demonstrated by the official acts of the I.R.B. itself, as it issued more than one proclamation in the early days of the Land League denouncing it, and warning I.R.B. men against what were termed 'its demoralising principles.' The storming of the platform from which Mr. Parnell, Mr. O'Kelly, and Mr. John Redmond spoke at Enniscorthy in March 1880, and the assault committed upon Mr. Parnell on the occasion, were boasted of at the time and long afterwards as an I.R.B. victory. The attack upon the Rotunda meeting on April 30, 1880, by O'Hanlan and his party of I.R.B. men, and the reading by him of a resolution expressly condemning the League and constitutional agitation, has been fully gone into before your Lordships, while the following manifestoes have likewise been brought under the notice of this Court. The first is a manifesto issued by the I.R.B. in 1880. It was read by Sir Charles Russell, and is found at page 3707 of the evidence. It reads as follows:—

'At a time like the present, when political adventurers and West Britishers are scrambling for parliamentary honours and playing on the credulity of many of our countrymen by passing themselves off as Nationalists, we consider it our duty to say a few words to you on the subject. It is

inconsistent with the principles of true nationality for any patriotic Irishman to accept a seat in an alien Parliament, because by so doing he surrenders his rights and the rights of his country into the hands of men who are opposed to its best interests, and becomes a participator in the alien system which keeps Ireland enslaved. The Irishman who becomes a member of it is either the victim of some mental delusion, a slave, or an enemy. We do not address you merely for the purpose of reminding you of all this constitutional garotting and plundering of our country of which even the "bond" of eighty-three years' duration affords such ample evidence, but to prevent the smallest section of our brethren from being betrayed into active participation in the coming elections by the plausible utterances or avowals of national principles of any of the candidates, no matter who he or they may be.'

Then on page 3709 there is another proclamation which I will trouble your Lordships to listen to again :

'The agitators themselves claim to be Nationalists when it suits their purpose, no matter whether they hold forth in the Home Rule League, the Land League, at the hustings, or that exalted platform the floor of the British House of Commons. We have borne with their vapourings and false doctrines, as well as their treacherous designs against the freedom and national independence of Ireland, fully aware that the fate of the 'new departure' would be short-lived and would, in its final collapse, bring unutterable political ruin to all its promoters. To this end we are resolved to let them have rope enough, but as they are not content with this forbearance, and are occasionally sheltering themselves behind the sacred name of Irish nationality, we feel constrained to warn them that if they persevere in such a course we shall be obliged to adopt measures that will end their career much sooner than anticipated.

Thoughts of the painful present and the past,
Must bring the hour of reckoning at last

(By order)

'Executive of the I.R.B.'

According to the evidence of Beach, the I.R.B. in Ireland was part of the U.B. or Clan-na-Gael in America; and there was a perfect understanding between the two branches of the revolutionary organisations. If the allegation of the 'Times' were

true, that the Land League formed also part of the I.R.B. and the U.B., surely these proclamations would never be issued, such attacks on members of the Land League like myself and members of Parliament like Mr. Parnell would never be made in the public press and on the walls of Dublin and other Irish cities where these proclamations appeared.

This ends my observations upon the three special charges made against me, apart from the charges in which I am included, with the sixty-three or sixty-four members of Parliament. I think I have shown conclusively that the two charges of the three, which alone concern this inquiry, are absolutely groundless, and that nothing has been proved before your Lordships that can clothe them with anything better than a tissue-paper covering of suspicion. In dealing with the third of these personal charges, that alleging me to have brought about a union between the so-called party of violence and Mr. Parnell's party, I went fully into the American story, not only to refute what was charged against myself, but likewise what was implied against others. I have pointed out that Beach's evidence is the only direct attempt to prove such a union as having existed, and this evidence has been completely met and answered in what Mr. Parnell and Mr. O'Kelly have said about Beach's alleged interview with Mr. Parnell in the House of Commons. The production by Beach of two of Mr. Parnell's photographs, was a poor substitute for evidence that should prove Beach's story to be true. Even if Mr. Parnell did give these pictures to the spy, it would prove nothing except perhaps that he could be more liberal in such matters with a perfect stranger than with intimate friends and colleagues, not one of whom has probably ever received any such evidences of his personal consideration for them.

XII. OPENING OF THE IRISH STORY

It is absolutely essential to the adequate defence of the part which I have taken in the Land League for me to dwell at some length upon the fruitless efforts which Irish representatives had made in the Imperial Parliament, from the period of the Tenant

League of Duffy, Crawford, Moore, and Gray, to the time of Mr. Butt and the inauguration of the Land Agitation of 1879, to improve the land laws of Ireland. I will be as brief as I can in this review, which will only cover a period of time over which my own recollection extends—that is, from or about the time of the eviction of my family to the year when, in the same county, I helped to inaugurate the movement which is here on its trial.

I must call your Lordships' attention to this remissness of the Legislature; and for two obvious reasons, which I hope will explain, if they may not fully justify, those acts and words of mine upon which this Court is asked to pronounce.

I affirm that, if the reforms in the land laws which were demanded by the Tenant Leaguers were wisely conceded by Parliament—reforms less drastic in character and more moderate in scope than those that have become law since the Land League began—there would not, or could not, exist in 1879 those social conditions and apprehensions which rendered the land agitation of that year a necessary measure of protection against landlord injustice and a threatened famine.

The President.—Mr. Davitt, I do not wish to stop you, but I wish you to bear this in mind, that we cannot sit in judgment upon the Legislature either of that time or any other time.

Mr. Davitt.—I am perfectly aware of that, my Lord. That was going to follow. I know your Lordships cannot, but the duty that is imposed upon your Lordships is to pronounce upon certain acts and certain words of mine in connection with this Land agitation and Land League organisation; and I am endeavouring, in my own way, which, of course, is not the way that would recommend itself to this Court, to justify those acts and those words of mine, in order to confute, not only to this Court, but to the public outside, what has been said in 'Parnellism and Crime,' that I did all these things for a criminal purpose; and I think it right to glance at the efforts made by Irish representatives in the Imperial Parliament to reform the laws relating to landlord and tenant in Ireland before the initiation of the land agitation in 1879.

The President.—Yes; but then the only question we have to determine is whether you and others have attempted to bring about these reforms of the law by legal means. And therefore it

may be assumed for your purpose that your endeavours have been unsuccessful to bring about those reforms. My only object is to point out to you that a general review of the Legislature for a long period of time is not germane to the issues we have to determine.

Mr. Davitt.—But my review would not go back beyond the existence of an organisation called the Tenant League, which laboured in Ireland from 1850 to 1856, to bring about a reform of the land laws ; and I want to show that if the Legislature had only listened to the many demands made by Sharman Crawford and others, the troubles that began in Ireland in 1880 and 1881 might never have existed ; and I want to contend that the failure of the Legislature to meet those moderate demands of the Irish representatives, led chiefly to those later disturbances in Ireland, which the ‘Times’ tries to put at my door, and to hold Mr. Parnell and the Land League responsible for.

Of course, if your Lordship thinks it would be presuming too much upon the attention shown me so far, I will not insist upon doing this.

The President.—I do not wish to stop you at all, unless your own mind is satisfied by the observations I made to you ; but I do not think we can properly allow ourselves to be influenced, however effectually you may establish it, by the fact that the conduct of Parliament has or has not been reasonable in the past. The simple question is, whether you and others have violated the law.

Mr. Davitt.—I take that expression of opinion from your Lordship as amounting to this—that the Court would prefer that I did not give this brief review of the efforts that were made in Ireland to alter the law of landlord and tenant before the Land League was established.

The President.—I may remind you that Sir Charles Russell has also gone over the same ground.

Mr. Davitt.—Yes, I know he has, but of course Sir Charles Russell did not speak for me.

The President.—Oh, no.

Mr. Davitt.—He spoke for those he represented.

The President.—I say I only remind you of it.

Mr. Davitt.—I take your Lordship’s expression of opinion to be that I would be doing unnecessary work, and be wasting your Lordships’ time, if I pursue this matter.

The President.—I feel from the manner you have conducted the case hitherto that I can trust to your judgment ; and I only wish to influence your judgment, not at all to control it. If you think it is necessary to the explanation of your views to go into this, we shall certainly listen to it.

Mr. Davitt.—Your Lordship, and, indeed, the whole Court, has been so indulgent that I am very reluctant to trespass unduly upon you, and I will, therefore, leave that part of my speech on one side.¹

I come now to the origin of the agrarian agitation which began at Irishtown, in Mayo, in April 1879. I am a little out of order in consequence of your Lordship's objections. I contend, that the land agitation of 1879 was inevitable, both from the events that preceded that year and the circumstances of the period, and had I never been heard of and had still remained an inmate of Dartmoor Prison, the people of Ireland would have been driven into combinations of the character of the Land League for the double purpose of protecting themselves from the threatened repetition of the famine horrors of 1846 and 1847, and the necessity of obtaining some security for their holdings. Down to the initiation of the Land League in 1879, there had existed in Ireland a body known as the Tenants' Defence Association. The late Mr. Isaac Butt was its president—a man of immense ability, and whose services to the farmer interests and the Irish cause generally should endear his name to the Irish people. This association had some fifty branches throughout Ireland. It held meetings and disseminated literature on the question of land reform. These meetings were addressed by Mr. Parnell, Mr. John Ferguson, Matthew Harris, and others of the persons charged, from 1876 down to 1879, and the speeches thus delivered differ little or nothing in the denunciation of landlordism from the ordinary Land League speeches of which your Lordships have had probably more than enough. The secretary, and to a great extent the moving spirit, of this Tenants' Defence Association, was Mr. Andrew J. Kettle, a gentleman farmer of County Dublin, and a man of conspicuous ability and earnestness, who subsequently became joint honorary secretary of the Land League with me, after this new organisation had absorbed the old one.

¹ See Appendix B.

Mr. Butt's speeches and writings on the land question, together with those of Mr. John Ferguson of Glasgow, who has been before your Lordships, and who is possibly the oldest and ablest Irish land-reformer of our time, were widely read and circulated. Mr. O'Connor Power, Mr. Parnell, Mr. Matthew Harris, and others had also delivered speeches in various parts of Ireland before the Land League was ever heard of. They had educated the Irish people upon the principles of Mill's political economy, and taught them that what were known and believed to be 'the sacred rights of landlord property' in the famine period of '48, were neither sanctioned by justice nor by reason. In addition to these speeches there was popular literature upon the Land Question—a book by the Rev. Father Lavelle, published in 1870. Father Lavelle lived in the County of Mayo and took a prominent part in discussing the Land Question in the Irish press; and his ideas, as put forth in this book, were very familiar to the people of the West of Ireland long before I appeared on the scene or the Land League was established. I contend that the Land League movement was really a continuation of a movement that had been handed down from the Tenants' League of 1852 to 1879, passing under the names of the Tenants' League and the Tenants' Defence Association. So that the agitation which I set going in Mayo in 1879, was really only giving support to a movement that had existed and worked all along in these years to bring about a radical reform in the Land Question of Ireland. In this book of Father Lavelle's there is an advocacy of peasant proprietary. In Mr. Butt's works he goes in for the same solution of the Irish Land Question which Mr. Parnell embodied in the platform of the Land League as it was established in Dublin in 1879. So that, instead of putting new ideas and new principles of reform before the Irish people for the first time in 1879, I was only voicing the principles and opinions that had been written and spoken by far more eminent men for years before I had at all appeared on the scene. I had intended giving some extracts from these works, but your Lordship's observations have discouraged me somewhat. I maintain that in 1879 there was nothing for the peasantry of Mayo or of Connaught, or of Ireland, to hope for from the landlords, in the face of threatened famine, except a repetition of the same heartless and inhuman conduct

which had characterised these classes, when the people upon whose toil and sweat they subsisted were dying of starvation in 1846-7. And true to these instincts, the first action which the landlords of Mayo took in 1879 was to call a meeting in Castlebar to demand more police and more protection for themselves from the Castle.

And here I wish to quote an article from the 'Times,' written in what Sir Charles Russell has termed one of the lucid moments of that paper. It is an article which, along with others, I will have to refer to later on, and was reprinted by the 'Times' in 1880; so that the sentiments which it expresses are, by the fact of this reprinting, rendered contemporaneous expression of opinion by that paper with the foundation of the Land League.

The President.—What does the reprint purport to be?

Mr. Davitt.—It is a series of leading articles on the great Irish Famine of 1845 and 1846—'A collection of leading articles, letters, and parliamentary and other public statements reprinted and published by the "Times" in the year 1880,' and the preface says—

The President.—I suppose it is a collection of papers which were inserted in the 'Times' by what is called the 'Times' Commissioner.

Mr. Davitt.—No, my Lord.

The President.—Not that?

Mr. Davitt.—No, they are leading articles.

The President.—And one or two selections of letters.

Mr. Davitt.—I do not think there is any of the 'Times' Commissioner's letters in this anyhow. I simply refer to it because it was printed in 1880.

The President.—I only wanted to get exactly what it was.

Mr. Davitt.—The motive in printing it is stated in the preface.

'The recurrence of severe distress in Ireland has suggested the publication of this volume, which contains a reprint from the "Times" of leading articles, letters, and parliamentary and other public statements during the great famine of 1845-1846. It is thought that such a reproduction of the measures then proposed or adopted, and the opinions then expressed, cannot fail to be highly instructive and interesting, now that after a lapse of more than thirty

years the sister island is again suffering from deficient harvests. The comparisons thus suggested between that time and the present—unless we are much mistaken—will be found to throw a broad light over some of the most important political and social problems; such as the effects of free trade on the food supplies of a people; the influence of emigration since it has been brought within the reach of the humblest classes; Poor Law legislation as a means of counteracting famine; and the results due to the modifications which the tenure of land has undergone in Ireland. The retrospect thus supplied by these pages can scarcely fail to command attention.'

If your Lordships remember, I have read one or two articles from this collection during my examination of Mr. Loudon; my object being to show from writings published by the 'Times' in 1880, that the peasantry of Mayo had nothing to expect from the Mayo landlords, either from their sense of justice or from their humanity, or from their recognition of what was due to those who gave them everything in the shape of rent. I contend that out of the mouth of the 'Times' I can justify myself and those of my colleagues who called upon the peasantry of Mayo and Connaught in 1879 to save themselves by the organisation which subsequently became known as the Land League. As I have 'confiscated' a great portion of my speech in obedience to your Lordship's remarks, perhaps I may be allowed to quote a few of these leading articles from the 'Times.' I quote from page 30 of this book, which I think Sir Henry James has got a copy of:—

'We entertain no doubt whatever that the hungriest and most squalid bog-trotter in Connaught, whatever his present condition, if it should be considered an object, could with judicious treatment be brought to bear a dinner of turtle soup, roast beef, pheasant, and ice punch every day of his life, in short, without being very much the worse for the change. So thoroughly are we the creatures of habit, and so easily adapted to the most disagreeable changes. The potato, therefore, has no more claim to be considered the Irishman's national food than that very wholesome and palatable dish which is called in this country an "Irish stew," or any other production of which Ireland is proved to be capable.'

'It is not in the *physique* of the peasant, but in the moral

and commercial system of the landowner that we must look for the natural *habitat* of this root. It is one of the means by which the landlord exacts a rent wholly out of proportion, not indeed to the natural wealth of the soil, but to the capital invested upon it. In a country without capital, and without that security for life and for property which capital requires, the comforts and decencies of life pull against rent. Could the Irish live on the tops of their potatoes they could then give the roots to their landlords. Could they go abroad without clothes, each family would pay, perhaps, ten shillings more than it does—such being possibly the annual outlay in that fashionable luxury. The commercial principle of this view is familiar to every householder. No person of ordinary prudence will keep a hunter to do the work of a nag, a horse to do the work of an ass, or a man to do the work of a boy. A regard for appearances will occasionally require a deviation from this rule; for whatever a certain noble lord may think to the contrary, even a curate's wife will hardly think "a donkey cart" a suitable conveyance. Where profit is the question, the general rule is to adapt the means to the end, and to be as thrifty as the habits of those with whom we have to deal, and our own charity or delicacy will allow.

'It is for a good reason, therefore, that Irish landowners are always so ready to back up the potato. "Pat thrives upon it," they cry. "See what work he does on a good dish of murphies! He would not thank you for bread." In ordinary times nothing can compare, we are told, with the potato. "Bring it into England," our provincial philanthropists are exclaiming. "Give every man his quarter acre of potatoes, and he is independent. No need, then, of poor-laws or labour rates." Happily, however, nature in a larger sense of that much abused term, protests against this deliberate degradation of her sons. Every now and then she throws in an item peculiarly her own, which fearfully disturbs the false balance of the base calculation. Blind ignorance and mad discontent,—conspiracy and rebellion, dearth and pestilence, and every other disorder incident to human existence, reduced to the very zero of support, prove to the statesman, if not to the landlord, that there must after all be an error in the account. The cheapness of savagery fails to compensate for the expense of controlling its outbreaks. A nation of barbarians may be cheap to the landowner, but it is ruinous to the State. A costly soldiery and police must make up for the inferiority of the domestic standard, and when the lowest possible average of life sinks occasionally to

a level below the stretch of the most elastic endurance, the nation is called in to supply the terrible gap.

'That, in fact, is what the landowners of Ireland are now, with an importunity approaching to impudence, demanding of the Imperial Government and Legislature. "The potato has disappointed us for once," they say, "so you must make it up for this year, and help us on to the next." The only use of corn is to prop up the potato. Instead of considering that whatever is done, the wretched policy of encouraging this crop has already entailed a serious loss to the nation by enhancing the price of all other goods, these gentlemen consider that the State itself must immediately aggravate that loss by an immense artificial drain of food into Ireland, sure as it is, under such peculiar circumstances, to be most wantonly squandered. "All that Ireland wants is the potato," but then, when the potato fails, the whole nation is to advance a loan or a gift, for it is much the same thing, to the amount of three or four million quarters of wheat, in order to make up the failure. This is like doing without warm clothing, but reproaching one's neighbours with inhumanity because, when the winter does at last set in, they will not part with their blankets and greatcoats. If we are exaggerating the tone of these aristocratic mendicants, we beg to refer to their words. At a great meeting of landlords held at Castlebar last Saturday, the Earl of Lucan presiding, the Marquis of Sligo proposed and carried, we have no doubt very triumphantly, the following resolution.'

Well these are Mayo landlords anyhow ; and in 1879, as in 1847, when this article was written, these same landlords met in Castlebar, and in answer to a demand by their tenants for a reduction in their rents, in answer to the appeal from the charitable in Ireland for donations towards saving people from starvation, they asked for more force—asked for coercion from Dublin Castle.

The 'Times' goes on commenting at the end of the article—

'We are only remarking on the naked shamelessness of the admission in a county meeting of Irish landowners. One word of confession would at least have helped to atone for the error here revealed. Had the landlords only resolved that, owing to the unfortunate heartlessness, extravagance, and folly of themselves and their predecessors, their tenantry were dependent on the least nutritious and most precarious of diets, we might have had the satisfaction of hailing some promise of amendment ; we might have accorded a munificent

grant in the hope of return. But it is too clear that so long as the State is ready, at the cost of all the provident and generous part of the nation, to prop up the occasional breakdown of this wretched dependence, the Irish landlord will still continue to consider the potato the natural food of the Irish peasant.'

Again, at page 36, a leading article says :

'But nothing will strike so deadly a blow, not only at the dignity of Irish character, but at the elements of Irish prosperity, as a confederacy of Irish proprietors to dun the national Treasury, and to eke out from their resources that employment for the poor which they are themselves bound to provide, by every sense of duty to a land from which they derive their incomes. It is too bad that the Irish landlords should come to ask charity of the English and Scotch mechanic in a year in which the export of produce to England has been beyond all precedent extensive and productive. But it seems that those who forget all duties forget all shame. The Irish rent must be paid twice over.'

That, my Lord, is a sentiment that would be worthy of the 'Irish World,' and it was reprinted by the 'Times' in 1880, to be read by myself and others who started this agitation against these very landlords in the west of Ireland, after these landlords had refused to come to the assistance of a people who were again threatened with the horrors of famine and starvation.

At page 42 the 'Times' again says, referring to the landlords and their duties :—

'We only ask that the two may stand or fall together. If the landlords demand the rights, let them submit to the duties of their position. If there is to be a military occupation, let there be also an available system of employment and relief. We confine ourselves to the capabilities of the subject. We say the one demands the other. If we are to send over an army to Ireland to oust the interloping peasantry from their miserable squattings and sub-divisions, whither are we to send them? There is the question. To the roadside? To the pestilential suburb of the crowded town? To the seaports? To the *noyades* of the dreary Atlantic? Noble service this for an Anglo-Irish army! Perhaps also possible! No. When something in the nature of a refuge is provided, when poverty has no alternative, then will be the time to think of more rigorous laws of property. Do not import the English system into Ireland by halves.'

Next there is a very important article on page 45, from which I will ask permission to read.

'When future economists strike the balance of favours and duties between England and Ireland, they will probably scrutinise the traffic of the Irish Channel more closely than we are wont to do. They will insist much on the fact that the food of millions will annually pass to the richer and happier shore. They will not reconcile this with the alleged improvidence of the Irishman quite so easily as we are wont to do. They will inquire very diligently what England gave in return. When their researches bring them to that crisis which we are now actually suffering, they certainly will be struck, perhaps even unduly, by the fact that while England was avowedly feeding Ireland, while both countries agreed in that view of their position—while all classes of Irishmen were flinging themselves more and more upon the bounties of the empire, whole fleets of provisions were continually arriving from the land of starvation to the ports of wealth and the cities of abundance. Scarcely a day passes without every great port of this country seeing this visible contradiction, or rather this painful anomaly. We are emphatically reminded that it is not to Ireland herself but to her social state that the famine is attributable. This is no exaggeration, no paradox. What, also, will the future historian feel when in the very columns which he is searching for the distracting and harrowing notices of Irish destitution, he lights on such a paragraph as that which appeared in our yesterday's impression, and which, in fact, is only one out of the many we could quote from the last few weeks?'

Then the 'Times' gives a list of ships that brought food from Ireland to England. And with reference to this, it has been insisted upon by all the persons who are charged in this case that in the years 1845, 1846, and 1847, there was food sufficient to maintain the people of Ireland, and to save the country from the horrors of the famine, if it had been left in the country instead of being sent elsewhere to be converted into rent for the Irish landlords, who, according to the 'Times' had not the humanity to share in that time of distress this rent with a starving people.

At page 62 there is another article which I call attention to :

The Irish poor must be relieved by somebody, and the somebody is the State, in the first instance operating through

those clumsy Relief Acts, simply for want of a regular machinery. For the future—we will take no denial—a good old English poor law. We in England maintain our own poor ; and unless the Irish landowners are prepared to see the British public deliberately, formally, and explicitly demanding a summary confiscation of the whole soil of Ireland, they must and shall maintain theirs.'

Well, that is not bad for the 'Times,' which says that England will confiscate the land that is the property of the landlords of Ireland, unless these landlords do what English landlords do. Mr. Parnell has never gone so far as to threaten to take the land from the landlords in Ireland without compensation. Yet the 'Times' would have your Lordships believe now we alone are the people who have preached doctrines of confiscation.

Then on page 66 there is another article from which I will read an extract :

'This of course is not all, not only now, but for the future Irish poverty, Irish labour, Irish superabundance of population, Irish prisons, asylums, criminal prosecutions, and an endless list of etceteras, are all to be thrown on the Imperial energies and resources. The State, at its own expense and, of course, on its own responsibility, is to select the very poorest of the peasantry and draught them off by wholesale to the shores of America, or anywhere else out of the landlords' way. When the people are thus disposed of, the State is to take the soil in hand, reclaim wastes, and so forth ; and when it has converted the wilds of Connemara into good Lothian farms, it is to sell them back cheap to their former proprietors.'

At page 78 I find an article from which I will read the following :

'Every working-man in this island has an Irish peasant on his back, and may deem himself only too fortunate if both are not floundering in the mud before next August. But if these 50,000 able-bodied Irish navigators have no particular claim, no more have the landlords. Give them 170*l.* per acre for their land, give them their shares at a premium. What is there to tie the money down to the Irish soil, and stay it from going that road marked by footsteps all one way, that leads to the den of the devouring absentee ?'

A pretty strong expression from a paper like the 'Times' with respect to Irish landlords.

I pass over some that I had intended reading from the same publication, in order to make the infliction as brief as possible upon the court. But there is an article here which I will read all through, and endeavour to make that my last quotation for the present from the 'Times.' It is on page 107 :

'Where is the Irish malady to end? How far are the symptoms to proceed before we can congratulate ourselves on arriving at the crisis of the disease? What new forms of moral or physical evil are to be developed before we can approach its termination? It is difficult for us, reposing in the tranquil contemplation of metropolitan wealth and general comfort, to realise the horrors which are told us of that which is truly a great famine. It is only when someone habituated to the luxury and opulence of England undertakes a pilgrimage of mercy to those shores of sickness and suffering that we are made sensible of the fearful visitation from which we are separated by so slight an interval. Then it is that the enormity of what we escape and they endure is brought more forcibly to our minds by the minuteness of detail, which is in strong contrast with the generality of an account purely Irish. We then acknowledge the presence of a calamity more severe than famine, and a destroyer more cruel than the *aphis vastator*, a dearth of those virtues and affections which enable men to brave national calamities with serenity and success.'

And then it goes on in that way—

'And what a state of things is it that he describes! Corpses festering together in ruined hovels, and breathing contagion on the survivors of the pestilence, or crammed in baskets and hurried in the precipitation of unceremonious fear to some unconsecrated grave; the people prostrated by disease, hunger, and panic, and in the midst of this great physical suffering, the graver moral evils which are limited in their causes and effects to no one single period—apathy, indifference, cruelty, despair. While the many are perishing, the few are hoarding or extorting. While the desolation of one dearth is glutting unhallowed sepulchres with unpitied victims, the consequences of another are slighted and forgotten. While the famished mother bears on her shoulder the dead child whom hunger has slain, the rich man shuts

his pocket, and the union its door. While, too, all signs and suffering bid men fear and guard against another unfruitful harvest, the ground remains untilled, the seed unsown, and the best bounty which policy could devise or charity dispense is unheeded and rejected! So strange, so wondrous, so incomprehensible is the complexity of Irish character and calamity. A vessel sails freighted with the produce of last harvest. It is besieged by expectant crowds. Its cargo is seized by the ravenous competition of starvation, or protected by the arms of a military force. But the seed which is to raise other harvests, and to supply future years, finds none to buy, and hardly any to beg it. So strong is the imperviousness of association, and so rooted the senses of a bad social system, that the people forbear to purchase the means of a future supply, because they fear it may be distrained for rent.

“Jacob Omnium” may be unfortunate in the scenes of his visitation. All places may not be like Letterbrick, all landlords may not be like the Mulligan. But why is it that in Ireland, and nowhere but in Ireland, events occur such as he witnesses, and men are found such as he paints? We believe, for our own parts, that there are no few good landlords in Ireland; we also believe that there is no small viciousness in the peasantry. But why is it that the former are lost and buried in the general leaven of their class? Why is it that the latter is so potent for mischief? This is only throwing the question a degree back. The condition of Ireland is not caused by the number of bad landlords or bad tenants. It is caused by that neglectful and indifferent state of things—that want of system—that absence of social regulation without which the rich and the poor are ever in a state of mutual hostility. In Ireland the rich man has been taught to think that the poor man has no claim upon him. The poor man, neglected by the law, has learned to vindicate his rights by its infringement. The one extorts and oppresses, the other cheats or assassinates. The worst effect, then, of a bad system is thus realised. The good suffer for the bad. The tenant, demoralised by a sanctioned iniquity, evades the payment of his rent. His lessor treats his own landlord in the same way, and thus many are deprived of the means of practising that charity which is at once congenial to their natures and accordant with their station. On the other hand, the peasantry, made callous by the affliction of one year and the injustice of many, filch from their landlords their legal dues, and from the land its natural tribute of labour,

in order to transport the joint accumulations of fraud and imposture to some foreign shore or remote province. On the other the landlord, irritated by the pride of caste and the jealousy of covetousness, blinds his conscience to the wretchedness of his starved dependents, and while he stoops to solicit for his own kinsman or household the degrading alms of English charity, shuts his ear and his purse to the wail of destitute industry, to the rightful demands of the worn-out and infirm labourer, and the plaintive supplication of orphan or widowed helplessness.'

Then the article continues, or ends rather—

'They have lived and do live in a state of society which recognises no dependence of poor on rich ; no claim of poverty on property ; no duties of the few to the many. When this license is guaranteed, is it not natural that many should avail themselves of it ? When they do so, is it not intelligible that the reputation of their class should suffer for it ? And when—in addition to this—some of their body, instead of helping by their means, or suffering in company with these by whose labour they have been supported, come forward crouching and cringing to the voluntary agent of English charity for a sop of his eleemosynary *sportula*, is it strange that English indignation should be kindled at this shamelessness, and should denounce that miserable system which has made this class of Irishmen at once mean and oppressive, while it has made the other helpless as slaves and reckless as savages ?'

Well, my Lords, it is unnecessary to say the system thus strongly and emphatically denounced by the 'Times' is the system of landlordism which the Land League was organised in 1879 to abolish. That these very severe strictures from the 'Times' were merited, no one will deny who has read the history of the great famine, and they were as true and as applicable to the remaining landlords of Ireland as to those of Mayo. To prove this I had intended to quote from Father O'Rourke's 'History of the Famine,' from the transactions of the Society of Friends, and from speeches by Lord George Bentinck in the House of Commons ; but I fear your Lordship's observations a short time ago have disposed of this part of my argument. I will spare your Lordships the infliction of the story of the famine of 1845, 1846, and 1847 as told by the 'Times' and by other authorities. It is a painful

story for me personally to go into, because the famine of those years and the action of the landlords of Mayo were the cause of my physical and other misfortunes. We were evicted in Mayo shortly after the great famine, and the house in which I was born was burned down by the agents of the landlord, aided by the agents of the law. That fact in my history was not calculated to make me the friend of Irish landlordism or a warm supporter of that law that had enabled Mayo landlords to perpetrate deeds of that kind under those circumstances. I remember, though I was but a child, we went to the workhouse a few miles away, and we were refused admission because my mother would not submit to certain conditions which were imposed upon all those who sought the shelter of those abodes of misery and degradation; and I recollect many and many a time in our English home listening to her stories of the famine years. One fact contained in one of those stories made such an impression upon my mind that it had largely to do with the circumstance of my having started the land agitation in Mayo in 1879. I remember hearing from her a graphic account of how 300 poor people who had died of starvation round about where I was born, between Strade and Swinford, had been thrown into one pit in the corner of the workhouse yard, without coffin, without sermon, without anything which denotes respect for the dead; and so great an impression did this make upon me in my youthful days in Lancashire that when I visited Swinford twenty-five years afterwards, I went to the very spot where these bodies had been so buried, without asking anyone to direct me to the place.

My Lord, this personal experience is only akin to that which thousands of my class among the peasantry in Ireland had on their own account. The heartlessness of the landlords in those years, as proved by the 'Times' in those articles that I have read, the indifference of the Government, the deaf ear that was turned to the representations of O'Connell and Smith O'Brien and others, convinced us that the famine was not looked upon as an unmixed evil from the English point of view. They wanted to get rid of the Celtic population of Ireland. They wanted, as the 'Times' said in one of its ferocious articles, to drive out the Irish race and put in English cattle and English and Scotch settlers, and in that way to conquer a nation which had been sub-

jected but not subdued to them for centuries ; and that, centuries after England had established her rule there, she connived at the crime of the artificial famine of 1846 and 1847.

As regards that famine, there is one word I think it right to say about Lord John Russell. He was then the Prime Minister of England, and while some Irishmen have held him responsible for what happened, I think that would not be altogether just. Recent publications have shown that, notwithstanding what he may have done or sanctioned as head of the Government, he had a warm sympathy for the Irish people. He thought of Ireland in a kind and affectionate manner, and in private life often, I believe, expressed the wish that he could, with the concurrence of his colleagues, pass some measure for the benefit of that country that would make the recurrence of these famines impossible in the future, and extend the liberties of the people.

These evil results of landlordism in Mayo and Connaught I must dwell upon to a further extent, in order to fully justify the course which myself and others took in the agitation of 1879. Mr. Bright, speaking in the House of Commons on the 6th of July 1854, referring to the western counties of Ireland, described them as 'these western counties in which no man can travel without feeling that some enormous crime has been committed by the Government under which the people live.' Well, I adopt these words. No one can visit my native county of Mayo, can travel from Castlebar to Westport, or from Westport to the Killeries, or from Ballina to Belmullet, without seeing in the traces of humble homes, cabins pulled down, homesteads destroyed, and people driven into the workhouse or to America, without coming to the conclusion that some criminal act and criminal neglect of government has been responsible for this destruction.

What was the condition of things in the county of Mayo?—and it will not, I think, be denied that Mayo was, and is still, a typical county, so far as these counties are concerned which figure most in this inquiry. What was the condition of things in Mayo in the period of the land agitation of 1879? The condition of Mayo under the administration of the land system by the landlords is something like as follows: In Mayo in 1841 there were 68,425 inhabited houses, with a population of 387,887. In 1881 the inhabited houses were only 42,458; the population had

come down to 245,212. I am quoting, of course, from the census returns of that year, and they are applicable to 1879. In 1881 there were 25,967 less inhabited houses and 143,675 less people than in 1841. Estimating at 100% each a person's value to a country (I think that is the figure generally put down), the loss in this way to Mayo alone would be no less than 20,000,000%, without counting the value of the 26,000 inhabited houses which had also disappeared in the same period. This depopulation might to some extent be palliated upon economic grounds if the result was to improve the social condition of those people who had not been driven out or exterminated. But the social condition of the peasantry of Mayo had made no apparent improvement within that period, despite this extraordinary thinning of the population. And, notwithstanding this wholesale depopulation through eviction, landlord clearances were still carried out. The people were driven away to make room for cattle; and yet there came no material improvement in the social life of the remaining population to give the county some compensation in return for the devastations of landlordism.

In an able article in the 'Nineteenth Century' magazine for July 1883, from the pen of the late lamented Mr. A. M. Sullivan, there is an account given not only of the depreciation in stock and in other kinds of peasant property all over Ireland, but it is demonstrated that the lessening of the population, and the emigration that had taken place, had in no way fulfilled the prophecies and expectations of those who maintained that the one cause of the ills of Ireland was its congestion, was its over-population. I intended reading from that article, but I will pass it by. It is a very thoughtful and very clear and ably reasoned out article.¹

In 1879 the tenant habitations of Mayo and Connaught were, generally speaking, squalid and poor. These dwellings, as a rule, consist of one compartment, in which all the functions of domestic life are carried on. In fact, over a million of the Irish people live at the present day in one-roomed cabins. Evidence has been given as to the character of these dwellings by witnesses for the defence, the food upon which the tenants

¹ Appendix C.

subsisted, and the source from whence the rents for their lands came. As to the land in the occupancy of a large portion of the Connaught tenantry, it would practically have no commercial value whatever were it not for the constant application of the tenants' labour to the soil. The rents that have been and are still exacted for such land, though they are now reduced through the operation of the Land Act, are a levy—a manifestly unjust levy—upon the property which the occupier's industry has created in his holding. But before these reductions were made, before the Land Act was passed as a *post facto* evidence of the necessity of the movement which began in Mayo in 1879, the tenants upon the estates of the Mayo landlords were rented without any regard whatever to the claims of justice or the intrinsic value of the land they tilled. These rents thus screwed out of a semi-pauperised tenantry, were largely made out of the earnings of the migratory labourers, who, in immense numbers, crossed over to England each year. It is on record that the rents upon Major Pike's estate in the wretched island of Achill, the agent of which estate was examined in the witness-box, were raised more than once because there was good market for labour in England! I think it important in this connection to quote from a speech delivered by Mr. John Bright in the House of Commons during the passage of the Land Act in 1881. It bears directly upon the West of Ireland, and upon these migratory labourers who go over to England every year, and who pay out of their earnings rents to such landlords as Major Pike, Lord Sligo, Lord Lucan, and others.

I was making some observations upon the social condition of the people of my native county of Mayo, where the Land League agitation started, with a view of showing that the clearances and the emigration that had taken place in the previous generation, had not in any way benefited the peasantry of that part of Ireland. And my object in dwelling at some length upon those social conditions, was to make good what I laid down in my opening observations, viz., that the unhappy agrarian outrages and crime that took place in the years 1879, 1880, 1881, and 1882 were attributable to these social conditions and to the play of economic causes; and not, as the 'Times' alleges, either to my teaching or to the work of the Land League. I wish, before dealing directly with the Irishtown meeting and what followed,

to quote from this speech of Mr. Bright's, because he deals with the tenantry of Mayo and with the migratory labourers who go every year to England and earn there the rent that is afterwards paid to the landlords.

On that occasion Mr. Bright spoke as follows :—

'I believe if you had here an audience of tenant-farmers from Ireland, such as we are accustomed to see in the country at the stations and at the fairs, &c., and you were to put it to them, they would say that they were willing to give an adequate and fair rent to the owner on condition that you should give adequate security to them. I think they would do this. I do not believe they would ask for more, and I do not think they are likely to be content with less. . . . If you complain that the Bill gives too much to the tenants, and takes it all from the landlords, I should make this answer : If all that the tenants had done were swept away off the soil, and all the landlords had done were left upon it, over nine-tenths of the land of Ireland would be as bare of house and garden, and fence and cultivation, as it was in pre-historic times. It would be as bare as an American prairie where the Indian now roams, and where the foot of the white man has never trod. . . . We have heard to-night reference made to their virtues and to their vices. I shall say nothing of their vices. All people, I think, almost, have a sufficient number of critics, and it is not necessary that I should add to their number. But with regard to their virtues, there are two things which have struck me very much with regard to these poor people who live in Connaught. See what they do every harvest. They make a journey, these men living in hovels scarcely better than wigwams, and having three, or four, or five acres of land that really is so poor that it seems almost impossible they should live upon it. Mr. Tuke has given in his pamphlet the testimony of a Yorkshire farmer visiting that region, who said he believed the farms had on them what was three or four times of the original value of the land, which had been put on the land entirely by the small tenants.'

And so on to the end of the speech, the argument being that whatever value these poor people in Connaught, especially in Mayo, found in their holdings was value given to those holdings by their labour alone, and not by any expenditure of money or of effort on the part of the landlord owner.

‘I can add nothing to the eloquence, the justice, the humanity of these utterances of one of the most patriotic and straightforward statesmen which England has produced; and I ask from this Court a careful study of these words when judging of the causes which operated to the birth of the land agitation in Mayo in 1879.

It has been put forward again and again in argument against the Land League, and doubtless will be adduced once more by Sir Henry James when he addresses your Lordships, that the Land Act of 1870 was a great measure of justice to the tenantry of Ireland, and that in its provisions—especially in the fourth and ninth sections of the Act—there was a legal protection against the confiscation by the landlord of the tenant’s property.¹ But I answer, as an all-sufficient reply to this argument: ‘Read the speech which I have just quoted from a statesman who helped to pass the Act of 1870; note his reasoning and his facts, and then say if the mere citation of the passage of the Bill of twenty years ago is any argument against the necessity or origin of the land agitation of 1879.’ This Act of 1870 did not prevent evictions, as the records of the period show but too truly. According to the return of evictions and outrages put in by the Attorney-General on the 2nd of May, we find that in 1870 there were 151 persons evicted in Mayo, and a total of 677 evicted in the province of Connaught.

In 1871 the numbers for the county and province respectively were 100 and 907.

Mayo, 1872, 242; 1873, 318; 1874, 743. Connaught, 1872, 806; 1873, 884; 1874, 1,197.

But of this year I must admit the same return gives the number who were re-admitted as caretakers at, for Mayo 392, and for the province 425.

Mayo, 1875, 305. Connaught, 1875, 1,382.

Only 98 of these 1,382 persons were re-admitted.

Mayo, 1876, 70; 1877, 181. Connaught, 1876, 528; 1877, 608.

I do not know how many of these were re-admitted as caretakers. It is not given, I think, in the report.

Mayo, 1878, 214; 1879, 371; 1880, 106. Connaught, 1878, 1,815; 1879, 1,552; 1880, 1,986.

¹ See Appendix D.

Now, by these figures we find, as a comment upon the alleged efficiency of the Land Act of 1870 to keep the tenants of Connaught in their holdings, no less than 10,758 people evicted between the Acts of 1870 and 1880, in this one of the four provinces of Ireland. Of this number, 1,910 persons were re-admitted to their holdings ; but this still left 8,848 human beings as having been actually turned adrift from their hearthstones, homeless, in a province which had already within a single generation lost more than half a million of its people by eviction, famine, and emigration ! My Lords, one of the objects which I had in view when starting the land movement of 1879 was to strike down, to put an end to, the system which had, in this way, for generations, violated the natural rights of the people of Ireland.

It is alleged by the 'Times' that the Irishtown meeting and the agitation which followed, were the outcome of preconcerted plans on the part of the Fenian organisations for an ulterior object, namely, the complete national independence of Ireland ; but I have denied on oath, and so have other witnesses, this allegation.

I have already, when dealing with other charges against me, refuted by the testimony of facts what the 'Times' has attempted but failed to prove with reference to the origin of the Land League. The complete abolition of the landlord system, no matter what might or might not be the ultimate political consequence to Ireland or England, was and is a perfectly legal and constitutional end to work for, if the means employed are not unconstitutional. The law as it stood in Ireland in 1879 and 1880, permitted the right of public meeting and of open combination, and I challenge the 'Times' to prove that these were not the means, and the only means, to which we resorted when the movement was inaugurated.

It is true I was at this time a member of the Supreme Council of the I.R.B., and some of the speakers, and numbers of the people who attended the Irishtown meeting were Fenians, or had at one time been.

But, as I will prove conclusively by evidence, neither the Supreme Council nor any section of the I.R.B. or Fenian movement, had anything whatever to do with or say to the organisation of that meeting. The men who were responsible for the

meeting were acting either as farmers, farmers' sons, or as Radical land-reformers, who believed that landlordism was the source and seat of Ireland's poverty and social discontent. Men, for instance, who are members of a Masonic lodge may take part in Fenian, or Tory, or Liberal movements without having Masonic objects in view. Men, like myself, who participated in this Mayo agitation, knew that it was contrary to the principles of the I.R.B. to recognise in any way movements or methods constitutional. A short time previous to the meeting at Irishtown, a fierce controversy arose in the columns of the Dublin 'Irishman,' then the reputed organ of the I.R.B. and edited by Pigott, and this controversy took place over a lecture which I had delivered in Brooklyn, New York, at which Devoy made a speech; and the columns of the 'Irishman' at that time will show that numbers of Fenians wrote letters denouncing me for having gone over to the constitutional party and for having advocated a constitutional means of redressing the wrongs of Ireland. In an interview between myself and a reporter of the 'New York Daily World' in July 1882 I gave the following account of what led up to the Irishtown meeting. This interview has already been quoted from. It was not, and could not well be, as careful and as accurate a statement of the facts and circumstances of the movement spoken about, as if it had been written by me with the express object of publishing the story of the inception of the Land League. The interview took place in railway journeys during a brief and crowded lecturing tour in 1882, the reporter transcribing during the time I was engaged with public meetings the conversations which took place on our way from city to city. Still the story, excepting some historic matter which has no bearing on the question of the Land League, is substantially accurate and gives the facts as they occurred.

I will read from this interview the account therein given to the public seven years ago of what I had personally to do with the Irishtown meeting and the agitation which followed.

'I went into the west of Ireland'—

The President.—Where are you quoting that from, Mr. Davitt?

Mr. Davitt.—From an interview in the 'New York Daily World' of July 1882.

The President.—For convenience of reference, is not that in Mr. Cashman's book ?

Mr. Davitt.—Yes, it is included in Cashman's book, and can be found there by Sir Henry James.

The Attorney-General.—It is page 213 of Cashman.

Mr. Davitt.—‘I went into the west of Ireland on my return, when I found that my plan was denounced by the leaders and the organs of the Nationalists. I saw the priests, the farmers, and the local leaders of the Nationalists. I inquired, and found that the seasons of 1877 and 1878 had been poor, and that a famine was expected in 1879. All the farmers and cotters were in debt to the landlords and shopkeepers. One day in Claremorris, county Mayo—it was in March 1879—I was in company with John W. Walsh, of Balla, a cousin of mine, who was a commercial traveller. He is now in Australia in the interests of the Land League. He knew the circumstances of every shopkeeper in the west of Ireland, their poverty and debt, and the poverty of the people. He gave me a great deal of valuable information. I met some farmers from Irishtown, a village outside of Claremorris, and talked to them about the crops and rent. Everywhere I heard the same story, and I at last made a proposition that a meeting be called in Irishtown to give expression to the grievances of the tenant-farmers, and to demand a reduction of the rent. We were also to urge the abolition of landlordism. I promised to have the speakers there, and they promised to get the audience. I wrote to Thomas Brennan, of Dublin, John Ferguson, of Glasgow, and other Irishmen known for their adherence to Ireland's cause, and I drew up the resolutions. The meeting was held, and was a great success, there being between 10,000 and 12,000 men present.’

Then I go on to give some further reference which is not material, but which can be read by-and-by if it in any way contradicts what I have just stated.

This is the account which I gave, in the manner explained, of the origin of the agitation which finally led to the organisation of the Land League. The story was told, as I have said, seven years ago when there was no expectation of an investigation into the history and work of the League by your Lordships. And, making allowance for what I fear I must in justice call the egotism revealed in the narrative, you will find no evidence of ulterior purpose or

criminal design in the story so told. It is necessary to point out, also, that the interview took place in America, where it would have been to my interests, personal and political, to have given a purely American origin to the League movement, if I could have truthfully done so. I may also remark that the expressions which follow the quotation just read—‘ I saw that for Irishmen to succeed they must be united, and that they must have a practical issue to put before Englishmen and the world at large. When changes of great political importance involving an alteration in the policy of a country like England, conservative and somewhat slow to move, are to be brought about, there must be something practical in the issue put forward ’—these expressions do not, I contend, reveal the purpose and design which the ‘ Times ’ attributes to the men who organised the Mayo agitation. These words prove, as the whole interview likewise does, that the movement was meant to be constitutional, as I affirm it was, and as the evidence of the defence has shown. Extensive reference has been made by the Attorney-General to the speeches which Scrab Nally, P. J. Gordon, and a few others are reported to have delivered in connection with the meetings in Mayo and Galway in 1879 and 1880. Quotations by the yard have been read from these oratorical performances, with the object, presumably, of convincing your Lordships that the sentiments thus spoken were the expression of the spirit of the agitation which began at Irishtown. To refute this allegation I will quote as briefly as I can from the speeches which were made by the representative men who attended these meetings, and whose words were reported fully in the public press. Messrs. Nally and Gordon were at the Irishtown meeting, but I find no record of either of them having taken part in the speaking. And may I be allowed to say here of these two men, that I knew them personally, and believe neither of them would knowingly harm anybody? Scrab Nally was hail-fellow well-met with everybody in the country—people, police, agents, landlords—a rollicking good-natured poor devil, who knew as much about political economy as of Greek, and whose utterances, when allowed to speak at all, simply occasioned laughter among the audience that would remain to hear him. I am certain there was not even a police officer or magistrate in Mayo who ever took poor Scrab seriously; and the jury which tried the case of Parnell and others, in the

State prosecution of 1880, followed the example in this respect ; they laughed at the man in his insane and ridiculous utterances. Gordon had more oratorical ambition than his immortalised friend ; but his speeches were seldom or ever recorded anywhere but in the police note-takers' report. He was an uneducated man, and spoke the language of his hearers, generally after the meetings had dispersed ; as has been proved by the witnesses for the defence, and admitted, I think, by one or two of the police reporters for the 'Times.' It has been charged by the Attorney-General that Scrab Nally and Gordon were organisers of the Land League. There is no truth whatever in the charge, and evidence has been given by Mr. Louden and others who live in Mayo, that neither of these two men were organisers of the Land League or held any position whatever in that body.

XIII. THE IRISHTOWN MEETING

The chair at the Irishtown meeting was taken by Mr. James Daly, of Castlebar. The first resolution was proposed by Mr. Thomas Brennan, of Dublin, afterwards for a time secretary of the Land League. The resolution was written by me, and is as follows :—

'Whereas the social condition of the Irish people having been reduced, through their subjection to England and its coercive legislation, to a state below that of any civilised country in the world ; and whereas the mouthpiece of English public opinion, when speaking of continental misgovernment in late years, having declared that government should be for the good of the governed, and that wherever rulers persistently postpone the good of their subjects, either in the interests of foreign states, or to assist theories of religion or politics, such rulers have thereby forfeited all claim to allegiance ; be it therefore resolved : That we Irishmen assembled to-day in our thousands do hereby endorse the foregoing declarations as embodying the position and wrongs of our misgoverned and impoverished country, and as likewise affording us a justification for recording our unceasing determination to resort to every lawful means, compatible with an outraged civilised people, whereby our inalienable rights, political and social, can be regained from our enemies.'

I will now read extracts from the speeches delivered on the occasion ; and I ought to say that a report of this meeting did not appear in the Dublin 'Freeman's Journal,' or in any Dublin or Irish daily paper. It appeared in the 'Connaught Telegraph,' a local paper published in Castlebar by the man who presided at that meeting, and this report was quoted from at the State trials in Dublin in 1881. It is from a brief prepared for the defence in those trials that I have copied these speeches and resolutions of the Irishtown meeting. Mr. Brennan spoke, and I will quote this part of his speech. I will give the whole of the speech to Sir Henry James if he has not got a copy of it :—

'I will not tell you what my opinions are as to the best means by which this state of things can be changed. I am but a student of this great question, and there are some distinguished authorities on it to follow me ; but I will tell you that I have read some history, and I find that several countries have from time to time been afflicted with the same land disease as that under which Ireland is now labouring, and although the political doctors applied many remedies, the one that proved effectual was the tearing out root and branch of the class that caused the disease. All right-thinking men would deplore the necessity of having recourse in this country to scenes such as have been enacted in other lands, although I for one will not hold up my hands in holy horror of a movement that gave liberty not only to France, but to Europe. If excesses were at that time committed, they must be measured by the depth of slavery and ignorance in which the people had been kept ; and I trust Irish landlords will in time recognise the fact that it is better for them, at least, to have this land question settled after the manner of a Stein or a Hardenberg than wait for the excesses of a Marat or a Robespierre. The Irish people have often been charged with being very sentimental. They say all our grievances are sentimental. Well, I trust the day will never come when all sentiment will be crushed in the Irish heart. But this is no mere sentimental question, it is one on which your very existence depends, and any change in the government of Ireland that would not also change the present relations between landlord and tenant would be a mere mockery of freedom. You may get a federal Parliament, perhaps repeal of the Union, nay more, you may establish an Irish republic on Irish soil, but as long as the tillers of the soil are forced to support a useless and indolent aristocracy

your federal Parliament would be but a bauble and your Irish republic but a fraud. I am glad to see that Mr. Parnell, in addressing a meeting in Cavan last week, struck the right note, where he said the true solution of the Irish land question was the abolition of landlordism and the creation of a peasant proprietary. Now, while it would be good policy on your part to accept of any amelioration, anything that would stop rack-renting and eviction, you should also keep before your minds the fact that the Irish soil belongs to the Irish people, and rest satisfied with nothing short of a practical application of that truism. There is an opportunity for every Irishman, no matter how moderate or how extreme may be his views, to work for Ireland, and in the combined energy and unceasing labour of all classes of Irishmen lies the hope of the national cause.'

The next speaker was Mr. Malachy O'Sullivan, from some of whose speeches quotations have been read by the Attorney-General in his opening statement, or subsequently by Sir Henry James ; and this Malachy O'Sullivan was head clerk in the Land League from the time it was established in Dublin in October 1879 until, I think, about the latter part of 1880. I quote one or two sentences from his speech.

'No man deplores more than I do the fate which, unhappily, some landlords have met with in this country within a quarter of a century. But in deploring the ends of these men I cannot forget the causes which gave rise to those unhappy fates. I heartily deplore the assassination of any landlord, however bad, but just as heartily deplore the fate of the innumerable victims of the exterminator. I would therefore, to-day, save both classes—the tenants from the evictor—the evictor from the consequences of the revenge which his acts will be sure to inspire. I would only raise my humble voice to this vast assemblage of 20,000 persons in support of a measure which would give happiness and prosperity to the Irish race.'

Then the following resolution was proposed. It was also written by me :

'That as the land of Ireland, like that of every other country, was intended by a just and all-providing God for the use and sustenance of those of His people to whom He gave inclination and energies to cultivate and improve it, any

system which sanctions its monopoly by a privileged and non-operative class, or assigns its ownership and control to a landlord caste to be used as an instrument of usurious or political self-seeking, demands from every aggrieved Irishman an undying hostility, being flagrantly opposed to the first principle of their humanity—self-preservation.'

Mr. John Ferguson, of Glasgow, who has been examined in this case before your Lordships, spoke next, and this is an extract from his speech :

'Mr. Ferguson then dwelt at great length on the import and export trade of the country, and demonstrated that it is only by breaking up the large tracts of territory owned by a few aristocrats, and dividing it amongst peasant proprietors, that a sufficient supply of food can be raised so as to check the enormous demand which exists at present for food imported from abroad. He pointed out how the Land Question has thus become one of vital interest to the artisans and working-men of the great manufacturing towns of England, and he said that the time had arrived when it was the duty of Irish tenants and English working-men to demand such a settlement of the Land Question as will bring about the prosperity and happiness of the people. What is to be done to settle this question as between landlords and tenants? The question of landlord and tenant has been settled in Europe before, and it has been settled in more ways than one. In France at one time a system of landlord tyranny prevailed something analogous to the system which exists in Ireland to-day, and the tenants groaned beneath an iron oppression; and how was the question settled? By giving the landlords "a short shrift and a long rope." But he trusted that no one would attempt to settle the question after such a manner in England, Ireland, or Scotland. He did not wish to be understood as saying that liberty was not worth a drop of blood. He said that it was worth oceans of blood; but it was at all times better to obtain a redress of grievances by peaceful means while they can be so obtained; so he would wish to see the Land Question in Ireland settled as it was by Stein in Prussia. Stein, finding that the system of feudal landlordism which existed in Prussia was injurious to the interests of the people and dangerous to the peace of the State, almost by a stroke of his pen suppressed the landlords and constituted the tenants owners of the soil.'

Mr. J. J. Loudon, of Westport, also spoke, and he has given

evidence here before your Lordships. Among other things he said :

‘ Now, turning to our own country—if we have not witnessed remarkable developments of public opinion, the eyes of the English people have been opened to the system of misgovernment which was to us a scourge, to them a disgrace. Our wrongs are now not only discussed at public meetings and in the press, they are debated in the Houses of Parliament. The ballot has placed almost unlimited power in the hands of the people. If our grievances be not now speedily redressed we have only ourselves to blame. If measures having for object the vindication of popular rights are rejected, it is because our representatives misrepresent or betray us. Let the people of Ireland return true men, and in a short time you will have a Land Bill which will leave you secure in your homes for ever. You will have more. You will have a Parliament in College Green. Thus will arrive the time when Ireland will be mistress of her own destiny ; thus will arrive the time when it will be the duty of Irishmen to undertake the consideration of those social problems upon the solution of which will depend the place their country will take amongst the nations of the earth.’

The last speaker I shall quote from was Mr. John O’Connor Power, who was at that time Member of Parliament for Mayo, and a gentleman of great eloquence. I will give one extract from his able speech.

‘ Whence arises this difference in the conduct of British and Irish landlords ?’

He had been contrasting the justice, moderation, and attention of the English landlord with the absence of these qualities in Irish landlords.

‘ It arises from the fact that we have no organised public opinion in Ireland, and the lords of the soil here may do the grossest acts of tyranny with impunity, acts which if committed in Great Britain would bring upon them the well-merited condemnation of the community. Now, if you ask me to state in a brief sentence what is the Irish Land Question, I say it is the restoration of the land of Ireland to the people of Ireland ; and if you ask me for a solution of the land question in accordance with philosophy, experience, and common sense, I shall be equally brief and explicit. Abolish

landlordism, and make the man who occupies and cultivates the soil the owner of the soil. I am afraid, however, that some time must elapse before we can induce Parliament to adopt a solution of the question which commended itself long ago to the ablest statesmen of Europe, and the economic and social value of which experience has amply proved. We must, therefore, take note of our present difficulties to apply an immediate remedy. Evictions must be stopped at all hazards. Ireland cannot afford to lose any more of her industrious children. She has lost too many already. True, we must resolve now at last to make a stand against the unholy work of the exterminator. I have great faith in the power of an enlightened public opinion, and, depend upon it, there is nothing tyrants dread so much as public exposure. Those who would banish the Irish people from their native land to which they have ever clung with the heart's fondest affection and devotion, deserve the severest censure and condemnation, and those who rob the poor farmer by exacting an unfair and exorbitant rent are the worst enemies of society, and if they cannot be reached at present by the strong arm of the law, we must reach them and punish their iniquities by the strong voice of the public opinion of their country. I think it was St. Ignatius who said that "no man could pray well on an empty stomach," and I am sure no man can work well who is not fed well. Work is one of the highest forms of piety, and as I want to see the cultivators of the field work well, so I desire also to see them with plenty of food to eat and with decent clothes on the backs of themselves and their children. A bountiful Providence has blessed Ireland with a fruitful soil for the support of an abundant population, and we must take care that the tyranny of man shall not be allowed to frustrate His beneficent designs.'

This is the story of the Irishtown meeting and the inception of the Land Agitation in Mayo, and I think that the sentiments expressed, strong as some may be, do not indicate that there was any ulterior design, any revolutionary purpose behind the speakers' words.

The next meeting was held at Westport. I ought to say at once I am not going to inflict upon your Lordships any long quotation from the report of this meeting.

The President.—I am glad you have referred to the Irishtown speeches ; we have not had them in detail in evidence from either side.

Mr. Davitt.—No, my Lords, I ought when I was in the box to have read them, or had them read in full. I will with the greatest pleasure supply a full report of them to Sir Henry James, and these speeches can be gone over, and if there is anything that I do not fairly bring out, it can be used in argument against me.

This meeting was organised and most of the expense attendant thereon defrayed by Mr. Loudon, as he told you in his evidence. Mr. James Daly, of Castlebar, occupied the chair.

The following resolution was proposed by me :

‘That whereas all political power comes from the people, and that the people of Ireland have never ceased to proclaim their right to autonomy ; we hereby re-assert the right of our country to self-government.’

What purports to be a report of my speech in support of this resolution, has been read by the Attorney-General. It was not a complete report. There is no sentiment expressed by me therein I repudiate here. I would read the whole of the speech if I had it.

Mr. Parnell also made a speech, which will be found in the opening statement of the Attorney-General. Mr. Parnell proposed the following resolution :

‘That whereas many landlords, by successfully asserting in the courts of law their power to arbitrarily increase their rents, irrespective of the value of the holdings on their estates, have rendered worthless the Land Act of 1870 as a means of protection to the Irish tenants, we hereby declare that not only political expediency, but justice and the vital interests of Ireland, demand such a re-adjustment of the land tenure—a re-adjustment based upon the principle that the occupier of the land shall be the owner thereof—as will prevent further confiscation of the tenants’ property by unscrupulous landlords, and will secure to the people of Ireland their natural right to the soil of their country.’

Mr. Matthew Harris also spoke at the Westport meeting, and this is all the report of the speech which appeared in the ‘Free-man’ :

‘Mr. Matthew Harris, of Ballinasloe, in supporting the resolution, said the history of landlordism in Ireland for the last thirty years was an awful record of selfishness and criminality,

and in that history there was not an uglier picture than the history of landlordism in Mayo. But the longest journey must have an end, and from the public spirit he saw manifested to-day he thought landlord domination in Mayo and Ireland was just approaching to its end. It was time for the tenantry to learn that as long as they bent the knee they would always find tyrants to trample on their necks, and until they learned this lesson all other instructions would only make them the dupes of designing men.'

The next great meeting of the movement inaugurated at Irishtown, took place at the village of Milltown on the Mayo border of Galway, on June 15, 1879. The chair was occupied by a Mr. Morris, a local tenant-farmer. The speeches have either been read or quoted from already. The following are the resolutions, the first being proposed by Mr. Thomas Brennan :

'That as the people of Ireland have never ceased to demand the right of self-government, we hereby reiterate our resolution to labour for the same until our country has secured its attainment.'

The next was proposed by me :

'That as the land system inflicted on the people of Ireland is the parent of our country's proverbial poverty, and has ever been opposed to the moral sentiments of our race, we declare its continuance to be a criminal disregard of the social well-being and the best interests of our country, which imperatively demand the restoration of our national land system, which recognised the cultivator of the soil as the proprietor thereof, and was opposed to all intermediate right of property between the State and himself.'

Mr. David Flannery, a tenant-farmer of the district, proposed the third and last resolution :

'That in view of the widespread destitution with which the tenant-farmers of Ireland are visited consequent upon the various adverse influences in operation against them, we call upon the press and the country to pronounce against any increase of rents by landlords, as the reduced value of farm produce and succession of bad seasons make it impossible for tenants to pay without entailing ruin upon their families and homesteads.'

The next and last of the important meetings held previous to

the foundation of the Land League in Mayo, to which I will specifically refer, was held in Claremorris the 12th of July. This meeting was the first of the series presided over by a priest ; at the three previous meetings a tenant-farmer, or some one intimately connected with the land, occupied the chair. The Very Rev. the late Canon Burke, of Claremorris, took the chair on this occasion, and among other equally eloquent things said :

‘ Perform not a single act, utter not a word that could give an opportunity to your enemies and the enemies of your race, to say that you are unworthy of the rights of freemen, unworthy of those land rights which the tillers of the soil throughout Europe enjoy. There are two extremes which the Irish people should avoid—a settled supineness in asserting their rights. Against this state of passive prostration our national poet, Thomas Moore, cries aloud when he says—

Where’s the slave so lowly,
Condemned to chains unholy,
Who, could he burst
His bonds at first,
Would pine beneath them slowly ?

The second is the senseless challenging, on the part of one or two, of the whole British Government and the power which it wields. The explosive folly of a few untrained or unthinking men, tends to injure very much a good cause. The fact that you have assembled in your thousands here to-day proves that you are not of those slaves so lowly who, when they can burst their bonds, would pine beneath them slowly. And I trust that there is not one amongst us—one so devoid of reason—as to utter threats, or to hurl defiance, which can tend to no good purpose, against either landed proprietors or against the Government of the country. As dutiful Catholics you must be obedient to the laws ; for social order rests on law ; and in wishing to enjoy liberty yourselves, you ought not to indulge in license when dealing with others. But I have no fears on that head.’

This resolution was proposed :

‘ Whereas a natural and healthy growth cannot exist without settledness and permanency, and whereas man’s energies and consequent industry cannot be developed without an exciting cause—namely, a fair hope of reward or of lucrative results—and whereas in every country the lands

and their cultivation are the basis of all absolute wealth ; be it resolved that in the present state of non-fixity of tenure and the consequent dread of capricious eviction hanging over the heads of the Irish tenant-farmers, lies the baneful cause of non-developed energy and industry, leaving the Irish soil, that rich mine of national wealth, only half worked, at least in extent, if not in its producing power, as is seen by the amount of waste lands and diminished acreage cultivated in Ireland, consequently not furnishing anything like ample means to the tenant-farmers to grow in comfort or in wealth, but, on the contrary, forcing an entire people, who ought to be as rich and as comfortable as the Belgian or French peasants, to advance in the road of personal poverty and national bankruptcy ; that to remedy such crying evils fixity of tenure at fair rents, eschewing all fear of eviction, must be the farmers' battle cry, awaiting a final settlement on the basis of a peasant proprietary.'

Now, my Lords, these comprise what has been called the four great meetings of the Mayo agitation of 1879. They were held prior to the formation of any organised body either in Mayo or in Dublin, with the name of the Land League. Excepting his presence and speech at the Westport meeting, Mr. Parnell had taken no part in the movement which began at Irishtown. I think it was when travelling with him to Westport we first discussed the idea of an agrarian organisation. I may possibly have spoken to Mr. Parnell earlier than this on the subject, but I have no recollection of the fact, as I think I said in the witness box. On the occasion of the Westport meeting there was no evidence, except the previous Irishtown meeting, that an agitation of any great volume had begun. We were more occupied with the evidences of approaching distress among the western tenantry than with the subject of organisation ; but I remember urging combination of some kind as a necessary protection against the landlords of Mayo, of whose career, as I told your Lordships this morning, I had some knowledge and experience. I remember distinctly the objections Mr. Parnell urged, and these have been accurately stated by him in his evidence.

XIV. FOUNDATION OF THE LAND LEAGUE OF MAYO

Acting entirely upon my own responsibility, and without any consent asked for, given or implied by Mr. Parnell, I called a convention of representative tenant-farmers, and men who had participated in the agitation so far, to assemble in Castlebar, Mayo, on the 16th of August, 1879. I have put in all the documents referring to this convention. The 'Freeman's Journal' of August 18, 1879, reports the proceedings in full, giving the following particulars:

'Land League Convention at Castlebar.

'A meeting in connection with the land agitation in Mayo, the first convention of tenant-farmers held in Ireland since the repeal of the Convention Act, took place at Castlebar, Saturday, August 16, at Daly's Hotel, and was attended by representative delegates from all parts of the country. On the motion of Mr. James Daly, Castlebar, seconded by Mr. William Judge, Claremorris, the chair was taken by Mr. Jno. J. Louden, B.L., Westport.

'Declaration of Principles.

'Michael Davitt then read the following declaration of principles.'

This document has been read already and will be found upon the minute.¹

'Its Rules and Objects.

'This body shall be known as the National Land League of Mayo, and shall consist of farmers and others who will agree to labour for the objects here set forth, and subscribe to the conditions of membership, principles, and rules specified below.

'Objects.—The objects for which this body is organised are :

'1. To watch over the interests of the people it represents, and protect the same, as far as may be in its power to do so,

¹ See Appendix E.

from an unjust or capricious exercise of power or privilege on the part of landlords or any other class in the community.

‘2. To resort to every means compatible with justice, morality, and right reason which shall not clash defiantly with the Constitution upheld by the power of the British Empire in this country, for the abolition of the present land laws of Ireland, and the substitution in their place of such a system as shall be in accord with the social rights and interests of our people, the traditions and moral sentiments of our race, and which the contentment and prosperity of our country imperiously demand.

‘3. Pending a final and satisfactory settlement of the land question, the duty of this body will be to expose the injustice, wrong, or injury which may be inflicted upon any farmer in Mayo, either by rack-renting, eviction, or other arbitrary exercise of power which the existing laws enable the landlords to wield over their tenantry, by giving all such arbitrary acts the widest publicity and meeting their perpetration with all the opposition which the laws for the preservation of the peace will permit of. In furtherance of which the following plan will be adopted: Returns to be obtained, printed, and circulated of the number of landlords in this county, the amount of acreage in possession of same, and the means by which such lands were obtained, the farms held by each, with the conditions under which they are let to their tenants, and the excess of rent paid by same over the Government valuation. To publish by placard or otherwise notice of contemplated evictions for non-payment of exorbitant rent or other unjust cause, and the convening of public meetings, if necessary or expedient, as near the scene of such evictions as circumstances will allow, and on the day fixed upon for the same. The publication of a list of evictions carried out, together with cases of rack-renting, giving full particulars of same, name of landlord, agents, &c. concerned, and the number of people evicted by such acts. The publication of the names of all persons who shall rent or occupy land or farms from which others have been dispossessed for non-payment of exorbitant rents, or who shall offer a higher rent for land or farms than that paid by the previous occupier.

‘4. This body to undertake the defence of such of its members or others of local clubs affiliated with it who may be required to resist by law actions of landlords or their agents who may purpose doing them injury, wrong, or injustice in connection with their land or farms.

'5. To render assistance when possible to such farmer members as may be evicted or otherwise wronged by the landlords or their agents.

'6. To undertake the organising of local clubs or defence associations in the baronies, towns, and parishes of this county, the holding of public meetings and demonstrations on the land question, and the printing of pamphlets on that and other subjects for the information of the farming classes.

'7. Finally, to act as a vigilance committee in Mayo, noting the conduct of its grand jury, poor law guardians, town commissioners, and members of Parliament, and pronouncing on the manner in which their respective functions are performed whenever the interests, social or political, of the people represented by this club renders it expedient to do so.

'Conditions of Membership.—*First*, to be a member of any local club or defence association in the county, and to be selected by such club or association to represent the same on the central or county association.'

I contend that there is nothing in these principles, rules, or suggestions that was contrary to the law as it then stood in Ireland. I admit that the suggestions to publish the names of parties who should take farms out of which others had been evicted for non-payment of exorbitant rent, may possibly have given rise to the subsequent boycotting which has formed so large a part of this inquiry. I accept all responsibility for having laid down that rule at this convention, and for having since advocated boycotting, short of personal injury being any part of it. But I wish to draw your Lordships' attention to this one fact, as it is of importance to Mr. Parnell's interests in this case. The principles, rules, and suggestions which formed the programme of the Land League of Mayo had no place whatever in the Land League programme of Ireland, which was drawn up on the 22nd of the following October in Dublin, in response to a circular issued by Mr. Parnell, which has been put in as evidence. I think it is only just to Mr. Parnell that he should be dissociated in this way from all connection with this Land League Convention of Castlebar, and with the sentiments I expressed there, the principles which were enunciated and the documents which I have just read.

The National Land League of Mayo had only two months of independent existence, as it became absorbed in the Land League of Ireland when that body was organised in the October following. I am not aware of its having done anything, except to organise public meetings pending the formation of the national body.

In connection with this Castlebar Convention there is, in the report of it in the press, a statement which has given rise to considerable discussion over the status of Mr. P. W. Nally, brother of J. W., or 'Scrab,' Nally. It has been asserted by the Attorney-General that P. W. Nally was a prominent member of the Mayo Land League. There was, at least in this instance, grounds for the learned Attorney-General's statement; but the counter-statement by the defence, that P. W. Nally was not a member of the Land League at all, is perfectly true. The explanation is this: At the Castlebar Convention P. W. Nally was proposed as one of the honorary secretaries of the Mayo Land League. I believe it was I who proposed him. The name associated with the position was included in the report of the proceedings, and hence the ground for the statement made by counsel for the 'Times.' But Mr. Nally declined to accept of that or any position whatever, either in the Land League of Mayo or of Ireland. This has been sworn on oath by the president of the Land League of Mayo, Mr. J. J. Loudon, who knew Mr. P. W. Nally intimately. In point of fact, he was never even a member of any branch of either body, in Mayo or in Dublin.

Now, as to Mr. P. W. Nally, I think it only common justice to him to place on record my belief in his entire innocence of the crime for which he was convicted, on the testimony of the informer Coleman, who, if my information is accurate, and I believe it to be so, was himself the Alpha and the Omega of the Crossmolina conspiracy case. Nally was known all over Mayo as a young man of the most unblemished character, known to landlords and officers of police—in fact, to all the people of that county, as he was a noted athlete, upright, straightforward, and honourable in all the relations of life; a man whose personal reputation and respectable position and parentage would preclude the suspicion that he could stoop to a conspiracy of

murder or any dishonourable crime. But Mr. Nally was no believer in the efficacy of moral force alone as a means of winning Irish liberty. He never disguised his opinions. He was a physical-force man. He did not believe in constitutional agitation. Like many more young men in Ireland, both at that time and before, he believed that the only way to regenerate Ireland was by the sword.

XV. FOUNDATION OF THE LAND LEAGUE OF IRELAND

I now leave the National Land League of Mayo and come to the National Land League of Ireland. It was a short time after the Castlebar Convention that I discussed with Mr. Parnell at his home at Avondale, as I think I have told your Lordships in my evidence, the idea of forming a Land League for Ireland. At this time Mr. Parnell had not, as far as I know, any knowledge of my connection with the I.R.B. The knowledge of Fenian aversion to parliamentary or constitutional movements must have been present to Mr. Parnell's mind, as it was to everyone in Ireland who knew anything of the history of the Fenian body. I am confident that Mr. Parnell believed me to be proposing a *bona fide* constitutional organisation, or he would have taken no part whatever in such a step. Such, I affirm, was the character of my proposition. The circular which assembled the Conference of the 22nd October, the programme which was proposed and adopted at that Conference, the address to the Irish race which was issued in the name of the executive committee, and the rules which were afterwards drawn up, have been read and put in as evidence. These documents form the charter of the Land League. They are contemporary documents and speak for themselves as to what were the objects of the League and by what means those objects were to be attained.¹

The 'Times' would have the Land League judged by the testimony of garbled extracts from a certain number, a comparatively infinitesimal number, of speeches; some, I admit, not wise, others made up of nothing but froth and foolishness, while a few

¹ See Appendix F.

were the mere outpourings of witless *omadthawns*, and were on record only in that phonetic museum known as the Royal Irish Constabulary Reporter's note-book, until this inquiry gave them a world-wide publicity. When all the speeches quoted from or referred to in this Court are taken into account—the good, the bad, and the indifferent—they will not amount to the 400th part of the speeches actually delivered in Ireland from the Irishtown meeting in 1879 to 1887. To judge of the League, therefore, as the 'Times' would wish this Court and the public to do, from not even this fractional part of the League speeches, but from disconnected fractions of this fractional part, is in keeping with the tactics of the 'Times,' but not, I venture to say, with the requirements of justice or fair play.

What the League really was, what it proposed to do, the means which it recommended and employed to achieve its clearly defined end, are the questions which a just inquiry into its character and objects will have to consider, and not the utterances of burlesque platform orators.

The British Constitution, in its written or applied sense, is not surely to be praised or condemned for what one or twenty or a hundred speakers may say from one end of the year to the other, though there be a mixture of wisdom, stupidity, and folly in their eloquence. I am therefore desirous that the Land League as it was, and as it spoke, and as it acted, nine or ten years ago, shall now speak for itself in its then voice, as preserved in its official charters and documents, that it may be thus heard by this tribunal, and by the world before which it has been unscrupulously maligned by the 'Times.'

The Land League was founded at a public meeting, called by circular on the 21st October 1879, in the Imperial Hotel, Dublin. The report of the proceedings was only partially quoted from in the evidence for the defence. The platform, programme, or constitution drawn up and agreed to on the occasion has been read and put in ; but the letters which were read have not, I think, been more than alluded to. I will not trouble you with the whole report. I had intended reading the whole, but I will not. I will content myself with reading the circular which Mr. Parnell issued calling the Conference. I will leave the other documents to speak for themselves on the evidence.

‘Avondale, Rathdrum : September 29, 1879.

‘Dear Sir,—Some friends have urged upon me the strong desirability of forming a committee for the purpose of appealing to our countrymen abroad, and more especially in America, for assistance in forwarding the new land agitation in favour of the ownership of the soil by the occupier, and also for the purpose of upholding the tenants during this terrible crisis by the promotion of organisation.

‘I enclose you a copy of the appeal that we have drawn up, and trust that you will permit yourself to be added to the committee and allow your name to be appended to the appeal.

‘I am, dear Sir, yours very truly,

‘CHARLES S. PARNELL.’

The report of the Conference or meeting which resulted from this circular, appeared in the ‘Freeman’s Journal’ of October 22, 1879. The appeal to the Irish race mentioned in Mr. Parnell’s circular, and which was signed by those who attended the Imperial Hotel Conference and by others whose names could be read, has been put in as evidence during the examination of Mr. Parnell, and will be found at the proper place in the evidence. I think it was also read by Sir Charles Russell in his opening speech. That appeal has been read and probably has been studied by your Lordships, and I ask where in this appeal is any, the slightest, evidence found of any ulterior purpose, any proof that the object of the League, as alleged by the ‘Times,’ was to effect complete separation from England by criminal means? There is no such evidence, either in the programme agreed to on that occasion, in the letters written to that Conference, in the address to the Irish race, or in anything spoken or written in connection with this, the initiation of the Land League of Ireland. If all this was a conspiracy, as the ‘Times’ says it was ; surely never was there in any country under the sun more blind or more stupid men than those whose names are found associated with the very foundation of this body.

I intended reading the rules and regulations of the Land League, but as they are already on the evidence I shall not inflict them again upon the Court.

The President.—Not only are they on the evidence, but they have been carefully studied.

Mr. Davitt.—I may remark that Rules 9, 10, and 11 do, undoubtedly, exclude persons from membership who act in a manner deemed to be injurious to the interests of the mass of the people ; while Rule 10 specifically expels from the branch such members as violate the preceding rule—that is, taking farms out of which others have been evicted and paying, when all agree to demand a reduction, exorbitant rents behind neighbours' backs. But similar rules are in force in almost every association in every civilised country, whether it be a political or social body. Certain qualifications are insisted upon for membership, without which an applicant cannot be received ; while clearly defined conditions are imposed upon all who are enrolled in the club or association, be it friendly, political, or social.

These Land League rules were, therefore, in no way exceptional, and could not be oppressive or injurious to the community unless pressure of an illegal nature were employed in their enforcement ; and no evidence has been sustained before your Lordships showing that the persons here charged employed, or advocated the employment, of such pressure to induce people to join the Land League.

To deny to the Land League the right of saying upon what conditions people should join its body, or to argue that expulsion from its ranks was an injury to the member expelled, would be denying the right of association, and would be a wrong against the liberty of the subject in Ireland.

The President.—There is one of those articles to which I should be glad to call your attention, that is the proposal to defend members. I have not got the exact words before me, but it was both in your Declaration of Principles and also in one of the documents issued by the Land League upon its formation—I do not know under what title.

Mr. Davitt.—It was certainly laid down in the principles I enunciated at Castlebar.

The President.—And in the other, you will find.

Mr. Davitt.—In the Rules of the Land League ?

The President.—Yes.

Mr. Davitt.—I am sure if your Lordship says so it must be there, but the intention was to defend members of the Land League in actions at law against landlords or against others who

invaded their rights. I will make some comments upon that work of the Land League by-and-by.

The President.—Very well. I think that calls for observation.

Mr. Davitt.—Yes, certainly. When I come to deal specifically with the indictment against myself and others I will comment upon that; but I say now, in answer to your Lordship's reminder, that in the principles which I laid down in the Mayo Land League, it is clearly mentioned that the members of the Land League were to be defended at law against unjust or unreasonable action on the part of their landlords or agents. That is all the reference made to it in the Castlebar document. Whether there is a more definite statement in the rules of the Land League, I cannot say. I pass by that point. I intended reading the rules, but in deference to your Lordship's remark I will not do so now.

The President.—You will return to it?

Mr. Davitt.—Yes. These documents, together with a manifesto to the people of Ulster, which I do not think necessary to read now, but which will be found at pages 2694–5 of the Evidence, are the charters of the Land League. Upon the meaning and obvious purpose of those documents I am willing to rest the fate of the Land League in any legal or constitutional inquisition into its character. The objects are defined in no equivocal manner. The justification for the movement of the League is abundantly demonstrated, while the means of reaching the objects set forth are clearly and comprehensively outlined.

At this period of time—that is, the date of the publication of the Land League constitution, rules, and addresses—the famine of the winter of 1879–80 was manifesting itself plainly in Ireland, and Messrs. Parnell and Dillon were on their way to America, for the double purpose of raising funds for the League, and appealing to American and Irish-American sympathy to aid a people threatened with starvation. Evidence has been given by nearly all the witnesses for the defence as to the extent of the distress and the dangers which loomed ahead for the peasantry of the poorest districts. The 'Times' has endeavoured in more ways than one to minimise the extent to which the distress prevailed, for the purpose, obviously, of showing that the intensity of destitution or the fears arising from a probable famine were not such

as would lend justification to a movement such as the Land League. In this the 'Times' has been singularly unfortunate. I have shown by one of its own publications, issued at this very time, that it recognised the prevalence of exceptional distress. I quoted from the preface of the 'Times' Red Book this morning what was said in 1880 of the exceptional distress in Ireland. What I say is that the wretched peasants of Mayo, Galway, Clare, and Kerry, and West Cork are the class that expected to suffer more from the distress in 1879 than any other class in Ireland ; and that they had nothing to hope from either the sense of duty or justice of the landlords, or from the action of the Government, if they remembered the action of the Government and the landlords in the time of the great famine of 1846 and 1847.

As to the distress of 1879, I contend that it was the Land League which first raised the cry of alarm, and warned the country of what was impending. This has, I think, been proved in evidence. Anyhow, no one who is conversant with the facts will deny my assertion. When the cry of alarm was first voiced in Mayo, and when the Irish members drew the attention of the Government to the statements that had been made by many men who were not engaged in the agitation, the Chief Secretary for Ireland treated the matter very lightly--in fact, it was broadly stated by him that there was no real distress, and there was no cause for alarm. On the 17th September the 'Times' wrote : 'There is the best reason for believing that the losses of the Irish farmer have been trifling compared with those of the English farmer. Food has been and is everywhere cheap and plentiful.' Rather a remarkable statement for a paper to make in 1879 which admitted subsequently in its publication of 1880 the existence of exceptional distress. The abused agitators were proved to be the real prophets on that occasion. They gave the first note of warning, and it was due to their persistent statement of facts about the condition of the people that action was taken by the charitable public, that many relief committees were organised, and that ultimately sufficient relief was got from the generous people of America and England and Scotland and Ireland, which saved the country from a repetition of the scenes and horrors of the great famine of 1846 and 1847.

I had intended to quote in support of our contentions, as to

the extent of distress, reports by the Duchess of Marlborough's Committee, and the Dublin Mansion House Committee, but they have already been referred to, and I will pass them by.

The Land League, though started for the purpose of effecting the abolition of landlordism, undertook the task of distributing relief to impoverished districts as early as December 1879. The proceeds of Mr. Parnell's first meeting in New York (500*l.*) were cabled across for immediate application, and within five days from the payment of this money at the doors of Madison Square Gardens, it was distributed in sums of 25*l.* over twenty of the poorest districts in Mayo and in Galway. That was one of the acts of the Land League for which, I suppose, the 'Times' will not give it any credit. The report of the Executive of the Land League, accounting for the distribution of 33,997*l.* 13*s.* 7*d.* of relief funds from December 1879 to April 1880, has been referred to. I do not know whether it has been brought under your Lordships' notice or not.

The President.—I do not anticipate that anything will be said to the contrary.

Mr. Davitt.—Very well, then I will pass it by.

Anyhow, there is on record in the public press an account of work done by the Land League in the few first months of its existence, work of charity, and of relief of destitution and distress. I think that, inasmuch as the Land League has been held up to the odium of this Court, and to the public opinion of Great Britain, it is only right that I should be allowed to make these few observations about its relief operations in 1879 and 1880.

With reference to the extent of the distress and the amount of destitution which prevailed, I do not propose to read from any of the reports or other documents available for that purpose. What I have already quoted in general terms, and what Sir Charles Russell has brought before your Lordships in considerable detail on this head, and which will be found from pages 3666 to 3678, will be sufficient to convince you of the depth and intensity of the destitution which prevailed for a time, and which, if it had not been in part alleviated, through the work of the various relief committees, would have led either to appalling destitution or to a widespread and desperate struggle on the part of near a million of people to avert starvation,

Meantime, the landlords, true to their traditions and the character in which they have been depicted by the 'Times' in its republished articles of 1880, were successful in their efforts to get a relief bill passed for themselves. Of course, it was asked from a landlord Government on the pretence that the money was to be employed in providing labour of a remunerative nature for their famishing tenants. Just as in 1847, the money was appropriated for their own benefit, all but exclusively. The sum voted by Parliament was 1,100,000*l.* It came out of an Irish fund, the Church Surplus Fund. It was loaned without any interest for two years, and at the rate of 2 per cent. afterwards. What portion of Ireland, what number of tenants were ever relieved out of this money, no historian has yet been able to tell. But it is on record that numbers of landlords paid wages out of this State money for the improvement of their own properties, and then charged the tenants so paid 5 per cent. in perpetuity for what cost themselves nothing for a period of two years, and only 2 per cent. afterwards.

During the years 1879, 1880, the landlords were showering their ejection processes over every part of Ireland, just as if there was no distress whatever among the people. No note was taken by them of the extraordinary fall in agricultural prices which I have particularised to your Lordships, or which I could have particularised from the reports had I read them. Distress or no distress, let the price of cereals or cattle be what it may, the Irish landlord Shylock was bound to have his pound of flesh. If starvation ensued, that was the concern of the outside charitable world, which had so often come to the rescue of a famine-stricken tenantry. The landlord's concern was his rent, plus what he could make, in addition, out of the funds which others subscribed to keep his tenants alive, and out of Parliamentary grants. All he was prepared to do was to assure the Government and the English people of his undoubted loyalty and unblemished honour, together with his readiness to uphold law and order, with the aid of the army and R.I.C. backed by a Coercion Act, for which he loudly clamoured in letters to the 'Times.'

The following are the numbers of ejection processes entered at quarter sessions in Ireland during the years 1879 and 1880, and I hope your Lordship will not tire while I am giving these

figures, because part of my argument is, that, first, the condition of Ireland during the famine of 1879, and afterwards, and the serving of processes of ejectment and evictions, were the real cause of the agrarian outrages which followed, and which are sought to be put down to the account of the Land League, to myself, and others. What I am about to read has not, I think, been put in in the form in which I have prepared it.¹

The Attorney-General.—Certain figures were in Sir Charles Russell's speech which have not been proved—at page 3679. If it is only those, there would be very little objection to it. I rather wish those should be in, but all I mean is, it was impossible for me, I think, to allow figures to be read off-hand without knowing what they were and whether they were admissible.

Mr. Davitt.—I do not know for certain whether they have been referred to or quoted by Sir Charles Russell, but I had a recollection that some reference had been made to them before your Lordships, and it was upon that ground I proposed using them in my own speech. But I do not wish to insist upon that point. The argument I meant to found upon the ejectment processes which were entered for service was this, that the dread of eviction operated upon the minds of the people and drove the people, or was calculated to drive the people, in 1879 and 1880, to those excesses which we know from history and through official reports caused agrarian crime and outrage in years gone by.

Anyhow, under these circumstances, with partial famine at their doors, with no hope of sympathy or of succour from the landlords, and with these processes being served, the people of Mayo and of Ireland resolved to rely upon themselves. I undertook, in conjunction with some of those charged here, to teach the people combination, along with some ideas and principles of land law reform which were then deemed and denounced as 'Communitic,' but many of which ideas are now embodied in legislation, while others are likely soon to keep them company upon the statute-book of the realm. I have already pointed out to your Lordships the failure, or at least I have made passing reference this morning to the failure, of the Tenant League under Sharman Crawford and others to win any substantial reform from Parliament. I also intended to have reviewed the failure

¹ Appendix G.

of the Tenants' Defence Association under Isaac Butt, in order to show that at the time when I organised the land movement in Mayo in 1879, there was every inducement and every necessity for the people to take some action like that which I recommended, in order, in the first place, to protect themselves against eviction and against other acts of unjust landlordism, and to demand from the Legislature such a radical change of the land system of Ireland as would save the peasantry in future from famine and landlord injustice alike.

The President.—Are you going to another branch?

Mr. Davitt.—No, I have 'confiscated' so much of my speech to your Lordship's suggestion that I will now ask you to adjourn five minutes earlier in order to put to-morrow's matter in better order.

On finishing my observations yesterday upon the American part of this inquiry, I had intended to draw your Lordships' attention to the measures that had been introduced into Parliament by Irish representatives during a number of years, with a view of settling differences between landlords and tenants in Ireland. I had prepared a list of all these measures, going back as far as 1829, giving the names of the Irish members who introduced them, and an account of what befel these efforts. I had also intended drawing attention to a corresponding number of Acts passed by the same Legislature—Coercion Acts—for Ireland.¹

I also proposed to dwell upon the opposition—the then powerful opposition, of the 'Times,' to all these efforts of Sharman Crawford and his colleagues, to better the condition of the tenant-farmers in Ireland; and I wish to insist upon these facts as an additional argument justifying the land agitation of 1879; which, I contend, apart from my own share therein, was the inevitable evolution from the Tenants' League and Tenants' Defence Association. I had also intended speaking upon the famine period of 1846 and 1847, and to quote from unbiased authority the effects which the events of those terrible years produced upon the Irish peasant mind, especially the peasantry of Connaught, where the famine horrors were greatest. Your Lordships permitted me to read from the 'Times' some of its then views about Irish landlords and their conduct; and this to some extent served my purpose. I then desired to call attention

¹ See Appendix B.

to the number of ejectment processes that were entered in the courts of Ireland in 1879 and 1880, so as to show how widespread were the apprehensions of eviction in the early days of the Land League. I wanted to prove that in those two years, 1879-80, there was an increase of 87 per cent. in the ejectments entered in the courts, over the average number for the twenty-five years previously. I then came to the story of the Irishtown meeting. I called the attention of the Court to the resolutions proposed there, and read selections from some of the speeches. I did the same with reference to the three great meetings which followed. I then came to the foundation of the Land League in Dublin in 1879, and your Lordship said that the programme so drawn up and adopted had received the careful attention of the Court.

Now, what did the Land League propose to do, in order to effect what O'Connell, Crawford, and Butt endeavoured to accomplish, to secure the tenant in his holding, and give him the means and incentives to protect himself against agricultural depression or famine? The 'Times' says in its charges that the Land League chiefs 'based their movement on a scheme of assassination carefully calculated and coolly applied.' This charge, as has already been pointed out, was not a charge of constructive legal or moral responsibility for the words or acts of subordinates: it means that myself, Mr. Parnell, and others deliberately selected the instruments of organised murder and outrage and sent them forth to assassinate certain persons, as the means by which we were to obtain our political end. And in *O'Donnell v. Walter*, the Attorney-General elaborates this charge at page 194. He says:

'There are volumes of evidence, and it is being added to every day, to show that the whole organisation of the Land League, and its successor the National League, depends upon a system of intimidation carried out by the most brutal means, and resting ultimately upon the sanction of murder. The Irish Home Rule Party glory in being the inventors of this organisation, and openly base their appeals, whether of the wheedling or of the menacing kind, upon the knowledge that its power is at their disposal.'

And again at page 197 of the same the learned Attorney said:

‘Murder still startles the casuist and the doctrinaire, and we charge that the Land League chiefs based their movement on a scheme of assassination carefully calculated and coolly applied. Be the ultimate goal of these men what it will, they are content to march towards it in company with murderers. Murderers provide their funds, murderers share their inmost counsels, murderers have gone forth from the League offices to set their bloody work afoot, and have personally returned to consult the “constitutional leaders” on the advancement of the cause.’

The President.—That is not the Attorney-General.

Mr. Davitt.—Read by the Attorney-General in *O'Donnell v. Walter*.

The Attorney-General.—One of the quotations.

Mr. Davitt.—Read by the Attorney-General and adopted by him.

The President.—I only thought you read it as part of the Attorney-General's observations—I only wanted to distinguish.

Mr. Davitt.—Precisely; but by reason of reading this in *O'Donnell v. Walter* the Attorney-General adopted this indictment as the re-expressed views of the ‘Times.’

Now, this is the charge made by the ‘Times’ against the Land League leaders. A ‘programme’ of that kind has not been put in as evidence against the Land League in this Court, except in the form of Pigott's forged letters; but there have been programmes of the Land League produced, which do not propose to work out the object they define by either outrage, murder, or assassination. The programme adopted at the Mayo Convention in August 1879; the one agreed upon and formulated by the conference in the Imperial Hotel, Dublin, on the 21st of the following October; that which Mr. Parnell laid down at the conference in the New York Hotel on the 13th of March 1880, and the resolutions and platforms which affirmed the programme of October at all the conventions held in America, have been put in here by the defence as evidence. But there is another, a very important one, also to be found on the minute of this inquiry, which I could, if necessary, read, in order to show that the organisation which the ‘Times’ so grossly libels, proposed, as early as April 1880, a plan of legal or parliamentary reform for the settlement of the Irish agrarian troubles. This programme was read, I believe, by Sir

Charles Russell in his speech to your Lordships. I think it was again read during the examination of Mr. Parnell. If the programme is not in your Lordship's mind, I would refer to it and read it again, but if it has come, as I am sure it has, under your notice, I simply mention it ; it is at page 3698.¹

The President.—Just let me look at it. (*The volume of evidence was handed to his Lordship.*) Oh, yes, it has been under my eye.

Mr. Davitt.—Your Lordships will observe that in that programme a proposed scheme of parliamentary, that is, legal and constitutional reform, was drawn up by Mr. Parnell and others, submitted to an open Land League Convention of the 30th April 1880, and unanimously adopted by the delegates representing the Nationalist following and the tenant-farmers of the country.

In that programme, what I consider a too generous offer was made to the landlords of Ireland. It was proposed that their interest should be purchased out by the State at the rate of twenty years of the then Government valuation, a price which I think very few landlords in Ireland would refuse at the present day. I maintain that this programme, taken together with the official documents of the League of Ireland and America, prove conclusively what was the real purpose of the League, what the *media* of the leaders of the Land League were, in order to bring about these reforms ; and that these documents published to the world seven or eight years ago completely answer the charges made by the 'Times,' which I have just quoted from *O'Donnell v. Walter*.

If I may be pardoned, for a play upon the ugliest word in the English language, I venture to say that the landlords of Ireland would have no objection to be 'murdered,' in the sense of this Land League proposal, by obtaining twenty years' purchase of the Government valuation for property which would not now bring ten years' in any open market.

This is how the 'Times' at that period commented upon the proposals which Mr. Parnell was then pressing upon the attention of the public and upon Parliament. I quote briefly from a leading article in the 'Times' of the 5th of the first month of 1880 :

¹ Appendix H.

'The authority of economists, of financial experts, and of practical men will not be outweighed by Mr. Parnell's declaration. He will fail to rouse American public opinion as he intends. "To create a moral force on Ireland's behalf," which he says is "wanted more than money," would be easy and effective; if the agitation he has organised were directed against a substantial and demonstrable grievance, such as were in former days the disabilities of the Roman Catholics, or even the maintenance of the Church of the minority, as a State establishment of religion. But Mr. Parnell wishes to create a moral force in the United States which would coerce English opinion into undertaking a gigantic and costly scheme for buying out the Irish landlords, and giving the tenants the freehold subject to State mortgages.'

This was the proposal made by Mr. Parnell and by the Land League in 1880; and it is now the very remedy put forward by the present Government for the solution of the entire Irish land difficulty. So that, no matter how moderate or how practical Irish representatives have been on this question, they always had to meet the opposition of the London 'Times'—this paper, that charges us now with having made no such efforts as those I have referred your Lordships to, to settle this great and burning grievance in Ireland.

Mr. Parnell's speech at this conference in Dublin when proposing this programme, shows the greatest solicitude for the protection of that class of small tenant-farmers who were receiving the largest proportional share of the ejectment processes to which I drew your Lordships' attention yesterday. Mr. Parnell's proposal would throw the shield of the law round these humble cabin homes until such time as the Legislature could approach the problem of the final solution of the whole agrarian difficulty. He did not propose to do this by taking from the landlords' rent any more than was subsequently deducted therefrom by the law of the land, in the operation of the Land Act of 1881; and, if this protection had been offered by the Government in the spring of 1880, when the Land League Conference demanded it in the name of justice, reason, and peace, what troubles and deeds of passion and blood would have been averted from the life of an unhappy country!

Mr. Parnell, as chief of the Land League, did not allow the

Rotunda Conference, or the promulgation of its proposals on the rent and land questions, to represent all which he was called upon to do to prevent eviction and violence.

Mr. O'Connor Power, then a colleague of Mr. Parnell's, was deputed by the Irish parliamentary party to introduce a Bill framed upon the lines of the resolution proposed by Mr. Parnell at the Rotunda Conference, and to some extent embodied in the Land League programme.

The Bill only proposed to deal with certain tenancies—those of the smaller class belonging to the people who suffered most from the depression of the time ; and—singular but significant fact—this Bill was limited in the area of application, as well as in the amount of rental to be affected by it, to the counties of Mayo, Galway, Clare, Kerry, and West Cork—those very counties in which nearly all the outrages subsequently occurred that are being now investigated by your Lordships' Court.

This Bill, so limited in its scope and application, proposed that, upon the payment of one half-year's rent, all eviction proceedings on the part of the landlords should be stayed for a definite period. This was no unreasonable proposal under the exceptional circumstances of the time. It offered the landlord what was a fair composition on the part of a creditor who was made bankrupt, in the matter of rent, through the operation of bad seasons and economic causes, over which he most certainly could not exercise control. The proposal was also made in the interests of peace ; and if the landlords of Ireland, and their then friends in Parliament, had any the slightest sympathy with the condition of the poorer tenants of Ireland, or any sincere desire to avert trouble and disorder, they would have accepted Mr. Parnell's proposal and quieted the apprehensions of the thousands of their tenantry who were face to face with the menace of eviction.

On the 25th of June 1880, Mr. O'Connor Power moved the second reading of this Bill, which was practically the Land League proposal. He explained its simple provisions, which mainly consisted in a proposed repeal of the 9th section of the Land Act of 1870, which disentitled a tenant to compensation for disturbance, if he were evicted for nonpayment of rent for his holding. As already explained, this Bill was to be limited to certain classes of holdings and to specified districts. The

Government did not accept of the Bill as introduced, but they subsequently embodied the principle of this Land League measure in the Ministerial Relief of Distress Bill, after modifying the application of this principle to a limited extent.

It was finally taken from this Ministerial Bill, which met with some opposition, and was brought forward on behalf of the Government as a substantive measure, under the title of 'The Compensation for Disturbance Bill,' by the late Chief Secretary, Mr. W. E. Forster. This Bill has been put in as evidence by Mr. Parnell, and will be found at page 3906. It has, I am sure, received your Lordships' attention, and I will not therefore read it, as I intended doing. Mr. Forster in introducing this Bill used some very remarkable words, which cannot be too much commended for their candour and wisdom at that period. These words have been quoted by Sir Charles Russell at page 3677 of the official minute, and I suppose you have given the words due attention.

As you are aware, this measure was rejected by the House of Lords—by that irresponsible assembly in which neither the tenants of Ireland, nor the industrial classes of Great Britain, have either voice or influence. This Bill for the suspension of evictions, under certain specified conditions, was thrown out by the Irish landlords and their British territorial brethren, though it was a Government proposal, and had been sanctioned and voted by that part of the Legislature which is directly responsible to the peoples of these three countries. No less a personage than the Duke of Argyll spoke in favour of such a law being passed, under the exceptional circumstances of the period; and what he said on the occasion forms so pertinent a comment upon the events then and previously occurring in Ireland, that I call your Lordships' attention to his words. They are found at page 3677 of the evidence.

The evidence for the defence has shown by statistics, unhappily only too truly, that disturbance and outrage became alarmingly prevalent in the winter of 1880, following the rejection by the House of Lords of this measure, which was the outcome of both Land League, Government, and House of Commons combined, desire to avert evictions, and remove the

apprehension of them from the popular mind of the country, and by so doing prevent what the serving of ejections and the carrying out of evictions have always brought about in Ireland.

XVI. LAND LEAGUE SPEECHES

The 'Times' of 1887, on the other hand, charges that these and the previous and subsequent outrages were the direct result of the action of the Land League, brought about by the speeches and the deliberate planning of the leaders of that organisation. One of the charges in the indictment of the 'Times,' at page 73 of the blue-book, declares :

'That the leaders by their own speeches and those of their subordinates directly incited the people to outrage, and took no step by speech or act to prevent, to stop, or to condemn outrage.'

And again, at the same page, the learned Attorney emphasises this charge in the following words. I am not sure whether he is quoting from 'Parnellism and Crime' or whether they are his own words, but I will take them as being his own :

'On not one single occasion do we find the slightest speech, or one single expression, directed to diverting the minds of the people from outrage, to diverting them from the acts which certainly followed, and to the knowledge of these men followed.'

And again, with further forensic emphasis, the learned gentleman says, at page 74 of the same blue-book :

'During the whole period of these years—from 1879 to 1887—there is not, so far as I know, one solitary speech amongst the thousands delivered in which any one of these men deprecated the outrages which were undoubtedly going on.'

More specific or unqualified assertions could not be put in words than these, repeated as they are twice or three times in the same statement, in order, I presume, that the charge should be as clear and as complete as the English language could make it.

I might if I chose fall back upon the tactics of old logicians,

sometimes employed I believe by pleading lawyers, and claim that if I could demonstrate the negative of the 'Times' major proposition, by showing that one speaker had made one speech in the Land League condemning outrage, I would succeed in disposing of such a charge as is contained in these quotations from the indictment. But I will not confine myself to evidence so narrow as that. I will not rely upon one speech 'out of thousands,' as the evidence given by witnesses for the defence already disposes of this charge ; but I propose to deal with this particular charge by evidence which will compel Sir Henry James to use a double magnifying glass to find the charge when I have done with it. I shall multiply proof upon proof out of the Attorney-General's 'thousands of speeches' to demonstrate that whoever made up his brief and put these words into his mouth was wilfully misleading him when he was betrayed into those assertions in *O'Donnell v. Walter*. Nearly all our witnesses have testified—those at least who gave evidence as to speeches—that it invariably happened that the chairman or some speaker at every Land League meeting denounced outrage more or less, and warned the people against committing crime. Even the 'Times' witnesses—and most important ones too in this connection—have corroborated our evidence, and disproved the charge with which I am now dealing. The first witness called for the 'Times' in this inquiry was Constable Bernard O'Malley, of the Royal Irish Constabulary. He was an official shorthand writer for the Government in Ireland. He gave evidence as to certain speeches made at the Miltown meeting of 1880 and the Shrule meeting which occurred about the same time. I addressed both of these meetings. Constable O'Malley did not produce, nor was he asked to produce, a word of what I said at either place ; but he did produce and read in full speeches made at these two meetings by P. J. Gordon, Scrab Nally, Martin O'Halloran, and other celebrated men, whose views were doubtless more important to the 'Times' than mine.

The next witness called by the 'Times' to prove speeches was Constable Irwin ; he also had reported some speeches of mine, but he was not asked by the 'Times' to read or produce a word of them before your Lordships.

At page 446 of the official minute he gives the followinig replies to Mr. Healy's cross-examination :

'Q. Can you give any idea to their Lordships—rough idea—how many meetings were held in the year 1879? A. There were some hundreds, I think. Q. 1880? A. There were a good many held in 1880. Q. Would you say thousands? A. Well, I would say hundreds. Q. Would you say thousands? A. Well, I cannot say thousands. I cannot, on my oath, say thousands. Q. Were there not thousands of branches of the Land League? A. I am counting public meetings. Q. I will take everything. Were there not thousands of branches of the League? A. Yes. Q. Did not they meet fortnightly? A. I believe so; some weekly, some fortnightly. Q. Were not the proceedings public, and published in all the newspapers? A. In some cases, I believe. Q. I will take as a general rule. Give your evidence? A. I saw reports in the papers myself; but I am not aware otherwise. I have no other knowledge except what I saw in the papers. Q. So far as your experience went, were the proceedings at these meetings not known to everybody? A. To everyone who went in—the public—that is, people who attended. I know the police attended in some cases in the beginning, and I think they were refused admittance then at many places. Q. How many meetings would you say were held from start to finish of this movement—would you say there were 20,000 meetings held? A. I would not. Q. Well, give your estimate? A. Do you include League branches and all? Q. I will take your answer in the way you give it. A. If you include League branches, the meetings of the branches weekly and fortnightly, there must have been thousands. Q. Tens of thousands? A. Well, I would say so. That is, the local branches and all. Q. You would say there were tens of thousands almost? A. I would say there were ten thousand meetings—that is, all the branches included.'

Now, that is to prove the number—the very large number—of meetings held, and the great number of speeches delivered, to prove it out of the mouth of the 'Times' witness, in order to point out by-and-by, as I shall, that the number of speeches relied upon by the 'Times' in this prosecution did not go beyond 306. At page 442, in reply to Sir Charles Russell, the same witness makes these further admissions.

'Q. Now, we will have the speeches referred to later *in extenso*; but my Lords will allow me to put this general question. At many of the meetings—I will not say all for

the moment—but at many of the meetings were there not speeches enjoining patience upon the people? A. At some of them. Q. Do you not adopt my phrase? A. I can speak to only those I was at myself. Q. Of course I am speaking of those you were at yourself. A. I heard clergymen enjoining on the people to keep quiet. Q. To keep patient? A. To keep quiet. Q. I used the words “many of them,” and you said “at some of them.” Do you mean to say it was not at many of those that you yourself reported? A. Well, if you take all the meetings I reported I would say a good many. Q. Taking all the meetings you reported, at a good many of them the speakers enjoined patience upon the people? A. Patience, and to keep quiet. Q. And have you noticed in the later speeches beginning from about 1881, 1882, and 1883, that they have urged the people to rely upon the efforts of their own leaders to secure benefits from Parliament for their relief? A. That was the general tone of the speeches of the members of Parliament—the general tone except at some meetings, you know—some meetings, I do not say all meetings, Sir Charles; I cannot charge my memory with that.’

Then with reference to Scrab Nally, the following questions were put by Sir Charles Russell to the same witness. Question 1319 :—

‘I do not know whether you ever encountered the celebrated, as the Attorney-General has now made him, Scrab Nally? A. I did not, but I saw him. Q. Do you know he is a joke in the country in which he lives? A. He is looked upon as a wild man.’

And then at Question 1323 the same witness says with reference to Nally :—

‘Well, I do not think any calm, reflecting person would attach much importance to him.’

And this is the orator who is reported fully by Constable Bernard O'Malley at meetings where I spoke, and the vapourings of this ‘wild man,’ to use the language of the ‘Times’ witness, were deemed of more importance to the purpose of the Government in Ireland and the purpose of the ‘Times’ here than what I said on those occasions.

Well, I had intended drawing your Lordships’ attention to answers given by the same witness to me at page 451, but

I take it that what I have already quoted from his evidence is sufficient for my purpose. In this manner, the 'Times' Government witness answer the 'Times' charge, that 'not on one single occasion do we find the slightest speech or single expression directed to diverting the minds of the people from outrage.'¹ Then, we have Constable Bernard O'Malley again recalled to give evidence about the speeches of the important gentleman, P. J. Gordon, and one speech from John Hanley; and no less than ten pages of the official note are taken up with the speeches of these two eminent statesmen, six lines of whose combined utterances on these occasions never appeared in the 'Freeman's Journal' or probably in any other place, except in Constable O'Malley's phonetic museum of oratorical curiosities.

But this constable, on the occasion of his second entrance into the witness-box, makes some highly interesting admissions in reply to the questions put by Sir Charles Russell at page 464 and following pages, to which I will direct your Lordships' attention. At Question 1635, on page 464, it says :—

'But did you gather from the speeches that the speakers were apprehending difficulty in opposition to them from the Fenians? A. Yes, from the speeches I did. . . . Q. Was there a Father Eglinton who spoke at that meeting?'

That is the Abbeyknockmoy meeting, my Lords.

'A. There was. Q. Have you a transcript of his speech? A. I have not the transcript. Q. Why not? A. Because I was told to transcribe only Gordon's and Hanley's speeches.'

In other words, Father Eglinton, who presided on that occasion, strongly and unequivocally denounced the murder of Lord Mountmorres; the Government reporter, who was sent there to report the speeches, deliberately omitted reporting what Father Eglinton said, and paid all attention to the nonsensical utterances of the Hanleys, Gordons, and Scrab Nallys. Question 1648, page 465, brings this out very strongly :—

'Now I must ask you, as this speech is coming, did not Father Eglinton at that meeting, held on the 3rd of October 1880, denounce the murder of Lord Mountmorres? A. He did. I have a distinct recollection of that. He did and by

¹ Appendix J.

name too. Q. You were not asked to transcribe that? A. No person told me what to transcribe, but I understood these two speeches were all that were wanted for that meeting.'

These are the speech of Hanley and the speech of somebody else equally insignificant. Then at page 468 O'Malley answers Mr. Reid as follows. Question 1713 :—

'Q. On most of these occasions were there the parish priest or the clergy on the platform? A. Oh, most of them; yes. Q. A number of priests very often, is it not so? A. Sometimes—very often; sometimes there used to be a good many, nine or ten of them often, according to the place. Q. On the platform? A. Yes. Q. Is not it the case that at most of these meetings there were denunciations of crime and outrage? A. It is as a rule. That is the rule. Q. By the priests and other speakers? A. By the priests and other speakers. Q. Exhortations to the people to be patient and quiet and so forth? A. Telling them to commit no crime; it would injure their cause to commit crime. Q. To commit no crime, and they would injure their cause by doing so? A. Yes. Q. In regard to these meetings you attended, I do not expect you to be able to record in exact numbers; but a great many meetings, I believe, were held in 1882, 1883, 1884, were there not? A. Yes.

Then on page 469 Bernard O'Malley also puts on record his opinion of 'Scrab' Nally, and he says in answer to Question 1731, 'He was just what I would call a free lance at a meeting.' In answer to the next question the witness said, 'He used to get up on his own account.' Now, here we have in the plainest possible language from both Irwin and O'Malley, but especially from O'Malley, a refutation of the 'Times' charge, such as I have read out to your Lordships, that at no meeting of the Land League did anyone denounce outrage or warn the people against crime.

I will now leave the 'Times' witness, and I will refer to the 'Freeman's Journal,' the leading daily paper in Ireland, and the one which reported most, if not all, of the Land League meetings and speeches. It is one of the papers included in the particulars through which we are charged with disseminating speeches inciting to the commission of outrage. I may as well tell

your Lordships at once the extent of what I propose to do in this respect. I have gone over the reports of hundreds of Land League meetings from Irishtown down to 1886 or 1887, and I propose to read from the 'Freeman's Journal' speeches delivered every year by nearly all the persons charged here, and by priests and others who presided at Land League meetings, with a view of convincing your Lordships and the outside world that there is no grosser or more unjust charge in the whole indictment of 'Parnellism and Crime' than this, which says that no Land League speeches were delivered, or the leaders never spoke in Ireland, to dissuade the people from outrage and crime. It will be for me a heavy task, but I would appeal to your Lordships in the interests of the peasantry of Ireland that I represent here—I would appeal in behalf of hundreds of men who are not charged here, but who took part in the Land League movement—to be allowed to read extracts from these speeches at these meetings. I will give the date of the meeting; I will give the date of the 'Freeman's Journal' in which it is reported; I will give the name of the speaker, and will give copies of the speeches in full to Sir Henry James, or at least I will give copies of all the speeches of 1879 and 1880. I have them here in a volume, but the speeches of 1882, 1883, 1884, 1885, and 1886 I have not in full, only in extract.¹

I come to a manifesto that was issued by the Irish Parliamentary party in 1881. I do not think it has been brought to your Lordships' notice. I find it in the 'Irish World.' I want to read this, in the interests of those who are not here now. It is very short, and I think it is important to have it read in this connection, because it is warning the whole Irish people, by the Irish Parliamentary party, against excess, or outrage, or unconstitutional action. I find it in the 'Irish World,' 19th February 1881, page 5—

'Fellow-countrymen,—We adjure you in the midst of these trials and provocations to maintain the noble attitude that has already assisted your ultimate victory, to reject every temptation to conflict, disorder, and crime, and not to be terrorised by the brief reign of despotism. If you be true to yourselves your triumph is certain.

¹ These speeches not having been proved in evidence, they are omitted here.

‘To our countrymen in Great Britain we appeal to frustrate all endeavours to excite enmity between them and their English fellow-citizens, among whom many generous voices are even now raised on our behalf.

‘Fellow-countrymen,—In discharge of our duties here, our attitude and our actions have been, and shall be in every instance, guided by consideration for your interests ; we ask you by your orderly self-restraint, your unshaken organisation, your determined perseverance, to strengthen our hands in the struggle we are maintaining.’

It is signed by :—

‘C. S. Parnell ; Justin M‘Carthy ; John Barry ; J. G. Biggar ; G. Byrne ; Wm. J. Corbett ; John Daly ; C. Dawson ; John Dillon ; H. J. Gill ; C. D. Gray ; T. M. Healy ; R. Lalor ; Edward Leamy ; James Leahy ; J. C. M‘Coan ; E. W. Mahon ; B. C. Mollony ; R. H. Metge ; Isaac Nelson ; Arthur O‘Connor ; T. P. O‘Connor ; F. H. O‘Donnell ; O‘Donoghue ; O‘Gorman Mahon ; Jas. J. O‘Kelly ; R. O‘Shaughnessy ; Richard Power ; J. O‘Connor Power ; J. O. Redmond ; Thomas Sexton ; J. F. Smithwick ; A. M. Sullivan ; T. D. Sullivan.’

A very large number of these, your Lordships are aware, are persons here charged.

Then I was in America in 1886, and my speeches at the Conventions have been more than once quoted from. I will now leave this branch of my subject by quoting from the ‘Times,’ of November 22nd, 1886, page 6, column 4, the following curious comment upon some of its charges against me :

‘New York, Nov. 21, 1886.

‘We have received the following telegram through Reuter’s Agency. It is reported from Detroit that the friends of Mr. Michael Davitt believe that a conspiracy is on foot to murder him owing to his having opposed the measures of the Rossa faction.’

I think I have established, even out of my own speeches, the falsity of the ‘Times’ in saying that ‘not a single speech’ had been delivered by the persons charged in the Land League in denunciation of crime. Whoever instructed the Attorney-General to make that assertion, had deliberately overlooked the hundreds

of speeches delivered from 1879 to 1886, in which the leaders, both local and national, warned the people against crime, and pointed out that crime and outrage were enemies of the cause. I do not deny, but that the prominent and responsible Land League leaders have, occasionally, made speeches which contained expressions that would be reprehensible if the words employed could be interpreted apart from the speaker and his general character as a public man. And I will say that even with this qualification, there can be no excuse for some few of the sentiments uttered by some of the persons charged, myself among the number. These faults arise from the readiness with which Irish public men make their speeches, and owing, almost entirely, to the fact that men who are young and ambitious in the oratorical line, mount a platform and face an audience and boast afterwards that they never gave a thought to what they had to say on the subject discussed, until their turn for speaking arrived. To calmly think out or write out beforehand what to say, and how best to discharge the responsible duty of a public speaker, is not, I regret to say, a practice that finds favour with Irish speakers. A fluency of speech, added to fervency of feeling or imagination, and too much attention to popular applause, are the explanation of most of the objectionable expressions found in the speeches reviewed in this Court. Some of these expressions are so manifestly stupid, and so utterly devoid of that wit which sometimes enables an Irish speaker to say nothing in a pleasing manner, that absence of sense in what is said is in itself indicative of absence of motive of any criminal purpose or intent in the speaker or his words.

But, on the other hand, consider how few speeches of mine, or of Mr. Biggar's, or of Dr. Tanner's, or Mr. Harris's, or of Mr. Parnell's have been relied upon by the 'Times' as a foundation for its sweeping charge. Mr. Parnell has said in his evidence that he delivered over five hundred speeches, during the Land League period, in and out of Parliament. I think I am within the mark when I say that not twenty of those were quoted from by counsel for the 'Times' in this Court.

I have probably delivered a thousand speeches in Ireland, Great Britain, United States, and Canada, from 1878 to 1887; and if I do not reckon the speeches which I have myself had

reference made to here, I am safe in saying that not a dozen of these 1,000 speeches have been adduced in evidence against me.

Mr. O'Brien's, Mr. Dillon's, Mr. John O'Connor's, Mr. Biggar's, Mr. Harris's, and Dr. Tanner's speeches, and those of the other persons charged, have likewise been numerous in their respective political careers ; and the same remark applies to the small proportion of such speeches read or referred to in this court against them.

I hold therefore, that it is not in accord with any canon of justice or fair play to condemn public men, and brand them as constantly inciting people to the breach of law and as never denouncing or advising against outrage or crime, because in one or two per cent. of their speeches their words savour of violence towards some members of the community.

I need not, I am sure, dwell upon the tendency there is in times of political excitement for public men, and public writers too, to overstep the bounds of prudence. This tendency is common to every nation, but particularly to peoples who suffer wrong or injustice, and who feel keenly upon subjects that are dear to them.

These circumstances are justly and wisely considered when philosophic criticism is afterwards brought to bear upon the words and acts of such periods, and judgment is always pronounced in the light of reasoning allowance and extenuation.

As so much is sought to be proved by the 'Times' from the speeches that have been brought under your Lordships' notice, I may be permitted to strengthen my argument with a few samples of the oratory of even the recent past, in which crimes of the most reprehensible character are sought to be attributed as effects to the language of eminent men.

I will read a quotation from the 'Quarterly Review' of 1867, where Mr. John Bright is charged with having incited to the assassination of landlords. It says :—

'Had Mr. Bright succeeded in enlisting the democracy of England and of Ireland together under his banner, he would have been indeed a formidable power in the State. As it is, the prosaic positive character of English ultra-Liberalism, and the fiery and imaginative turbulence of the Celt, have refused to amalgamate. But this incapacity of

assimilation has not prevented Mr. Bright from using language as atrocious as ever disgraced O'Connell in his worst days. In a letter to some political friend at Exeter, he had the malignity to insinuate that "if Ireland were a thousand miles away from us, all would be at once changed, justice would be done, or the landlords would be exterminated by the vengeance of the people."

Surely no one charges Mr. Bright, no matter what he wrote or said, with having the slightest sympathy with assassination.

Then I find in Hansard, volume 199, columns 88 and 89, a speech of Lord Beaconsfield, then Mr. Disraeli, in which he attacked a gentleman who had held office in Ireland, and charged him with preaching revolution and confiscation. I will read one passage from the speech :—

'The people of Ireland had to choose between a sham Fenian and a real Fenian ; and it is astonishing what a preference is always given to the genuine article. But now I must call the attention of the House to what occurred when the Government candidate was defeated, though he had pledged himself to all those revolutionary doctrines. All this time, especially from the period when Lord Stanley delivered those observations which I have quoted, horrible scenes of violence had been occurring in Ireland. Landlords were shot down like game ; respectable farmers were beaten to death with sticks by masked men ; bailiffs were shot in the back ; policemen were stabbed ; the high sheriff of a county going to swear in the grand jury was fired at in his carriage and dangerously wounded ; households were blown up and firearms surreptitiously obtained. All this time, the Government would not move, but the moment the Government candidate was defeated on the hustings—a Government candidate pledged to confiscation, pledged to a course of action which would destroy all civil government—the moment that occurred there was panic at the Castle, there was confusion in the Council ; the wires of Aldershot were agitated ; troops were put in motion, sent across from Liverpool to Dublin, and concentrated in Waterford, Tipperary, and Cork, and all this because the candidate who was prepared to support the Government had lost his election.'

And, my Lords, the candidate in this instance, who is thus denounced, was the late Serjeant Heron, who had been law adviser to the Castle in Dublin. Well, surely a man who had

held that position could not be guilty of approving these doctrines referred to by Mr. Disraeli in his speech. Language of exaggerated denunciation is not confined altogether to Irish Land League orators.

Then I was going to refer to a letter of Professor Stuart Blackie in reply to an attack made upon him by the 'Scotsman,' for having said that he sympathised more with the Irish peasant than with the landlord who was shot; but I will not inflict the letter upon your Lordships.

XVII.—THE TEST OF LEGALITY TO POLITICAL ACTION

Now with reference to the charges of the 'Times' and the crimes imputed to the Land League, and with regard to what I have stated in my remarks in refutation of those charges; it is at least on record that I was arrested in 1879, and prosecuted for making a seditious speech; that Mr. Parnell and others were subsequently prosecuted; while in 1881, no less than a thousand Land Leaguers were put in prison; without trial it is true, but still their imprisonment was meant to be a punishment for their Land Leagueism; and all this will represent to the ordinary public, though possibly not to your Lordships, some degree of criminality in the organisation which is again on its trial, but this time in England. I do not know, not being a lawyer, what the test of legality is in political agitation; and my experience gained in several contests with the law which we have administered to us in Ireland, is not such as will enlighten me very much on the point, or cause me to hold such law in anything like reverence or esteem. In 1879 I was arrested and charged before a magistrate at Sligo for having made a speech, which was alleged to be seditious, and with being engaged in a conspiracy which had for its object the setting of class against class in Ireland. I faced the charge. But the administrators of the law failed to stand by their accusations. The Tory Government of the day fled from the prosecution. What inference was I, were the people of Ireland, in whose behalf I had made that speech, to draw from

the abandonment of my prosecution? What inference but this: that my words in denunciation of landlordism at the Gurteen meeting and my acts in organising the agitation for the abolition of that system, could not be proved by the Crown to be illegal? Twelve months rolled by, and within that brief period the power of the Land League had been built up to an extent probably never before reached by any popular movement in these three countries. Nearly the whole Irish race upheld it, and endorsed its principles and plan of action. The never-failing folly of the House of Lords came to the assistance of the League by rejecting the Compensation for Disturbance Bill; and many people who had hitherto held aloof from our organisation joined its ranks. Once again the Government of the Castle tried its hand at a prosecution. The entire executive of the League, with other members, were indicted. The law of conspiracy was again brought into requisition. Mr. Parnell was thereby sought to be made responsible for the words of Scrab Nally and P. J. Gordon, as here, in this Court, nine years later, the very same words and speeches have been inflicted upon your Lordships' attention. This State trial endured for seventeen days, and when the case was finally submitted to the arbitration of the jury—a jury carefully scrutinised in the interests of the prosecution—what followed? Ten out of the twelve jurors favoured an acquittal of the League of all the charges, and only two a conviction. The Land League underwent these tests, and was not condemned. It was submitted, its origin, object, rules, speeches, meetings, and acts of its members, to the ordeal, even of the law of Ireland, and the Land League triumphed over the Crown in the contest. The Irish people looked on as interested spectators. What conclusion were they to draw except one favourable to the legality and constitutionalism of an organisation which the trained legal ability, the power and the purse of the Government of Ireland, had failed to convict of any infringement of even its partisan-made laws?

Then, what followed? A promise of legislation it is true, a promise which, if made in 1879 when my prosecution was decided upon, would have quieted the country and averted subsequent troubles both for Government and country; but a promise of legislation accompanied by a resolution on the part of the then

Liberal Government, to resort once more to the suicidal, the idiotic, system of coupling coercion with concession, of giving stick along with toffee to a people who had beaten their rulers in a fair stand-up constitutional fight for land reform. What the law would not do was to be carried out by force. The League which had taught a duty to Imperial statesmanship, which had compelled Parliament to apply a remedy to the partial redress of admitted injustice, was to be suppressed at the arbitrary will of a Lord Lieutenant by the imprisonment, without trial, of its leaders, until such time as the man who 'reasonably suspected' them of illegality should please to restore them their liberty. This was simply converting law into anarchy, and was thereby sowing the seeds of future violence, and outbreaks which but too surely followed as effects from causes.

The following words spoken about this time by one who had been the earliest and most bitter of the foes of the Land League, I here adduce as a testimony to the crime-provoking policy which was then put in operation in Ireland by the Government. I refer to a speech delivered in Manchester in January 1882. I find it reported in the 'Irish World,' of the 28th January 1882, a speech of Lord Randolph Churchill, in which he charged upon the then Government in Ireland the responsibility for all the disturbances that had taken place. Probably that description of it will be sufficient for your Lordships. And, I assert here, no matter what the subsequent regrets of those who administered the Government of these countries in those days may be, that it was to their short-sighted policy and to their neglect of the warnings given to them by Mr. Parnell and others, were due the unhappy occurrences that followed in Ireland, and which form so large a part of your Lordships' duty to investigate. Lord Randolph Churchill may not have used this language for pure love of Irish law and order, but uttered as it was seven years ago, when the policy of coercion and imprisonments without trial were working their logical consequences in the minds of maddened men, I claim this testimony of a hostile witness in support of my defence and my contention, that the outrages, crimes, and conspiracies, which followed the application of Mr. Forster's law by which men were arrested and imprisoned without trial, to have been the legitimate offspring of the Government

policy which substituted force for law, when law had fairly failed to convict the League of illegality.

And now I come to a stranger anomaly still in the test of legality to political agitation. Seven years had gone by since the Land League was suppressed. Many of the sad events of 1881-2 were fading from the public memory. Time had calmed down the passions of the Irish peasantry, and had brought conviction to the minds of eminent public men which precluded any future application of coercive measures to Ireland, by at least one of the two great English political parties. A policy of conciliation had been put forward in the name of English justice, which appealed at once, and with overwhelming force, to the Irish race that had upheld the Land League. It was not a policy that could fully satisfy all Irish Nationalist aspirations; but it came accompanied by an expression of goodwill towards, and of confidence in, the people of Ireland, from those who had previously coerced us, that we at once accepted this proffered hand of friendship, forgetting that it was the same hand which turned the keys of Ireland's prisons upon 1,000 Leaguers, a few years before. And what was our reward? Again the ordinary law of the land—this time the law of England—is set aside, and an extraordinary court is set up in order to enable a newspaper to fulminate against sixty-four members of the Imperial Parliament charges which, if true, or if believed to be true by the Government or the responsible law officers of the Crown, should have formed the subject of criminal prosecutions before the ordinary tribunals of the country; or, if believing the charges to be true, such officers failed to vindicate the law, they were traitors to their oaths and obligations.

A man like myself, who is commanded to respect law in Ireland, may, I hope, be pardoned if he confesses, after these experiences of the last ten years, to some difficulty in discovering wherein the respect is merited. The laws which I am commanded to obey, are laws that operate to my protection or advantage only, while they are not availed of by me for the purpose of winning additional laws for the good of Ireland. When the right of public meeting, of free speech, of combination is sought to be exercised, for the promotion of reforms which the vast majority of my countrymen deem to be just and necessary;

the law which entitles me to the exercise of these rights, is superseded by a law that makes it illegal for me to do so ; and I am imprisoned to-day for saying and doing what yesterday I had as much a right to do and say as Her Majesty had to her crown. And then the most comical of comments is next made upon this system of law-repealing laws by the circumstance that when I undergo my legal penalty for infringing the law of to-day by keeping the law of yesterday, I am still denounced and condemned as a criminal, I am charged over again with everything I have done against the laws of both days, and compelled for a period of a year to defend myself under another law which enables a newspaper to so charge and put me on my trial !

I suppose I do not understand all this because I am not a lawyer. But if I look at the thing from the point of view of common sense, I am still unable to understand why I am here on my trial. If I accuse myself of having started the Land League for the purpose of destroying Irish landlordism, and try to make out that this is the why and the wherefore of the prosecutions and imprisonments of the last ten years, and the explanation also of this tribunal ; I am compelled to reason with myself in this manner : If the proposed uprooting of Irish landlordism be an evil or criminal design ; if the abolition of Irish landlords be what the Attorney-General in subdued tones has termed a scheme of a revolutionary character, fraught with terrible consequences ; I beg to claim the Government of the Attorney-General as my allies in this alleged nefarious design. The Land League 'conspirators' had, according to the Attorney-General, one end to reach through a certain means, namely, an independent Ireland, to be won by the uprooting of England's territorial garrison in that country. If this be true, if this was the only obstacle between the alleged conspirators and their ultimate goal, then I contend that every Tory who has supported Lord Ashbourne's Act is an accomplice of mine in my alleged scheme for an independent Ireland. The substitution of the tenant for the landlord as owner of the land, was the 'Irish World's' programme in 1879 ; and if this then revolutionary proposal was considered by American Fenians to be the all-essential and all-sufficient means for the obtainment of Ireland's complete separation from England, and if this was then my object, and those men my allies, as

alleged by the 'Times ;' I can now discard Patrick Ford and take as my unwilling confederates the members of Her Majesty's present Government, while I can adopt as my new 'guide, philosopher, and friend,' the editor of the London 'Times,' instead of the editor of the 'Irish World.'

I do not for a moment desire it to be understood, nor will your Lordships, I am sure, judge me as defending the acts that have been committed against individuals connected with landlordism in Ireland, during the last ten years. To defend the outrages great or small that have been perpetrated during that or any other period of our unhappy history, would earn for me the condemnation of any such tribunal as that which I am now addressing. My contention is, that these occurrences were incidental to the land system of Ireland ; that over and over again we see a recrudescence of agrarian crime in the most intimate association with the exercise of landlord power ; and I ask your Lordships to attribute these deplorable deeds to the working of the system that has always bred them, and not to a movement with which they have had but the connection of coincidence. The allegation that these acts of violence were due solely to the language of agitators, ought to weigh as little in the balance of impartial judgment as the authenticity of the Pigott letters does now in the minds of your Lordships. Agitators are doubtless a wicked class of public disturbers, without whom, in the opinion of our accusers, these islands would be a peaceful landlord paradise, where rent-paying would be a moral virtue and a public pleasure, with a happy people who would be additionally blessed with but one daily paper, which would have Mr. Macdonald as manager. But, as the 'Times' and the Attorney-General have not had the moulding of Irish human nature in their hands, the feelings, and resentments, and passions of a people suffering what they consider injustice, must be accounted for by other tests and causes than those which interest or prejudice may dictate. Lord John Russell, in dealing with the subject of agitators in his 'Speeches and Despatches,' page 220, vol. i., says :

'Nothing can be more false than the opinions of those who maintain that agitators can, easily and without cause, excite the people to tumultuous and seditious practices. So far is this from being the case, that the disposition of every

people is naturally hostile to agitators ; indeed, it is so strangely in favour of government, that the general mass of a country never can be induced to see abuse until it becomes intolerable, or be persuaded to take measures of precaution against a contingent loss of property and liberty ; nay, more, they will frequently even submit to the greatest evils of misgovernment before they venture to utter one word in their own behalf.'

I claim for the Land League agitators that their teachings and action have been beneficial to Ireland ; that they have been factors in inducing the Legislature to attempt to settle upon a more just basis than existed previously the conditions of agricultural tenancy in Ireland ; and I further claim and assert that, if the Land League parliamentary programme of April 1880 had been accepted by the then Government, or had induced them even to introduce in that year the measure which came as usual too late in 1881, Ireland would not have witnessed the disturbances and the violence which are on record for that and subsequent years.

I think it will not be denied, even by the 'Times,' that the agrarian legislation of 1881 was the result of the movement of the Land League. The party opponents of the author of the Land Act of that year, have said this over and over again. The Bill was not all which the exigencies of the situation in Ireland demanded, and it could not be a final solution of the problem. This Mr. Parnell and his colleagues pointed out repeatedly while the measure was passing through Parliament.

I deem it important to my argument at this stage to read some resolutions that were adopted and published by the Roman Catholic Hierarchy of Ireland, on the eve of the introduction of the Land Act of 1881. The resolutions are short ones and speak for themselves. They were given to the public over the name of the late Cardinal McCabe, a prelate of well-known Conservative opinions upon Irish questions.

'Declaration of the Catholic Bishops.

'A general meeting of the Catholic Bishops of Ireland was held at Maynooth College : the following resolutions were drawn up :

'First. We feel constrained by a solemn sense of our obligations to declare once more that the present state of the

land code in Ireland is intrinsically dangerous to the peace and happiness of our people ; and that mutual confidence between the various orders of society can never be firmly established till our land code shall have undergone a searching and thorough reform.

‘Second. That being thus convinced of the necessity of such reform, we deprecate all faltering legislation on this vital question ; and we hereby record our conviction that such legislation, no matter how well-intentioned, so far from allaying the universal discontent, will intensify existing evils and lead to a prolonged and angry agitation.

‘Third. That our confidence in the good sense and generous feelings of our flocks being unshaken, we are persuaded that the immediate introduction into Parliament of a Land Bill framed on principles of justice to all existing rights, would be the signal to call back peace and a sense of security to all classes ; and that we cannot refrain from giving expression to the fears entertained by many that, should order come to reign by the power of coercion, the branch of the Legislature which is regarded as unfavourable to popular rights, may either totally reject or substantially nullify any land measure of practical utility submitted to its consideration, a result which we cannot contemplate without serious alarm.

‘✠ EDWARD, Archbishop of Dublin.
‘Chairman.’

XVIII. MR. PARNELL AND THE LAND ACT OF 1881

My contention is that if warnings addressed first by the Land League in the programme of 1880, by Mr. Parnell from scores of speeches, and reiterated here by the hierarchy of Ireland, speaking through one of its most respected and most moderate members ; if these warnings had been heeded by the Government, and if suggestions and ideas put before Parliament by men who knew Ireland and understood its people had been attended to and considered as they ought to have been ; and if the Land Act of 1881 had been earlier introduced and moulded upon just and courageous principles, your Lordships would not be troubled to inquire into what has occurred in Ireland since that year. Imperfect as the Land Act was in many important points, such as the protection of tenants' improvements from increase of

rent, failure to admit leaseholders, failure to provide for arrears, absence of provision for labourers, and advance of only a portion of the purchase money, and above all liability to break down owing to its own weight, intricacy, and cumbersomeness ; yet it was a great step in advance, a most important attempt by the Government to do justice and prevent oppression. Mr. Parnell, though he despaired of any important modification that session, or even that the Bill as it was introduced could be saved from further deterioration and mutilation, yet he endeavoured, by consistent amendments upon important points, to make it more effective for the objects in view, while at the same time he took care to avoid too much or too tedious discussion, which might have endangered its passage. He did not, however, feel that he could undertake any responsibility as to its ultimate effect, or accept it as a final satisfactory settlement. His idea, in short, was to try and make it a better measure. After the first reading he summoned a convention of the Land League, and laid his views before them, and persuaded them to adopt them in the main ; although many of his most important colleagues in and out of Parliament seriously differed from him, and desired to have nothing to do with the Bill. These men saw clearly the great shortcomings of the measure, and boldly demanded a settlement which should be final ; they holding views probably as radical as my own. They felt that it would be better for the interests of Ireland to stand out in favour of a complete and final settlement of the land question, a settlement based upon the Land League programme of 1880 ; and hence while Mr. Parnell endeavoured, along with the moderate members of his party, to make the measure a good measure ; take it for what it was worth, and improve it if possible in Committee, several other members of the Land League, his parliamentary colleagues, stood out for a radical and complete settlement of this great agrarian question.

About this time Mr. John Dillon, who had succeeded Mr. Thomas Brennan as secretary of the Land League, was arrested. Mr. Andrew Kettle, another prominent Land Leaguer, was also arrested, and several other men well known in Ireland by the people, were imprisoned without trial. Then the Land Act became law, as your Lordships are aware, in the session of 1881,

and the amendments which Mr. Parnell's party brought forward were nearly all rejected, especially one associated with the name of Mr. T. M. Healy. The clause under that name was inserted in the Bill in the House of Commons, but was thrown out in the House of Lords ; and that action has led to a great deal of discontent ever since in Ireland. Our contention is that if the tenants' improvements had been protected in the Bill, as the House of Commons desired they should be protected, trouble and violence would have been averted in Ireland during the last seven or eight years.

The rejection by the House of Lords of these amendments, meant that the tenants were to continue paying old rents, called rack rents, for a long time, because the land courts could not immediately face the task imposed upon them by the Legislature, and adjudicate between landlord and tenant upon the question what was a fair rent for the tenant to pay. If the amendments proposed by the Irish party had been accepted by the Lords, the moment a tenant-farmer lodged an application to have a fair rent fixed, he would be protected from the exaction of the old rent by the landlord.

There was a second Land League Convention of 1881, which was held in September, and Mr. Parnell presided. Between one and two thousand delegates were present, and the speeches and resolutions are found in the 'Freeman's Journal' of Friday, September 16th, 1881, and, I think, the following day. I had intended reading from these speeches and resolutions, but your Lordship's observation causes me to pass them by, by simply observing that on this occasion Mr. Parnell wanted a number of test cases to be brought before the land courts, with a view of pointing out to the land courts and to the Legislature the consequences that must follow from the action of the House of Lords upon the Bill. It has been contended here by Mr. Parnell in the witness-box and by counsel on his behalf, that if his plan of test cases had been carried out, a good deal of trouble and a great deal of discontent would have been saved, and the country would to that extent have been quieted down. There is one expression in one speech by Mr. Parnell at this second Convention of September 1881, I will, with your Lordships' permission, read :—

‘I consider that the conduct of the movement in Ireland during the present winter will take all my time and energy and all the time of my colleagues, and of the most able assistance that I can get for it throughout the country. Since my return from London I have seen many things which need immediate attention and reform in connection with the management of the central office of the Land League.’

I think it well to read that sentence from Mr. Parnell’s speech on that occasion. As your Lordships are aware, he was arrested three or four weeks after this convention and imprisoned in Kilmainham, and had not, consequently, the opportunity, in conjunction with the executive of the League, to carry out his policy on the test cases. As these words of Mr. Parnell’s show, it was evident that there were many things in connection with the central office of the League at that time which he thought needed looking into ; and I am sure that if he had not been arrested, if he had been permitted to have remained at the head of the League organisation, these irregularities, whatever they were, would have been remedied by Mr. Parnell’s practical directing mind.

I come next to the No-Rent Manifesto. The arrest of Mr. Parnell and others of his colleagues, after this convention, was considered a very high-handed proceeding on the part of the Government in Ireland, and the immediate response from Mr. Parnell was the No-Rent Manifesto, which was sent out from Kilmainham. My name was attached to it ; and let me say the only concern this ever gave me was, that as I had given my word to the Governor of Portland Prison, where I was then confined, not to send or attempt to send any written matter outside the walls except through his hands, I felt called upon when questioned about my signature to the No-Rent Manifesto, to say that I had not signed any such document. Of course I could not, under the circumstances, possibly sign it ; but Mr. Thomas Brennan, who had been secretary of the Land League, and a very intimate friend of mine, undertook the responsibility of attaching my name to the document. Of course I never called the act into question or found fault with it ; but it has been insinuated, I think, either in ‘Parnellism and Crime’ or elsewhere, that Mr. Parnell had attached my name to the document. It was not Mr. Parnell ; it was Mr. Thomas Brennan. Mr.

Parnell has avowed in the witness-box that he is willing to bear all the responsibility attached to the issuing of the No-Rent Manifesto ; and so, I am certain, are all the others concerned whose names were signed to it. It may have been a wise or a foolish act, when looked at now from the retrospect of eight years, but public men treated as Mr. Parnell was treated, lodged in prison as a criminal without getting that fair trial which the law and the constitution entitle the humblest man in England to receive, would be fit subjects to be trampled upon with impunity if they tamely submitted to such treatment. The immediate suppression of the Land League was the Government response to the Kilmainham Manifesto.

XIX. HISTORY AND WORK OF THE LADIES LAND LEAGUE

And now I come in the order of time to the Ladies Land League ; and it becomes necessary for me to make a few observations touching that organisation. Only one of those ladies has gone into the witness-box, and she has denied upon oath the charges and imputations made against her by the 'Times.' Having been in prison from the date of the organising of the Ladies Land League, I cannot speak with great accuracy about the work which the Ladies Land League performed. I find, however, that in the interview with the 'New York World' of July 1882, which is included in Cashman's book, and which interview has been frequently referred to here, I give the following account of the labours of the Ladies League. And with reference to this book, let me say this again, though I think I said it once before for the information of the Attorney-General ; I am in no way responsible for Cashman's book. It was written while I was in Portland Prison, and it was subsequently published, I think, by Mr. Ferguson of Glasgow, in 1883 or 1884, and with it this interview of mine that had been given to the 'New York Daily World' in 1882. I had no responsibility whatever for the publication. I am answerable for the interview, but for the book or anything which it otherwise contains, I, of course, take no responsibility whatever.

Well, in this interview, I give the following account of what the Ladies Land League did, as it was reported to me by the ladies after my release from prison in 1882 :—

‘The Ladies Land League was started in America by Miss Fanny Parnell. I liked the idea so much that when I returned to Ireland I talked it over with Mr. Parnell and some of the others, and a meeting was called to discuss it.’

But I must mention here that it is only fair to Mr. Parnell, Mr. Dillon, and Mr. Brennan for me to say, they were strongly opposed to the idea of the Ladies Land League. They had not the same confidence in the judgment—probably they had in the patriotism, but not in the judgment of the ladies that I had. Therefore, I think it is due to them to say that they opposed the idea ; but they allowed myself and Miss Anna Parnell to have our way in the matter. The idea had been set going in America. It was suggested by me when I came back to Ireland, and it was carried out by Miss Parnell, and a number of ladies. Now I return to the interview :—

‘In order to attend that meeting Miss Anna Parnell came to Dublin, and the result was the Ladies Land League was organised. This was done the day before my arrest, and I laughed as I journeyed to Portland when I thought of what a power had been raised up for Mr. Forster to grapple with. There were two objects in view when this branch of the League was established. First, it would be the medium for all kinds of charity, would support the evicted tenants and relieve all cases of distress, and, second, it would keep up a semblance of organisation during the repression which I saw was coming. I did not believe that the English Government would sit down quietly under the failure of the State trials, and I wanted to have some power in existence which could defy them. The Ladies Land League was thoroughly successful in both objects, and to them is due the credit of saving the Land League, and banishing Mr. Forster from Ireland. The officers of the Ladies Land League are : President, Mrs. Dean, the aunt of John Dillon ; treasurers, Mrs. Maloney and Miss O’Leary ; secretaries, Miss Anna Parnell, Miss Lynch, and Miss Stritch. This forms the executive. There is a corps of organisers, among whom are Mrs. Moore, an American ; Miss Reynolds.’

I was wrong in saying Mrs. Moore was an American. She was not an American. She was an Irishwoman. Miss Reynolds is the Mrs. Delahunt who was examined here.

‘Miss O’Connor, the sister of T. P. O’Connor, and Miss Yates.

‘There is a reserve of twenty-one ladies, who are prepared to take the place of any of the principal organisers who may be sent to prison. They have elaborated the most perfect system that can be imagined. They have an enormous book which they call the “Book of Kells,” after an ancient manuscript history of Ireland. This is a register containing information about all parts of Ireland, as collected by the branches, and collated in the central office. In it there is a record of every estate, the number of tenants, rents paid, the Government valuation, the spirit and financial condition of the people, the standing of the people towards the Land League, the number of people who have paid rent, the number of evictions which have taken place and the number pending, the character of the landlord, of the agent, if there be one, and of the constabulary. In fact, it would be difficult to say what is not in the book. Every week reports come in from every part of Ireland, and they are at once condensed and put into this book. This is the chief work in the central office.

‘When a notice is received from a branch of a threatened eviction, the work outside begins. One of the ladies goes down to the place, provided with money for assistance. If possible a wooden house is sent from Dublin, and erected somewhere in the neighbourhood for the evicted tenant to move into at once; the object being, that as soon as the tenant is turned out of one place he has another to go into. If the people desire to fight the landlords upon any legal grievance they may have, or if they wish to prosecute the evicting officers for damage to stock or furniture, in either event the Ladies Land League furnishes the necessary money, and instructs its solicitors to manage the case. The Ladies Land League has organised branches in every county in Ireland, and these branches supply information and collect funds. An exceedingly important work has recently been begun by Miss Parnell and Miss Lynch. They have organised clubs of boys, calling the clubs after some prominent member of the organisation. These clubs meet once a week, and have the history of Ireland read to them. You do not perhaps see the importance of this. But the English Government has

discouraged the teaching of Irish history in the schools and colleges, to the extent that few young Irishmen know much about it. Now, the Ladies Land League has resolved that this state of things shall not continue, and that the next generation of Irishmen shall know something about their country's history. This work has spread into England, and is now being carried on in London (by Mrs. A. M. Sullivan), Liverpool, Manchester, Glasgow, and other places. The executive of the Ladies Land League meet once a week and the reports prepared by it reach the public through the public press.

‘In order to give you some idea of what this charitable work has amounted to, I have here a condensed report of the number of families evicted in the various counties within the period of the Land League. The report was prepared by Miss Parnell, and is as follows :—

Antrim	8	Leitrim	478
Armagh	56	Longford	303
Cavan	159	Louth	8
Carlow	29	Mayo	541
Clare	102	Meath	38
Cork	177	Monaghan	59
Down	16	Limerick	132
Donegal	219	Queen's County	45
Dublin	12	Roscommon	122
Fermanagh	21	Sligo	58
Galway	392	Tipperary	98
Kerry	236	Tyrone	115
Kilkenny	39	Waterford	31
Kildare	8	Westmeath	51
King's County	40	Wexford	46
Londonderry	19	Wicklow	25
	Total		<u>3,688</u>

‘The Ladies’ Political Work.

‘According to Miss Parnell these families each averaged in number five and a fraction ; but as the officially reported number of persons evicted is greater than those figures show, I imagine that all the evictions were not reported to the Ladies League. The Ladies League furnished to evicted tenants in various parts of Ireland 210 houses, which, in many instances, the consignees were prevented by the police from erecting. In concluding her report, Miss Parnell gives the following account of the expenditure of the Ladies Land League during the past twelve months :—

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	£	s.	d.
Evicted tenants to date	20,849	19	4
Families of coercion prisoners	5,123	2	0
Families of ordinary law prisoners	1,449	11	11
Building	9,469	3	5
Providing for coercion prisoners and ordinary law prisoners from December 26, 1881, to date	21,637	16	4
Ordinary law prisoners catering from December 26 to date	1,603	12	2
Legal cost by Ladies Land League	1,508	17	7
Miscellaneous grants	187	7	0
Grants made by Land League since its suppression	7,542	16	2
Total	<u>£69,372</u>	<u>5</u>	<u>10</u>

I will come to my note by-and-by on the point of this account of Ladies League expenditure, but I think there is an item in Hardcastle's audit representing a deficit of 70,000*l.* in the Ladies Land League. I am not very sure.

Mr. Justice A. L. Smith.—Yes, that is right.

Mr. Davitt.—Well, here, my Lords, we see that in the public press these statements of expenditure were made in 1882, evidently by Miss Parnell, from whom I got these facts, and in that way this sum of money has been accounted for to the public so far back as seven years ago.

I have thought it my duty to read this account of the Ladies Land League from the report of this interview of 1882. I had facilities then of learning information about the Ladies Land League. Since 1882 I have not had the pleasure of meeting Miss Parnell. A document produced by Inspector McArdle which is claimed to have been issued by the Ladies Land League calls for an observation here.

I do not know whether it is in your Lordships' recollection or not. It was found in the house of some one named Coghlan, in Foxford. It is at page 2121 ; and, with your permission, I will end my remarks upon the Ladies Land League by reading that document :—

‘The Ladies Irish National Land League,
‘39 Upper Sackville Street, Dublin.

‘Instructions as to Procedure in Cases of Eviction.

‘When there is reason to anticipate evictions in a district, the local branch of the Land League, or of the Ladies Land League, should report the same on threatened eviction forms, to the secretary of the Ladies Land League in Dublin. A

description of the house each tenant is living in, giving the number of rooms, size of same, and whether floors are boarded or not, should be given. As soon as it is ascertained that evictions are actually taking place, whether from the appearance of the sheriff on the scene, or by other means, the local branch of the Land League or of the Ladies Land League, should at once engage lodgings in the nearest town, where suitable accommodation can be had, for as many persons as it may deem necessary. When the tenants themselves have not carts sufficient for the purpose, care should be taken to have them in readiness to carry away the furniture of evicted tenants, so as to prevent unnecessary injury to it from wet or exposure. Cars should be engaged to remove the families themselves to their destination, when the distance and other circumstances render it expedient to do this. Railway fare, car and cart hire, and hire of lodgings will be paid for out of the funds of the Ladies Land League. The strictest economy, consistent with efficiency, should be observed, and we confidently expect that all who have it in their power will do what they can, without remuneration, to assist evicted families over their first difficulties.

‘As soon as notice is received of an anticipated eviction, the Ladies Land League will take steps to have a house built for the tenant, so that if possible it may be ready for him to enter same day that he leaves his own. The Ladies Land League calls on all men and women alike, to assist in removing all unnecessary hardship and inconvenience from the operation of eviction, and promises that if the people will do their part of the work rightly, they shall be adequately supported. There is no objection to an evicted tenant re-entering as caretaker; but grants are not made to these tenants, except under exceptional circumstances. Care should be taken to avoid collision with armed force, and to restrain useless and irritating attacks on the military, police, and other agents of the law, as these would be made a pretext by the authorities to obstruct and prevent an efficient system of relief for evicted families. Note should be taken of any damage done wilfully or negligently by the sheriff’s bailiffs to the tenants’ furniture or stock, as the amount of such damage can be recovered by legal proceedings, and a criminal prosecution should be initiated for cruelty to animals when the stock is ill-used.

‘By order of the Executive,

‘ANNA PARNELL, General Secretary.

‘CLARE STRITCH, Financial Secretary.

‘N. LYNCH, Assistant Secretary.’

XX. THE 'TIMES' TRACING AGRARIAN CRIME TO ITS TRUE SOURCE

I will now deal specifically with the imputed connection between the Land League and the perpetration of outrage. I intended, when planning my observations, to ask your Lordships' permission to read from several acknowledged authorities, views and facts confirming my contention that agrarian crime of all character in Ireland results directly from the enforcement or apprehended enforcement of landlord power, and that to this is due the responsibility for all the outrages which the 'Times' has attempted to trace to the agency of the persons charged and to the Land League. But Sir Charles Russell quoted somewhat liberally from many writers, mainly English, in support of a similar argument; and I will, therefore, not inflict any more of the same kind upon the Court, though I had prepared references to Sir George Cornwall Lewis's book, the report of the Devon Commission and a dozen other authorities. I will pass them all by and only ask permission to read one article, or a portion of one article, from the London 'Times,' which, I contend, makes my case out completely in this connection.

The article appeared in the 'Times' on May 30, 1850, page 4. It begins:—

'A murder committed in England is evidence only of individual depravity, exciting more horror in the minds of the public as they read the details of the crime. But in Ireland murder is but too often a proof of some great social disease, of some terrible and widespread mischief which is undermining the strength of society itself, portending anarchy and all the terror and misery with which anarchy is inevitably attended, and thus not only exciting horror at the crime itself, but also raising most painful emotions of alarm for the future safety of the social and political institutions under which we live. The murder of Mr. Mauleverer is a crime of this description. It is the hideous result of some most fearful wrong.'

This Mr. Mauleverer was an agent in, I think, the county of Armagh. I go on and pass by some remarks not very germane, and I come to another part of the same article.

'When, however, the landlord accepts the property, he accepts it with all its difficulties, whether pecuniary or moral, and if he takes the advantage resulting from it he becomes bound to the performance of the duties, however onerous, attaching also to it. If he declare himself unable to perform these, society ought then to step in, and by the fiat of its will, cut the knot which the unlucky proprietor is unable to solve.'

Then I pass on to another portion of the article :—

'In the days of forty-shilling voters, the multiplication of small voters was supposed to be a political advantage, and rents in arrear were useful as a means of coercion. The political necessity has ceased, but the crowded tenantry remains. The result of this condition of things, combined with the ordinary habits of Irish proprietors, brings before us a reality which no ideal story ever equalled in the misery and crime belonging to it. In this case an agent is employed to deal with the tenants and to rule the estate. The proprietors living at a distance, carefully avoid witnessing the misery which is the heritage of their tenants. They count upon a certain income from their estate. They pay a man to undergo the pain of collecting it, shutting their own eyes and ears to everything but his representations. The agent is bound to produce so much, and this necessity of his condition in time hardens the nature of him who undertakes the employment. The tenants cannot excite his sympathy, no matter what may be the tale of sorrow and suffering they relate. His own fortunes depend on his shutting up his heart as regards them. Towards others he is often gentle, humane, and even actively beneficent. The consequences are often terrible. The murder of Mr. Mauleverer naturally excites in every man's mind horror, alarm, and indignation. But that valley beheld not long before a still deeper tragedy, woe unutterable, and yet for the acts which led to this more extensive suffering the law has provided no punishment and even the voice of society is mute. The tenantry long in arrear were to be evicted. They were no longer useful as political tools, but were the wretched profitless descendants of those who had figured probably as voters but whose children only encumber the land. Mr. Mauleverer, who was evidently an active agent, pursued with undeviating sternness the old course of distraint and eviction against these tenants. One of the witnesses before the coroner stated "there were a great many ejectments and notices to

quit served by the deceased on the lands over which deceased was agent. As near as I can compute, there were of ejections and notices to quit 200 in all. These were ejections brought to evict the interests of a middle man whose lease was dropped." Of the consequences that followed this last proceeding the coroner himself gives the history. One house was pulled down, but when the hardened instruments of this reckless pursuit of a sordid interest came to the second doomed dwelling, the sight of nine helpless innocent and most unhappy babes met their eyes—they, even they, felt some touch of humanity and turned from their horrid task appalled, if not softened, by the unspeakable woe which that scene disclosed. The plain statement of the sheriff suggests by its pregnant brevity a volume of preceding cruelty. The scene was such as to unman, "not only the sheriff, but the oldest and most unfeeling of his officers." A hardened sheriff's officer seeing actually before him the misery he was bade to inflict, shrunk in horror from the deed which the distant proprietor permitted, if he did not in fact command it to be performed. The coroner is evidently startled by this unwonted exhibition of feeling, so petrifying is the ordinary course of duty to which these men are accustomed, but

The deepest ice that ever froze
Can only o'er the surface close;
The living spring lies quick below,
Still flows, and ne'er will cease to flow.

The coroner who tells the tale of Mr. Mauleverer's conduct to the poor widow who asked to be allowed the right to cut turf, brings it forward to prove the kind nature of the deceased. But to our mind it appears in a very different light. The course of Mr. Mauleverer's life had plainly deadened all his sympathy with any person who came to him in the character of a tenant. With respect to them a stern inflexible necessity—the necessity of furnishing so much rent to his employer—checked, subdued, and at length eradicated all human sympathy; and that which, because it might do good to a poor, afflicted tenant, he, with a "malediction," refused her, he flung with reckless indifference into the hands of the hotel-keeper, McDonnell. The whole scene as it actually occurred is sad and awful, and will not be easily forgotten in the neighbourhood. Twenty minutes after he had cursed the wretched widow who offered him her last penny for the boon she sought, he was a corpse. A compunctious visiting indeed seems to have immediately followed

his brutality, and there was shame in his heart when he threw the handful of bog-tickets to the hotel-keeper, saying, "Give these to whom you like ; if you get money for them, so much the better, if not it is no matter."

'If we turn now to those who suffer under this system, our wonder at this dreadful tale will cease ; but our horror and our shame will be but the more intense. The judgment of evictions to a tenantry of this description is in many cases a judgment of death.'

My Lords, this sentiment has been attributed wrongly to Mr. Gladstone. It is found here in the 'Times' of 1850.

'By his holding the peasant lives ; his potato crop maintains him and his family, wretchedly indeed, but miserable as is the pittance on which he lives, it is derived from his holding. To that holding he clings with desperate tenacity ; and lest he should be evicted he will promise anything. The unfortunate man can find no farmer near in want of hands and ready to give wages. The grave or the workhouse is now his only alternative, and this alternative has only of late years been offered to him. What, we ask, are likely to be the feelings of a man cast into the road with his wife and wailing children around him, without food, without shelter, without hope ? Burning indignation in his heart, ignorant, and mad with desperate recklessness, he turns in his anger on the direct instrument of his misery. If that instrument, by the manner in which he performs the harsh duties of his office, adds bitter insult to the injury which by itself is too much for poor human nature to bear ; if rude curses attend deadly wrong, can we wonder at the wild torrent of vengeance and of hate which bears away before it all thoughts of duty and obedience ; ought we to be startled if before it lie prostrate all fear of doing evil, all thoughts of the terrible future, and the consequence that must inevitably follow the breach of that law which bids us do no murder ? Revenge weaves for itself a fatal web of sophistry, and eagerly listens to any suggestion which gives to the gratification of its passion and hate the character of that wild justice which was long since declared to be the slave's sole protection.

'Such are the facts which this awful deed brings clearly before us. And is not society called upon under such circumstances to step in and consider the abuse of those rights of property which society has created for the benefit of all ? Are we to stand by with folded hands looking on in mute despair, as if these events were an inevitable necessity, an

evil beyond the reach of law or public opinion? Surely we are not justified in adopting any such listless course. If the proprietors of the soil, in maintaining the rights which the law has given them, thus recklessly inflict misery without stint upon the helpless and unfortunate peasantry; if they say that without the perpetration of barbarities that would disgrace a Turkish pasha their rents cannot be collected; if they are to bring in the attorney multiplying process, and with process multiplying costs, and reducing the peasantry to a hopeless slavery; and if they are then to convert the country into a battle-field for the landlords, and process-servers, and sheriffs, and sheriffs' officers, on the one side, and the furious peasantry and banded assassins on the other; then we say it is the bounden duty of the Legislature boldly to interfere, and either to enforce upon the present landlords the duties, while it maintains the rights of property, or to create a new landed proprietary, whose intelligence and wealth will enable them to secure the peace of society, and thus lay the sure foundation of national prosperity.'

My Lords, I do not know any language that I could use, in explanation of the crimes that my accusers attribute to the teaching and the work of the Land League, that could so clearly, so feelingly, and so unanswerably refute the allegation of the 'Times' than the words which I have quoted from the 'Times' itself of May 30, 1850. These words, so creditable to the heart and the understanding of their author, were written in what Sir Charles Russell has called 'the occasional lucid moments' of that journal. They remain on record, however, as a proof that the greatest of all crimes, murder, arises in Ireland, according to the expressed opinion of my accusers here, from the mere exercise of the law of a system which frequently means in its judgment a sentence of death. The state of things so powerfully and eloquently portrayed in this leading article was no novelty in Ireland in the year of Our Lord 1850.

These crimes did not, unhappily, vanish from the social life of Ireland with the murder of Mr. Mauleverer. Every incident dwelt upon so graphically by the 'Times,' as combining to drive the hapless victims of a heartless landlordism to despair and revenge, is found more or less connected with and surrounding the story of nearly every agrarian crime that has left its crimson record upon Irish rural life from 1850 down to the date

upon which the 'Times' launched its forged letters and malignant charges against the leaders of the Irish people.

We have had during those years, and have still, 'proprietors living at a distance who carefully avoid witnessing the misery which is the heritage of their tenants.' We have had agents whose 'fortunes,' in the words of the 'Times,' 'depend on their shutting up their hearts' towards the tenants. Clearances and evictions which wrought on a far larger scale than that referred to by the 'Times,' the misery and the suffering which it describes, our people have witnessed in thousands of instances between 1850 and 1887. Eviction means to the average Irish peasant of to-day all that the 'Times' described it as including in human suffering forty years ago, save where, as not unfrequently happened since the Land League began its work, some pittance of relief, or some kind of shelter, is provided for the evicted outside the walls of the debasing workhouse. The fire is extinguished upon the domestic hearth. The cradle home of youth, the asylum of old age, is wrenched from the hands that built, or the right which inherited it, at the command of 'the distant land proprietor.' A home is blotted out and destroyed because, as the 'Times' truly puts it, society has provided no punishment for the acts which provoke the retaliation of murder.

It was against the system guilty of these acts that the Land League combined the Irish race. It was to accomplish that which the 'Times' affirmed was the duty of society that the League sprang into being; for no truer summary of Land League principles could be enunciated than that which is contained in the concluding words of the leading article I have quoted, where it says:

'If the proprietors of the soil, in maintaining the rights which the law has given them, thus recklessly inflict misery without stint upon the helpless and unfortunate peasantry; if they say that without the perpetration of barbarities that would disgrace a Turkish pasha their rents cannot be collected; if they are to bring in the attorney multiplying process, and with process multiplying costs, and reducing the peasantry to a hopeless slavery; and if they are then to convert the country into a battlefield for the landlords, and process-servers, and sheriffs, and sheriffs' officers, on the one side, and the furious peasantry and banded assassins on the other; then we say it is the bounden duty of the Legis-

lature boldly to interfere, and either to enforce upon the present landlord the duties, while it maintains the rights of property, or to create a new landed proprietary.'

The plan of parliamentary land reform issued by the Land League in April 1880, and signed by Mr. Parnell, Mr. Egan, and others, will satisfy your Lordships that even at this early stage of the Land League agitation its leaders were willing to buy out the old proprietors at 20 years' purchase, in order to create a new system that would be free from the crimes and miseries engendered by the old. And although the precise plan then put forward was not accepted by the Government, the leading features of the succeeding land legislation can be recognised in the Land League proposals of 1880.

Nor will it weaken the force of my contention as to the true origin of the agrarian crime falsely imputed to the instigation of the League, for our accusers to dwell upon the circumstance that some of the worst of the deeds included in the investigation of this Commission, were committed shortly before and immediately following the Land Act of 1881. The rejection of the Compensation for Disturbance Bill by the House of Lords, which is virtually an assembly of landlords, has been testified to here by many witnesses as one of the calamitous events of the year 1880. It took from the tenants in arrear the hope of being secured against eviction until such time as a good season or a probable Land Bill would come to their relief. Mr. Parnell was no more desirous of securing the enactment of this measure than was Mr. Forster, the then Chief Secretary, who affirmed in more than one of his speeches that he introduced that Bill chiefly for the purpose of preventing disturbance and disorder during the ensuing winter in Ireland, a winter which your Lordships now know witnessed the perpetration of more than one serious crime.

I know it will be urged in support of the 'Times' case, that outrages which might be attributable to the previous tyranny of unjust landlords, could not be chargeable to the same cause after the landlord had ceased to possess the power of arbitrary rack-renting and eviction. This, however, is a fallacy. It may be true that the Act of 1881 proposed to curtail the powers of the landlords, to this extent; but it has been proved by time and experience that years have had to elapse before the protection of the

Act could be actually given to even one-third of the tenantry of Ireland. But there is another explanation, one founded upon philosophy and a knowledge of the effects produced by radical changes from old to new systems, which will account for the violence that followed the passing of the Land Act in 1881. It is in times of transition of that kind from one state of law to another, that popular excitement becomes most acute, and if anything threatens to thwart popular hopes, there is a greater tendency to oppose by violence what is left of the old law and of the old system.

I have striven in these observations upon the charges against the Land League to prove, from the testimony of recorded facts, that agrarian murders, such as these that have come under your Lordships' purview in this case, owe their origin to the conditions under which land has been held in Ireland. The facts upon which I establish my contention, are not taken from Nationalist or even Irish records. The persons and authorities I have quoted are nearly all English, the chief among such authorities being the 'Times' itself. No scientific theory has ever been established on the ground of the observed relation between cause and effect, that is subject to demonstration as clearly and as convincingly as the assertion that agrarian murders in Ireland have been incidental to the system of landlordism upheld in that country.

If these crimes had not been heard of before in our unhappy history, or if they had but rarely occurred; if their frequency began only with the inception of the Land League, and if they ceased when the Land League was suppressed; then, in face of facts like these, there would be plausible grounds for the imputation of the 'Times.' But when we find their traces in the pages of every year's history backwards for generations in a dreary, heart-breaking record of landlord and tenant strife, the same in motive, the same in execution; alike in all the hateful character of the 'wild justice of revenge,' as these crimes have been termed; there can be no other conclusion justly or fairly come to but that the agrarian murders which took place in Ireland between 1878 and 1887 were instigated by the same causes, passions, and provocations which produced exactly similar crimes between 1878 and 1850, and on back to the earliest records of Irish agrarian outrage, before the Land League was ever thought of.

I intended quoting from other authorities in support of this view, but I do not do so in deference to your Lordship's objection. Before passing, however, from the consideration of the subject of agrarian murder to that embracing lesser kinds of agrarian outrage that have been painfully particularised before your Lordships by counsel on the other side, I will add to the testimony adduced from the 'Times' in the leading article of the 30th May 1850, another and a much briefer article on the same subject which appeared on the 5th of June of the same year, in reply to a letter which the brother of the murdered agent addressed to the 'Times,' denouncing its language of the 30th of May. The editor commenting upon this communication said :—

'Whatever we added was in the way of comment as much as possible on the system out of which this and so many other catastrophes have arisen. Our comments might not be agreeable to the friends or the employers of the murdered man, but that the condition of the Irish population is one of "fearful wrong," that these murders are its "hideous results," that every fresh occurrence of this sort, while it "naturally excites in every man's mind horror, alarm, and indignation," should also direct our attention to "the still deeper tragedies" done in the name of law.'

And the article concludes in these words :—

'It is far from our intention to palliate a murder on the ground that the administrator of an oppressive system had used harsh and brutal language to its victims, but we must say that, if Mr. Billing Mauleverer wished to clear his brother's memory from this charge, he ought to have shown by his letter that he knew the difference between fair language and foul, which he evidently did not. As it is, his own tone renders it only too conceivable that his brother might have occasionally added asperities of language to the inhumanities of law.'

'Inhumanities of law' in Ireland! I thank the 'Times' for this sentence. It truly describes in these words the true character of that law which has sustained Irish landlordism in its infamies against the people of Ireland, and which has begotten all the bloodshed and crime that have dogged the footsteps of that system from the moment of its introduction into our country until the present hour.

The allegation that the Land League was a conspiracy for the purpose of reaching certain ends by a policy of criminal violence, including murder, is a charge in keeping with the forgery of the letters which were fabricated for the purpose of proving Mr. Parnell to be the abettor of assassination. It is a charge worthy in every way of the spirit with which the 'Times' has for years pursued the exponents of Irish national sentiment. And where in these proceedings was the evidence produced to substantiate this infamous allegation? Certain witnesses, it is true, have been brought forward, not to prove but to allege that they were either cognisant of payment having been made by members of some branch to themselves for firing at persons, or they heard that such payment had been intended to be made. Your Lordships have heard and seen those witnesses. Buckley, the ex-militiaman, the man who set up a stone as a target at which to practise his revolver for the purpose of shooting Roche, which murder practice took place in a field close to the police barracks, as was testified by a witness named O'Connor; Buckley, the hero of some twelve convictions as a malefactor, and the man charged in his native place with having robbed and attacked his own poor mother; in every particular Buckley was a worthy witness for the 'Times.'

Then we have the man that was called 'Iago;' his real name was Igo.

Sir H. James.—I think there was no conviction against Buckley.

Mr. Davitt.—It was proved here there was.

Sir H. James.—There was no conviction proved.

Mr. Davitt.—I think he admitted in that witness-box that he was convicted several times.

Sir H. James.—If Mr Davitt says so, he may be right, but he will allow us to look and see.

Mr. Davitt.—I am certain I am not mistaken about Buckley.

Igo, the man who confessed he followed outrage as a business or recreation, charging himself in this Court with having made a fatal attack upon a man for whose death the police, who knew Igo well, and gave him money, suspected a man who, unlike Igo, had fled the country—this was another congenial character for the 'Times' in this case against Mr. Parnell. Then we have

Coleman of Mayo, the friend of Inspector Ball, the man who confessed to the ruin of a young woman, the man believed in Mayo to have been at the bottom—to have been in fact the beginning and the end of the detestable Crossmolina conspiracy. This is another of the witnesses whose evidence your Lordships and the people of England are asked by the 'Times' to believe against Mr. Parnell and his party. Next we have Delaney, the confessed assassin and convicted highway robber, the man whom a Dublin jury declared by a special resolution to be unworthy of belief on his oath ; and the 'Times' expects that this accomplished scoundrel will be believed here, despite his record, because he testifies against Patrick Egan and Thomas Brennan, who are absent and unable personally to refute his assertions. These, and a few others of the same odour, are the witnesses whose evidence is expected to substantiate the charge against the Land League. In the instance of each of these witnesses, the defence has produced evidence as to the facts stated, witnesses who were named in some cases by the informers ; and we ask your Lordships to note the contrast between the 'Times' clients and these witnesses in everything which is calculated to inspire confidence in the testimony of men. It has been abundantly shown by our witnesses, and in the masterly statement of Sir Charles Russell, how grotesquely monstrous those charges of murder and outrage as an alleged policy are against men in Mr. Parnell's position.

Allow me to try and put the absurdity of this allegation in this light. Suppose for a moment that such had been the plan of action in the League ; that we were setting to work to win Irish independence by moonlighting in Kerry, by assassination in Dublin, and by the explosion of dynamite in London ; along with the etceteras that make up the contents of 'Parnellism and Crime.' Allow, for argument's sake, that we were criminal and idiotic enough to form and to carry out such a programme. What could we not have done with the influence and the means which the Land League possessed ? The League numbered close on a million of members the world over—in Ireland, Great Britain, the United States, Canada, Australia, South Africa. These members placed at our disposal over a quarter of a million of money. They had full and complete confidence in Mr. Parnell. His influence, not only with the actual Land Leaguers, but with

millions of our race outside our organisation, was doubtless greater than any man has exercised over Irishmen since the days of O'Connell. Now, if the 'Times'' allegation could possibly be true, if it could be our policy to frighten and maim or kill persons in order to obtain an Irish Republic; why, what could we not have done in this way with the means at our disposal? The Attorney-General has proved by his witnesses that 69 persons were named or denounced at League meetings, during the time covered by this investigation. I am taking now, I may say at once, Sir Charles Russell's authority for these figures, and I think they will be found to be correct. Of these 69, nine only were subsequently outraged or injured, and of this number there were but three murdered. I do not in the least degree seek to minimise the crimes thus perpetrated, nor in any way to defend anyone who may have been really, directly or indirectly, responsible for the killing or maiming of even one of these people. But, adding to this number the 63 or 64 more homicides that have unhappily occurred in Ireland during the last ten years; what does this amount of crime prove—deplorable as even one single murder is in any country—when looked at calmly and philosophically, against the Land League, against the persons charged or the Irish people?

I have carefully gone over the official returns of serious crimes for England and Wales, and for London separately, for the same period covered by the charges against the Land League, from 1878 to 1887. And I hope your Lordships, for the sake of the character of the Irish people, which is here assailed in our persons, will give me permission to just quote these figures. In London, whose population approximates to that of Ireland, there have been 111 persons—

The President.—Where do you get these figures from?

Mr. Davitt.—From the official returns.

The President.—That is not a sufficient guide to me. What official returns?

Mr. Davitt.—The official government returns published here in London.

The President.—I want to know something about them, so that I can get them, and refer to them?

Mr. Davitt.—Judicial Statistics, I think, is the proper name. I applied for them and got them myself. I have them in my

hotel, and will be very glad to bring them here to-morrow morning. They are the official reports of the crimes committed in London. Official statistics of crime in London and England and Wales issued every year. In London, whose population approximates to that of Ireland, there have been 111 persons over one year of age and 347 infants killed feloniously, or a total of 458 murders committed in this city during the same number of years. The findings by coroners' juries were 557 murders of both classes, persons under and persons over one year old. During the same period there were 67 attempts to murder, 1,332 cases of shooting at, wounding and attempts to do bodily harm, while there were 926 cases of manslaughter. And this, my Lords, is in London where the 'Times' newspaper has its offices. In England and Wales, before whose bar of public opinion we are also on our trial, this is the record of its similar crimes during a similar period, from 1878 to 1887. Murders of persons over one year, 804 ; under one year, 778 ; total 1,582. Finding of coroners' juries in both classes, 1,755 ; attempts to murder, 655 ; shooting, wounding, and attempts to do bodily harm, 7,057 ; manslaughter, 2,487.

The President.—What year do you say was this ?

Mr. Davitt.—The years covered by this inquiry, from 1878 to 1887.

My Lords, there are many services which this Commission will render, in my humble opinion, to the cause of ultimate peace and amity between the Irish people and the people of Great Britain, services which were not in the minds of the authors of 'Parnellism and Crime' when this conspiracy of calumny was hatched between Houston and Pigott and the persons responsible for that paper. And if I am right, if time proves your Lordships' labours to have this happy result, I am confident that the application and patience with which this inquiry has been borne will be remembered only with satisfaction by every member of this Court. One thing I hope from this Commission is that it will draw the attention of the people of Great Britain to the real source of agrarian crime in Ireland, and if it succeeds in doing this, the fate of Irish landlordism is sealed. The 'Times,' of course, contends that the agrarian outrages of the last ten years were due entirely to the influence of the League. The defence on the contrary assert and call upon the facts of history and the testi-

mony of Parliamentary reports to sustain their assertion, that the crimes and outrages of the Land League period are similar in character and the same in origin as those crimes which have been all but continuously occurring from the days of Whiteboyism to our own. Sir Charles Russell has piled proof upon proof in support of this our contention. Witnesses from all parts of the counties included in the purview of this investigation, have given similar testimony from their own knowledge, from tradition, from general popular experience. It is also the recorded conviction of eminent unprejudiced writers, from some of whom Sir Charles Russell has quoted, that to the system of landlord and tenant existing in Ireland—to the frequency of the work of eviction—is due the prevalence of this unhappy species of crime.

I have more than once quoted from Lord John Russell during my observations, and I will once again, and for the last time, lay that distinguished statesman under obligation for a just and philosophical estimate of the people of Ireland, with reference to the point on which I am now speaking. I quote from his 'Speeches and Despatches,' vol. ii., page 13, and onward. He says:—

‘Is there anything in the nature of the Irish people which forbids that outrage and crime should be successfully met and a remedy effectively applied? I think no one can deny that, looking at the upper classes of society, no men have shown greater talent, greater frequency of wit, or greater aptitude for the pursuits of arts and arms than the people of Ireland. As to the lower classes, whether we view them as soldiers in the service of their country, or workmen in the various departments of labour, no men have been more remarkable for valour or industry, or evinced more of the qualities by which a country can rise to eminence. There is nothing, then, in the character of the people themselves which forbids us to hope that the evils of their condition should be successfully met and overcome. The Cabinet of that day prepared a coercion law, and I do not mean to deny that a part of the responsibility of its introduction attaches to me. But in promoting that law I thought, with others, that the time was come when we ought to look more deeply into the condition of Ireland; that we ought to consider whether we would not lay the foundation of a better system, which a mere temporary law of that kind could not do; and whether it was not fit to consult the temper and wishes of

the people of Ireland, and whether the same freedom which we possess in our own country might not be as efficacious in Ireland. Sir, I know not why, if we conduct the government of England according to the wishes of the people of England, and if we conduct the government of Scotland according to the wishes of the people of Scotland, I know not why in Ireland the opinions and wishes of a small minority only should be consulted, and the great majority should be totally omitted in the list of the supporters of Government. I say, on the contrary, that we can have nothing firm, that we can have nothing stable, that we can have no permanent improvement, unless we act on such principles as shall carry with them the goodwill and the confidence of the Irish people.'

I had intended following that up with a quotation from Macaulay, but I will not do so. I have four or five lines here from Lord Beaconsfield's *Life of Lord George Bentinck*, where, on page 125, in referring to the shooting of Irish landlords, and to other forms of agrarian crime, he says:—

'These barbarous distempers had their origin in the tenure of land in Ireland, and in the modes of its occupation; the soil has become divided into allotments, held by pauper tenants and at exorbitant rents, and by a class of middlemen who were themselves necessitous and were traders in land.'

Then, my Lord, I intended quoting from a letter of O'Connell's in his *Life* by O'Neill Daunt. I will only give the last three or four lines, because of something which is there prophetically said:—

'I know well how unpalatable such a system would be to the landlords, especially the absentees. But in truth, unless something be done, the people will slip out of my hands, and the hands of those who, like me, are for peaceful amelioration. They will operate a "fixity of tenure" for themselves with a vengeance;'

referring in that letter to the violence which invariably followed in Ireland from the postponement of reform until popular passions had been excited.

XXI. BOYCOTTING

I will now refer to the lesser crimes about which evidence has been given, charging the Land League generally with responsibility for their commission.

There is one of the many charges brought against me by the 'Times' which I admit is conditionally proved; but not at all proved to the extent to which the thing has been magnified and misrepresented.

That 'boycotting' has been advocated on various occasions by me, I have not denied. But I have denied—all the witnesses called for the defence have denied—that the 'boycotting' which was recommended at some League public meetings and at branches, was that which the 'Times' alleges led to and resulted in personal intimidation and injury to the individual.

The contention of our evidence is, that those persons charged who made speeches in which boycotting was advocated, specified clearly in qualifying words, that what they urged upon their hearers, was a shunning of, a having no dealings or intercourse with, such persons as went contrary to the public feeling of the place, by taking land out of which some one may have been evicted, or by kindred obnoxious conduct.

It may or may not be the reading of the law, that words which are spoken, and are intended to be literally interpreted by the audience spoken to, in the sense in which they are uttered, are held to be incitations to a breach of the peace, if such a result follows in apparent relative sequence. If A declares in the hearing of B, C, and D that E has robbed a poor-box and deserves to be 'put in Coventry,' that is to be socially ostracised; and if, after this denunciation, B, C, and D, individually or by concert, should set fire to E's house or break his nose—I do not know enough of law to enable me to say how much of guilt, if any, A would incur. But if the robbing of poor boxes had been a common practice in the place inhabited by A, B, C, D, and E, and if the houses of the thieves had been invariably set on fire, or their noses broken, before A had ever recommended 'Coventry' as a sign of popular reprobation; I may be wrong, but I am of opinion that A's action

should not be considered as inciting or contributing to illegality, in the hypothetical instance I have given. The evidence for the defence has shown that the boycotting, which was undoubtedly a weapon of the Land League, was not advocated as a means of personal injury or intimidation, but as embodying the popular sense of shutting out from the services of mutual association persons who, instead of being neighbourly or of a community of feeling with their fellows, acted injuriously or treacherously to what was popularly considered the public interest.

The 'Times,' on the other hand, has attempted to prove that the boycotting of Mr. Hegarty, of Mill Street, for instance, led directly to the subsequent alleged attempts upon his life. But in taking this line the 'Times' has tried to prove too much, and has therefore failed to make good its original charge. If the boycotting of Hegarty did in the eye of the law form part of the offence committed when he was fired at, then those who suggested or advocated the boycotting in the first instance would be legally amenable for the more serious offence.

It is of course known that institutions which may never have been intended to work personal wrong to anyone do, under the influence of unforeseen circumstances, work ruin to many. But that does not prove the criminal character of such institutions, or that their origin was not conceived in motives of general good rather than for purposes of personal injury. To sustain this argument, I wish to quote from a very learned article contributed to the 'Nineteenth Century' in December 1886, by Mr. Justice Stephen. While I do not, on any account, accept of his statement of facts or the conclusions which he draws from facts so stated; Mr. Justice Stephen puts boycotting in a fair enough light in that part of the article where he says:—

'The mere act of shunning a man, of refusing to deal with him, of not taking his land or the like, in no way shocks or scandalises anyone. Nothing, in itself, and if it stands alone, can be more natural and harmless. Human life could not go on at all if all of us were not at liberty in a certain sense to boycott each other, to cease to associate with people whom we do not for any reason like, to cease to do business with people with whom for any reason, good or bad, we prefer not to do business—in a word, to regulate all the course of our lives and of our intercourse with others according to our

will and pleasure. To resent what you regard as harsh conduct in a landlord in evicting a tenant, or as meanness in a tenant who plays into his hand by taking the farm from which the tenant has been evicted, by refusing to have any dealings with either, may be wise or foolish, right or wrong, if it is a mere individual act, the *bona fide* result of the natural feelings of the person who does it. The transition from this to concerted action is not one which shocks the common and uninstructed mind, and the further and final step which leads you to help to compel others by fear to do that which you rather like to do yourself is little less natural and easy. By this plain and easy process what Bentham described as the popular sanction may be readily and quickly applied as a sanction of unequalled efficiency by any code of unwritten laws which vaguely represents the current sentiment of the most ignorant and passionate part of the community, those who are guided almost exclusively by sentiment and passion.'

Of course, my Lords, everybody who has not lived all their lives in a balloon, and read nothing but the stars, knows that what is known as boycotting has existed since civilised society began its career, and has been practised in a variety of ways for individual, social, religious, and political purposes. It was in vogue in Ireland before the Land League, and has never in the world's history, barring possibly the treatment of the Jews in the Middle Ages, been more remorselessly applied than by England's rule of Ireland during the penal laws. Party and political boycotting have never ceased to be practised by the landlords of Ireland. In fact I have said on scores of public platforms that boycotting was a weapon which we had borrowed from the armoury of the landlords to turn against themselves and their system. I find in the reading that I have had to undergo, preparing for the task I am trying to perform before your Lordships, that on the eve of the passage of the Reform Act of 1832, the Conservative party in this country, through one of its most respectable organs, laid down a system of boycotting which I will thank you to allow me to read (it is only very short); it is from 'Blackwood's Magazine' of July 1832, on the eve of the memorable Bill of that year. It says:

'Finally, let the Conservative party universally and firmly act upon the principle of withdrawing their business

from tradesmen whom they employ who do not support the Conservative candidate. In the manufacturing cities, which depend on the export sale, this measure may not have a very powerful effect, but in the metropolis, in the other great towns, and the small boroughs, it would have an incalculable effect. *If universally and steadily acted upon, it would be decisive of the fate of England.* At least four-fifths, probably nine-tenths, of the purchase of articles of commerce come from the Conservative ranks; if this were confined to men of Conservative principles there is an end of the revolutionary progress. There is nothing unjust in this; the shopkeeper claims for himself the power of judging who should be his representative in Parliament. Granted, but he cannot refuse the same liberty of choice to his customer as to whom he is to employ as his butcher, his baker, or his clothier. There might be some reluctance in taking this step in ordinary times, when no vital part of the State is at stake, when mere family ambition divides counties, and the great interests of the State are equally secure in the hands of the one or the other party. But the case is widely different when, as at this time, the question is not between rival families in counties, or adverse parties in politics, but between contending principles in society; between the preservation of property and the march of revolution; between future felicity and unutterable anguish for ourselves and our children. It may be a painful thing to part with an old tradesman because he is of revolutionary principles; but it is much more painful to see the ruin of our country, and that is the other alternative.

Come what may, we have discharged our duty to the friends of England, by showing the simple and certain means by which the progress of the revolution may be stayed; if they are neglected and ruin follows, the consequences be on them and their children.¹

Well, this proves that fifty years before the Land League was heard of the great law-abiding Conservative party in England could resort to systematic boycotting. Boycotting, considered even in its worst and most objectionable form, and from the point of view of its worst results, had still, I maintain, this comparative innocence over the practices of those agrarian societies whose crimes and outrages are set forth in Sir George Cornwall Lewis's book, referred to by Sir Charles Russell in his speech, and to the

¹ Appendix I.

same kind of crimes that are particularised in the report of the Devon Commission. In those days the man who was marked out for punishment or murder in Ribbon Lodges or other secret conclaves, was visited or waited for without any warning whatever, and outraged, as a rule, without any chance of preparing for defence, or of communicating with the police. The naming of land-grabbers at a few public demonstrations during the League agitation, or the passing of boycotting resolutions at occasional branch meetings, did, at least, this service to the obnoxious person, it gave him public and timely warning of the feeling existing against him, and afforded him opportunities of seeing to his own protection. So that, assuming even the 'Times'' allegation about the boycotting of some branches of the League to be true, namely, that boycotting was meant to end in outrage or personal intimidation—a charge which, of course, we altogether challenge and deny—I maintain that it could not, humanly speaking, be as criminal in its consequences as were previous practices of agrarian bodies which had nothing of the public character of the League about them.

Our answer to the 'Times'' charge on this head is that public denunciation of men who grabbed land or otherwise went contrary to popular feeling in a district, acted as a kind of lightning conductor ; that it brought the pressure of public opinion to bear upon those thus mentioned, and that, in this manner, such denunciations and boycotting did actually and manifestly prevent outrages of a serious character, instead of causing them.

Evidence in proof of this has been given by nearly every one of the witnesses called for the defence ; and these witnesses embraced clergymen in large numbers who are, from intimate association with the people, better qualified to speak on this matter than any other class represented in this inquiry.

XXII. LEAGUE SPEECHES NOT CAUSE OF OUTRAGE

When it is considered in this connection that the Land League had upwards of 2,000 branches throughout Ireland ; that the National League has had nearly the same number ; that these

branches have met on an average once a fortnight for the whole period of their existence as branches ; that at least three speeches would be made at each branch meeting, and that thousands of boycotting resolutions must have been passed at these branch meetings ; how infinitesimal are the number of persons outraged or injuriously boycotted, in comparison with the flood of League oratory which these figures represent as having swept over the country from 1879 to 1887 ! Taking only half the number of branches here given, that is 1,000, as fairly representing those that would be in continuous active existence during this period ; and, to be again well under the mark, let me assume that there was a meeting only once a month, and that there was but one speech made at each meeting, a number that is, alas ! altogether too modest for Irish oratorical propensities—we would have, as a result of these figures, no less than 96,000 Land League speeches. Assuming that during the same period there had been held one fortnightly meeting of the central branch in Dublin, where, as a rule, there are half a dozen speeches fired off ; and again, docking these by half, we would have 288 central branch speeches, over the same length of time. And finally, calculating that from 1879 to 1887 there were four public or open-air demonstrations each week—but to keep well within the lines of certainty I will put down two, instead of four—this would give us 832 open-air speeches. And, adding these figures together, we shall find a grand total of 97,120 Land and National League speeches having been made in Ireland during the time embraced in this inquiry ; a total which I have arrived at by making, in order to be consistent with my own speeches, the same fifty per cent. reduction which in generous moods I have only asked of the landlords in the matter of rent.

Then, on the other hand, the number of persons who were named at meetings in one way or the other during this same period of time was 69 only, according to the evidence ; and of these 69 no less than 60, I am happy to say, had not a hair of their heads touched in consequence ; at least no evidence has been given that they were in any way injured personally. This brings down the number of outrages alleged by ' Times ' evidence to be the result of League denunciation to nine, which would mean one and a fraction for each year, or the 10,690th part of an outrage

to the number of speeches made from 1879 to 1887. Of these nine persons who were named and denounced, three only were murdered. I do not say 'three only' to minimise in any way the criminality of the deeds ; but I do say that the number is an unanswerable reply to the allegation of the 'Times,' which says, 'the Land League rose like an exhalation to the sound of murderous oratory, and was guarded about by assassins who carried out its high decrees by the bullet and the knife.' And, my Lords, if we take the entire number of outrages of all kinds concerning which evidence has been given by the 'Times' (evidence that they were committed merely), that is 157 in all ; made up of 65 in Kerry, 42 in Galway, 25 in Cork, and 25 in Mayo, which outrages include, I am sorry to have to say, 26 murders ; that is, 3 in 1880, 7 in 1881, 12 in 1882, none in 1883-4, 2 in 1885, 1 in 1886, none in 1887, and 1 in 1888 ; if we take even all these crimes for all these years, they cannot for one moment bear any rational relative connection with the 100,000 Land and National League speeches, an organisation with half a million members in Ireland, branches in every town and village, and financial resources that reached a sum of 250,000*l.* before the same organisation was three years old.

Yet the 'Times'' allegation on this head reads :

'Many of those persons whose names are included in these particulars knew and must have known that sums of money were being paid, not in an exceptional instance, but over a long period of time, to persons who were engaged in carrying out the acts of violence and crimes to which reference has been made.'

If ever the hackneyed quotation about the 'mountain in labour bringing forth a mouse,' could be applied, it is in this instance, when these crimes, few in number, covering a period of eight years, are attributed to one of the most powerfully developed organisations ever known in these countries ; and the leviathan 'Times,' assisted by the Government of the day, succeeds in proving, in a trial that has lasted nearly twelve months, that the sum of 6*l.* of Land League money reached one man of this vast organisation as alleged, but not proved, reward for an alleged, but not proved, moonlighting expedition. The celebrated Timothy Horan cheque for 6*l.*, granted on a recommendation of

a Land League clerk, and endorsed by Mr. John Ferguson, is the only Land League money that has been proved to have passed between the League and men as alleged rewards for the perpetration of outrage. Innuendo and wholesale accusation are one thing, proof is quite another ; and it is with proof of criminality that justice has to deal and not with wholesale political calumny.

To insinuate, as the 'Times' does, that because every penny of the Land League funds is not accounted for in connection with an organisation which was suppressed in 1881, and the books of which organisation have been roaming from Dublin to Liverpool, and from thence to London or Paris ; to insinuate, also, that because these books have not all been forthcoming, seven years after the Land League was suppressed by Government force ; therefore, the money so accounted for was paid for criminal or illegal purposes ; may do very well for the political purposes which the 'Times' was anxious to serve when it bought Pigott's forged letters for 1,700*l.*, and published the first of them on the morning of the division upon its party's Coercion Act. Accusation and innuendo of this kind may serve such ends as these, but they will not be accepted in a court of justice except at their proper legal value, or be allowed to usurp the function of clearly established proof in the formation of a just and righteous judgment.

One word more about the crimes which have been proved here, on evidence, not against the League, but that such crimes were committed at certain times and in certain places. The twenty-six murders to which I have referred call for this observation, not in any way as an extenuation of the crimes themselves in character or in number, but as a matter of fact. No less than nineteen of these twenty-six murders were committed in the years 1881-2, over two-thirds of which time the Land League was suppressed, meetings were largely, if not entirely prohibited, and while 1,000 or more influential Land Leaguers and local leaders were incarcerated under Mr. Forster's Coercion Act.

I hope I am not wearying your Lordships by adopting this line of argument against the allegations of the 'Times.' It cannot be nearly so wearisome to the Court as it is to myself, or as it has been for months past, to travel through years of blue-books, miles of speeches, and all but endless evidence, in order to meet fully and fairly the accusations of the accusers in this case.

Their methods of insinuation are so various and cover so much time, and so many acts and persons, that it becomes inevitable for me to make my defence and reply cover an area something like equal in extent to the field of accusation.

And then, it is the outrages and crimes committed in Ireland during the period from 1879 to 1887 that constitute the kernel of this whole inquiry, and upon the evidence for and against the charge of complicity in which crimes your Lordships' final decision will be given.

Therefore I hope that the patience of the Court will not be exhausted if I dwell much longer upon this vital phase of this trial than I have done over other parts of it.

To bring home clearly and convincingly the charge of direct responsibility for these crimes to the persons accused, the 'Times' must not only prove our actual complicity in their perpetration, beyond all reasonable doubt. It must, in order to do this, show how, during these years, all the known ordinary causes which led in previous years to the commission of identical crimes and outrages, and in greater numbers than within the Land League period; how all these causes were suspended in their operation, and that eviction and fear of eviction, disputes about land, and the general play of those agrarian passions which breed human contention, hate, and revenge, had acted no part whatever in the production of the agrarian crimes that are on unhappy record from 1879 to 1887, and the culpability for which or for many of them the 'Times' declares belongs to the League alone.

On the other hand, I contend that the evidence given by the defence proves, conclusively, what has over and over again been demonstrated by historic analogy; that the crimes and outrages thus charged against the League, have had their seat and source in the active operation of those very causes, which the 'Times' tries to ignore, and that it is to such causes and to none others that this unhappy record of deeds of blood and of passion are justly and truly, if lamentably, referable for origin and instigation.

It may, and doubtless will, be objected by Sir Henry James that proof by historic analogy of the Land League's innocence will not be all which your Lordships will require for a Land League verdict in this case. This, I grant, as a matter of course; only I do so with this reservation, that it is not, or rather it ought

not to be, a question of the persons here charged clearing themselves of imputed crime, but a matter of the 'Times' proving the truth of these charges so conclusively against the parties charged, that no reasonable doubt of their guilt will remain.

A case in point will explain my contention in this matter, and obviate the necessity of referring to it again, by way of argument.

Some years ago an influential journal made a series of infamous attacks upon two prominent political leaders. One of them replied to these attacks as follows :

'The public will respect the anonymous system so long as it respects itself : but it will no more tolerate the literary assassin in our day than it would the poison bowl or the dagger. . . . Instead of offering a syllable in palliation of the charge of inciting to public plunder levelled at Mr. Bright, he coolly tells us that he had, in two previous numbers of his journal, made the same charge against both that gentleman and myself, that he has given us a week to clear ourselves, and, as we had neglected to do so, that he concluded his imputation to be well-founded. Only a long impunity could have betrayed him into such a defence. It amounts to this : I have only to scatter imputations of meditated robbery right and left, and if anybody who may be accused by me fail to vindicate his character, he has no right to complain if he be ever afterwards treated as a convicted felon.'

The name of the writer was Richard Cobden. The date of the letter was December 11, 1863. The paper in which the letter appeared was the 'Daily News,' and the influential journal whose editor and methods were thus spoken of, was the London 'Times.' My Lords, the Irish political leaders who are now the objects of attack by this 'literary assassin' have presented themselves to this Court to vindicate themselves from the charges made by this paper ; and if I, as one of them, have supplemented my own and others of the accused direct evidence by the testimony of unprejudiced English authority, recorded in connection with the recrudescence of agrarian crimes in Ireland, I hold, subject to your Lordships' better judgment, I have resorted to no unreasonable line of argument.

XXIII. LANDLORDISM AND CRIME

I will now call attention to an official return presented to Parliament in the year 1882. The return is named 'Numerical Return of Outrages reported to Constabulary Officers in Ireland during the year 1881 with summaries during preceding years.' There is no distinction drawn in one portion of this return between agrarian and ordinary crime ; but, of course, the number of homicides reported in this part of the return included the agrarian murders. The return gives at pages 10 and 11—

The Attorney-General.—What is the date ?

The Secretary.—It is a return printed in Dublin.

The Attorney-General.—1882, my Lord.

Mr. Davitt.—The return gives at pages 10 and 11 the number of murders and manslaughters committed each year from 1854 to 1881 inclusive. During the twenty-five years preceding what I will call the Land League years, that is from 1854 to 1878, there were 1,392 homicides committed in Ireland, or an average of $55\frac{2}{3}$ for each year.

Mr. Justice A. L. Smith.—Is that agrarian or what ?

Mr. Davitt.—No, I have pointed out in this part of the return there is no distinction drawn between agrarian and others. I will come by-and-by to a portion of the return where the agrarian outrages are particularised. Taking now the years 1879, 1880, and 1881, a period embracing the birth, the life, and the suppression of that organisation which the 'Times' alleges carried out its policy by means of murder and outrage ; we find the total number of murders in the same return for the three years to be 87, or an average of 29 for each year only ; this being $26\frac{2}{3}$ less murders per year during the Land League period than for the twenty-five years which preceded the inception of that organisation ; or, in other figures, about 48 per cent. of an average falling off in this class of crime.

It is, however, right to point out that in the return from which I quote, the word 'homicide' is made to include murder and manslaughter in the columns from 1854 to 1864 inclusive ; and that for those ten years I have taken the number of homicides thus given as murders in my calculation. From 1865 to 1881,

inclusive, the murders and manslaughters are given in separate columns, and for those years I have taken the figures which represent the specific crime I have been dealing with. Why the figures in the return are given in this indefinite manner for the years from 1854 to 1864, I am unable to understand.

Taking the number of manslaughters in the years in which they are particularised in this return—that is, from 1865 to 1881—I find that from the former year to 1878, there were 726 of these crimes committed, or an average of a fraction within 52 per year. Taking next the Land League years from 1879 to 1881 inclusive, the manslaughters were 143, or an average of $47\frac{2}{3}$ per year, being eight per cent. less of these crimes per year than during the fourteen years which preceded the birth of the Land League.

Inasmuch as the part of the return from which I make these calculations does not distinguish between agrarian crime and ordinary crime, the figures are not as conclusive as I would wish them to be; but they at least show to a demonstration, that for the twenty-four years preceding the appearance of the Land League, there was a far larger average of homicides committed in Ireland in each year than during the years 1879, 1880, and 1881.

There is, however, in another part of this return, at pages 8 and 9, tables which give what purport to be, the figures representing 'agrarian' as distinguished from ordinary crime; but these figures form so extraordinary a comment upon the figures that are found at pages 10 and 11, and from which I have been quoting, that I cannot help suspecting that they have been cooked for a purpose.

Anyone who has the most elementary acquaintance with Ireland knows that agrarian crime has always been out of all proportion the greater and predominating class of crime in the country. Murders that are not of an agrarian character are as seldom committed in Ireland as that other crime, so peculiar to England, wife-beating. Yet we find, according to these returns of the Royal Irish Constabulary, that, though there is a record of no fewer than 1,392 homicides from 1854 to 1871, or an average of 55 for each year, there is only a record of 117 homicides of an agrarian nature during the same period of time, or a yearly average of $4\frac{2}{3}$.

I contend, in the face of such figures, that I am justified in

charging some sinister purpose to the Constabulary authorities in not differentiating between the agrarian and ordinary crime in the return, dealing with the whole crime of the period, and in resorting to a classification which is made to show an improbable preponderance of ordinary serious crimes over agrarian ones of the same magnitude.

There is, however, another return to which I will now refer your Lordships, which gives the number of agrarian outrages, but only from the years 1877 to 1887 inclusive. This return is printed as an appendix to the evidence given in the month of January 1889, and put in by the 'Times' witness, Arthur Charlesley. This period embraces the whole of the time included in this investigation; and the number of murders recorded from the year 1879 to 1887, inclusive, is eighty-one, or an average of nine each year exactly. But it is of the utmost importance to observe here that the 'Times,' with all the aid of Dublin Castle and Royal Irish Constabulary information—information in fact from those who prepared these returns of crime in Ireland—that, notwithstanding all this, the number of agrarian murders proved, or attempted to be proved, before your Lordships, was but twenty-six, or an average of three each year for the period covered by this inquiry.

Taking next the number of manslaughters given in this return, we find a total of thirteen for the same period of time, from 1879 to 1887, or an average only of $1\frac{1}{2}$ per year.

Now, going back to the return which was presented to Parliament in 1882, and which unfortunately does not particularise agrarian from ordinary crime in the undefined portion of it, we find the average number of murders from the year 1854 to 1878 to be $55\frac{2}{3}$, and the average number of manslaughters from 1865 to 1878 to be 52 annually.

Let me suppose that only half of these were agrarian in character; this would still represent an average yearly record of twenty-seven agrarian murders, or three times the average number of the years included in the period of this investigation, that is from 1879 to 1887; even accepting all the homicides recorded as being agrarian; while it would be nine times the average number for these years, if we accept only those to be agrarian which have been proved such by the 'Times.' Again, the average

number of manslaughters in the period before the Land League, was 52 per annum ; assuming half these to have been agrarian in character, this would leave 26 as the average yearly figure ; or $24\frac{1}{2}$ more cases of manslaughter of an agrarian character each year than during the Land and National League periods.

I venture to say that these are figures which demand the careful attention of this Court. They are drawn from official statistics of crime, one return having been laid on the table of the House of Commons in 1882, the other being part of the evidence tendered to your Lordships by an official witness for the 'Times.' I have not dealt in either of these returns with the less serious forms of crime with which they also deal, because it is impossible to separate agrarian from ordinary offences in the figures that are given. For instance, in the return put in by Charlesley on the 17th of January, purporting to show the number of agrarian outrages committed from 1877 to 1887, I find the following crimes included as 'agrarian :' Rape, administering poison, assault on police, which may or may not be agrarian ; 'other offences,' which is somewhat indefinite ; burglary and housebreaking ; highway robbery ; robbery, sacrilege, demand of money ; pound breach ; injuring places of worship ; injury to or attempt to injure railway trains or highways ; injury to telegraph ; and perjury. Well, these may be 'agrarian crimes' in Ireland, in the estimation of the Royal Irish Constabulary ; but I question whether they are considered crimes of that character in any other country under the sun.¹

Another return of this kind was put in by the Attorney-General, on the 2nd May, and will be found at page 4053 of the evidence. This return purports to be compiled from returns made by the Inspector-General of the Royal Irish Constabulary, and it is made to include the number of evictions carried out from the year 1849 to 1886, inclusive. The agrarian crime column includes, of course, those offences to which I called your Lordships' attention awhile ago, and on this account the information which it gives cannot be reliable. The return omits, however, and for obvious reasons, the number of evictions during the years of the great famine. Neither do I accept as even approximately accurate the figures purporting to give the number of

¹ Appendix J.

persons evicted in Ireland from 1849 to 1886. The number given falls short of 600,000 ; whereas according to statisticians of repute, the figures should be nearer 2,000,000, if the years from 1846 to 1849 were included. Still this return, inaccurate as it undoubtedly is, tells a story which corroborates my contention, that agrarian crime rises and falls with the ratio of landlord crime, otherwise evictions. Taking the eight years which immediately preceded the formation of the Land League, and comparing the evictions and agrarian crimes of that period with the evictions and agrarian crimes of the eight years from 1879 to 1886 inclusive, we come at the following results : Evictions from 1871 to 1878 inclusive, 24,111 ; agrarian crimes from 1871 to 1878 inclusive, 1,981, or about 9 per cent. of crimes to persons evicted.

Mr. Justice A. L. Smith.—Only 1,900.

Mr. Davitt.—That I find from 1871 to 1878.

Mr. Justice A. L. Smith.—From 1871, you leave out 1870.

Mr. Davitt.—Yes. The evictions from 1879 to 1886 inclusive, 133,679 persons ; agrarian crimes from 1879 to 1886 inclusive, 14,956 ; or about 11 per cent. of crimes to persons evicted. The 2 per cent. increase in the agrarian crimes of the latter over the former period, is reasonably accounted for by the coincidence of the wide prevailing distress of 1879 and 1880 ; the disturbing influence of the transition from the land tenure conditions existing before the passage of the Land Act of 1881, and by the angry passions evoked during the period when popular, national and local leaders of the people to the number of 1,000 were arrested and imprisoned without trial, that is from early in 1881 to the resignation of Mr. Forster in May 1882.

Now, before dismissing, for the present, this return of the Attorney-General's, I wish to dwell a little more on the figures therein given, with reference to the west of Ireland, and the inability of even the Land Act of 1881 to prevent landlords from exterminating the people from the land. It is a charge made or implied against us, that we have kept an agitation going after the creation of the land courts under the Act of 1881, which agitation, it is alleged, is all the more unnecessary on account of the founding of Government tribunals which adjudicate between landlord and tenant in the all-important matter of rent. But we have always held that the Act of 1881, while it gave some protection to tenant

property, and some relief in the payment of rent, has not fully protected such property, nor reduced such rents to a just standard. We have also held—at least, I have—that the only measure which would fully solve the Irish agrarian difficulty, quiet the country, keep the people on the land, and in their homes, would be a measure which would completely abolish the system of ownership which permits an idle and non-productive class to levy a tax in the shape of rent upon the labour and the home attachments of the class that alone produces such rent. The figures which I am now about to quote from the same return, will prove to demonstration that we were right. From 1881 to the end of 1886 the following number of persons were evicted in Connaught each year. I will add the number of those re-admitted as tenants and as caretakers :—

	Persons evicted	Re-admitted as tenants	As caretakers
1881	4,378	102	2,205
1882	7,967	148	4,421
1883	5,028	137	2,195
1884	6,171	125	2,458
1885	4,513	126	1,950
1886	6,614	169	3,644

I think I may truly say that these are astounding figures. Inside of six years, immediately following an Act which was expected by its authors to go a long way towards a final solution of the agrarian troubles of Ireland, we find the old process of extermination going on unchecked. We have, in round numbers, 34,000 persons evicted in one province alone, 800 of whom were readmitted as tenants, and 16,800 as caretakers ; leaving over 17,000 as exterminated from the land, and the 16,800 who were allowed to go back as caretakers, deprived of the tenant right which the Land Act of 1881 was intended to secure to the occupier. There can be no reasonable doubt, and I challenge Sir Henry James to prove me in the wrong, but that this eviction of 34,000 persons, and readmission of 50 per cent. of them as caretakers, was in direct consequence of the passing of an Act which was meant to give to the tenants a tenant-right interest in their holding, and a statutory lease of fifteen years. Evidence has been

given that these evictions were largely, if not entirely, due to arrears of rent contracted over years before the passing of the Act of 1881.

But apart from this evidence, we have testimony of authority, and the testimony given, too, not alone in the columns of the 'Times' newspaper, but in its own editorial language, that in 'the vast majority of the tenancies in Ireland economic rent was rapidly disappearing' during these very years of the League movement. In the 'Times' of Saturday, March 28, 1886, the following letter from Sir James Caird appeared. I do not know whether it has been read before your Lordships.

The President.—Yes, it has.

Mr. Davitt.—It is very important, and I will only give one quotation, because I intend as usual to fall back upon the language of the 'Times,' which wrote a leading article upon the letter. It is as follows :

'It is only the land of higher quality, in this country'—
that is, meaning Ireland—

'the better class of arable land and the good grass land, that are at present yielding any satisfactory returns. Now a large proportion of the land of Ireland, under the new circumstances in which we are placed, must very soon go out of cultivation. The cost of transport has been so greatly diminished that poor, worn-out, badly-farmed land in Ireland cannot hold its place in competition with the boundless prairies of rich virgin soil now brought within easy reach of us.'

Then I pass on. I want to emphasise this :

'If the present prices of agricultural produce continue, I should fear that from the land held by the large body of poor farmers in Ireland any economical rent has for the present disappeared. A purchase of it at any price would, therefore, be certain loss. How many years' purchase, even with better prospects, would any sane capitalist give for a nominal rental of three and a half millions to be collected from 500,000 holdings of poor land, from tenants averaging 6*l.* each?'

I contend that this is the character of the land upon which the majority of the poor people of Connaught are compelled to eke out an existence, and that the evictions, to which I have called your Lordships' attention, which are found recorded in the return given

by the Attorney-General, are evictions carried out where these economic causes have worked these results. With reference to economic rent in connection with such land ; the 'Times' itself, in a leading article upon this remarkable letter, makes these admissions :

'The market has fallen, and is still falling. We have reason to believe that the full effect even of the existing shrinkage of values has not yet been experienced, and we have no certainty whatever that values will not fall lower still. In that case all the weaker men among the comparatively strong will go down, and their rental will have to be written off as a bad debt. Thus one-third of the total rental is worthless *ab initio*, and the other two-thirds are obviously liable, apart from all political difficulties, to indefinite depreciation. Sir James Caird is surely fully justified in concluding that there can be no adequate security given at present by the land of Ireland for such a stupendous advance by the British people as even on the lowest estimate Mr. Gladstone's scheme involves.'

And the article goes on to say that in a short time, neither Irish Government, nor English Government, nor Irish landlords can collect rent from these 500,000 holdings from which economic rent had been rapidly disappearing !

Well, my Lord, there is one more comment, and one only, which I will make upon this letter of Sir James Caird's and the accompanying 'Times' editorial, and it is this. While the Irish land question was a subject which mainly concerned Irish landlord and Irish tenant, the 'Times' furiously assailed those who dared to deny to Irish landlords their right to exact even rackrents from the poorest of the Irish peasantry. Over and over again have I been denounced in its columns for teaching what it called a doctrine of plunder, even when, as in the early years of the League agitation, I, in common with others, urged that Griffith's valuation should be the standard of rental obligation. But when in 1886 Mr. Gladstone's proposal for the buying out of the Irish landlords' interest, involved some risk to direct English interests ; then, the 'Times' discovered that in more than half a million of holdings in Ireland there was no landlord property worth purchasing, or that would give any security for an advance of money out of the pockets of the British taxpayer ! My Lords, I may be

pardoned for dismissing this matter with the remark that this changed position of the 'Times' was characteristically English.

I have one more purpose to serve with the Attorney-General's return of evictions and agrarian crime from which I have already quoted, before passing to other subjects. I am only dealing now with the province of Connaught where the land agitation began. I have observed that the report I am again referring to only begins its column of agrarian outrages for county and province in the year 1877, which it continues down to 1886. Taking the two years preceding the origin of the land agitation—those of 1877 and 1878—we have for the province of Connaught a total of 178 agrarian outrages, or an average of 89 for each year. The outrages I am now dealing with are the lesser ones, such as threatening letters, &c. Applying this average to the eight years previous to the foundation of the Land League, we find a total of 712 outrages of an agrarian kind. The number of persons evicted during the same period of eight years in the same province was 6,543. Of these 1,460 were re-admitted, leaving in round numbers the complete eviction of 5,000 persons from 1871 to 1878 inclusive, in Connaught.

Now, taking the eight years following the period of land agitation, that is from 1879 to 1886, the Attorney-General's report shows that for the same province there were, allowing for re-admissions after eviction, over 20,000 persons turned adrift from holding and home; or four times the number evicted during the previous eight years. Through the same period the number of agrarian outrages in Connaught rose from 712, over the previous eight years, to 4,181, the latter eight; or six times the number. Taking the gross number of evictions for both purposes, without deducting the re-admissions in either case, but reasoning as I hold I am justified in doing, that the knowledge of an impending eviction will be calculated to fill men's minds with revengeful thoughts and dispose to the commission of crime before the certainty of re-admission after eviction can be known, we find the number of evictions to be six times greater from 1879 to 1886 than from 1871 to 1878 in the province of Connaught, while we likewise find the number of agrarian outrages in the same province six times more numerous, also, when comparing the period of the greater with that of the lesser number of evictions.

While I am not going to claim for these calculations absolute

accuracy, I invite Sir Henry James to adopt this line of treatment with the figures of his own report with reference to that province in which the Land League had its birth, and compare the evictions and outrages with each other within the respective periods included in my calculation, and then explain, if he can, the remarkable co-relation which I have established between what I call the outrages perpetrated in the landlords' interest upon the homes of the people, and the retaliatory outrages committed against the law by the victims of landlord extermination.

I am perfectly well aware that when I use the expression 'outrage against the people's homes in the interest of landlords,' I am attacking the exercise of the law in Ireland, and that I cannot expect your Lordships to freely accept that language as warrantable in this Court. Your Lordships have, I presume, to deal with the law as it is, whether it be good or bad in its ultimate consequences. An eviction, no matter how harrowing in its details, or how injurious materially and morally in its ultimate effects, would be to a judge in an ordinary case who sees such eviction carried out by due process of law, an act which it would be criminal to resist in a law-abiding community. But, in this investigation, dealing as your Lordships are with a virtual revolution, which has succeeded in changing what was the law of land tenure of 1880 into such as it is to-day in Ireland, it may be that facts and occurrences which would not ordinarily appeal to your minds will, in this instance, find consideration in the final decision which it will be your prerogative to give. An eviction, judicially considered, is but a process of law in Ireland. But it was once a process of law in the same country to hang a priest for the crime of saying mass. It was once a process of law to compel a Catholic tenant, under penalty of eviction, to pay tithes to a Protestant minister. It was even so late as twenty years ago, a simple process of law to evict a tenant without cause or compensation, if the landlord so inclined. The administration of each and all of these laws, and of numerous other laws which could be enumerated, caused discontent, disturbance, and crime in Ireland ; and on that account such laws have been repealed. The judges of those days had to defend and uphold the justice of such laws ; but time declares they were unjust and oppressive laws, and no man dare now propose to have them re-enacted. I con-

tend respectfully that the exercise of the law in the carrying out of an eviction in Ireland to-day, is an injustice ; that it takes from a tenant the home which he or his predecessor in title built by their own means ; that it deprives human beings of the use of one of the elementary necessities of life, of a natural agent which Providence has created for man's use and sustenance, and not for class misuse or monopoly. I hold these facts to be indisputable ; and taking cognisance of the further facts that land in Ireland, through the absence of alternative industry, is the only labour-providing resource of three-fourths of the population ; that a deprivation of such a source of employment may mean the pauperism of the workhouse, or the choice of expatriation ; I further charge that evictions in that country are productive of hardships, misery, and crime, which would not exist if the change in the land laws of Ireland which the Land League demanded in 1880 were carried into effect.

Furthermore, the land system implanted in Ireland by England, has never recommended itself either to the genius or necessities of our race. It has never, in the language of John Stuart Mill, received the moral sanction of the people of Ireland. They have always and ever been in warfare against it since its first introduction, as a fruit of conquest, amongst them. It has never adapted itself to the characteristics of our country. It was a code made for us by another race, differing in habits and disposition from ours. Landlordism was not a law passed by the people of Ireland for the regulation of the country's tenure of the soil.

It has been truly said by one whose views will, I am sure, have respectful consideration from your Lordships, Lord Coleridge, Lord Chief Justice of England, in Glasgow in 1887 :—

‘It seems an elementary proposition that a free people can deal as it thinks fit with its common stock, and can prescribe to its citizens rules for its enjoyment, alienation, and transmission. Yet in practice this seems to be anything but admitted. There are estates on these islands of more than a million acres ; these islands are not very large, and it is plainly conceivable that estates might grow to fifteen million acres or to more. Farther, it is quite reasonably possible that the growth of a vast emporium of commerce might be checked, or even a whole trade lost to the country, by the simple will of one, or it may be more than one, great

landowner. Sweden is a country, speaking comparatively, small and poor, but I have read in a book of authority that in Sweden at the time of the Reformation, three-fifths of the land were in mortmain, and what was actually the fact in Sweden might come to be the fact in Great Britain. These things might be for the general advantage, and if they could be shown to be so, by all means they should be maintained. But if not, does any man with anything which he is pleased to call his mind deny that a state of law under which such mischief could exist, under which a country itself would exist, not for its people, but for a mere handful of them, ought to be instantly and absolutely set aside ?'

If the people of Ireland were a free people, they would adapt the land laws of the country so as best to serve the interests of its chief industry, agriculture. It would be the security and material well-being of those who cultivate the soil, which would influence a national Parliament in framing a land code, and not the privileges or self-aggrandisement of a non-producing section of the community. No such law as that so emphatically condemned by the Lord Chief Justice of England, would be passed by an Irish legislature.

The absolute dependence of the entire community upon the labour of the agricultural classes, whose labour is of the hardest kind, demands from the State a protection against class interference, which would give the food-producers of society a feeling of security greater than what is required by any other class of workers in the industrial economy of the nation. Their work is not measured by Civil Service hours. Their lives are spent away from the pleasures of city existence. They are the nearest in every sense to the rude rule of nature, and remain subject to the rigorous necessities of that rule from the earliest years of toil to the close of life. Yet these agricultural classes in Ireland have been left, until recently, a prey to the most useless class—in an economic sense, and the most profligate in a moral sense—that any civilised society produces. The all but incessant labour of the farmer has been unjustly taxed, his home has been neglected or violated, as landlord greed might determine. Penalties have been put upon efforts at domestic comfort. The observance of the law of hospitality has been punished ; and all because a privileged non-producing body of men required more rent with which

to enjoy lives of luxury that the rent-earners could never possibly hope to enjoy as a reward of their labour.

I have referred, my Lords, a few moments ago to evictions as they are viewed in the light of the mere execution of the law. But whether law-makers, Government, or society like it or not, the turning of families out of houses built by themselves must be considered from a human as well as from a purely legal point of view. It is but an acknowledged truism to say, that no people on earth are more attached to their homes and to the land upon which they are built, than the people of Ireland. They are accounted by some a poetic, a romantic race, full of imagination and of the deep, passionate feeling in love or hate which gives them so marked an individuality among nations. An eviction in Ireland is not the thing an eviction in England is. Here a tenant who is turned out of his holding, can go into the nearest manufacturing town and get employment of some kind for himself and children. In Ireland there is no such alternative. An eviction there means not only the deprivation of a home to a tenant and his family, but the loss of the only means by which a living can be earned in their Fatherland. True, the house from whence they are ejected may be poor and squalid and mean; but it has not the degrading stigma which is attached to the workhouse. It represents to a small extent only, it is true, that social independence to which the poorest of mankind aspire to attain in a more or less degree. The dwellings of the Mayo peasants are doubtless lacking in all the comforts and conveniences known to the wealthy abodes of society. They are more or less open to the chilly blasts of winter, when the shelter of a home is doubly dear to us all. But though they are wanting in nearly everything which makes the habitations of the rich a means of enjoying the luxuries of life, these humble dwellings are after all *homes*, round which the holiest influences of our lives cast a spell that binds our hearts to their bare and rugged walls. Within these Mayo cabins a mother's dying blessing may have been given. The place itself may have been the work of a dead father's love and labour when preparing a home for the partner of his choice. Memories and associations as dear and as sacred as even these may also cause the affections of the inmates to cling to the hearthstone that is hallowed by so many endearing ties. And

all these, the purest and best of poor weak human nature's attributes, its domestic virtues, are trampled upon and outraged when the decree of eviction crosses the threshold of the dwellings of the poor. And is it any wonder, my Lords, when looked at from this human point of view, that when all which is pure and noble in our nature is thus trampled upon in the interest of a person who may never have seen that cabin home, or known anything of its inmates; is it any wonder that what is dark and evil in our nature should be appealed to and aroused, and that we should fly to what Lord Bacon has called the 'wild justice of revenge'?

I have opposed the law which enables Irish landlords to tax the labour of the poor of Ireland, and to tumble down their homes if this tax be not paid. I for one meant the Land League to completely uproot this law; and in so far as this work has been accomplished through the agency of the League, will it deserve and receive some day a meed of praise that will more than compensate those connected with it for the libels of the 'Times.'

No general questions addressed to the agent, landlord, and constabulary officer witnesses for the 'Times,' were more persistently put than those which inquired if they had ever known of the perpetration of certain classes of outrage before the birth of the Land League. Your Lordships are, I am sure, familiar with these questions. They are something as follows: 'Did you have any difficulty in getting your rent before 1879? No, none whatever.' 'Did you ever hear of persons being fired at or intimidated for the payment of rent? Oh no, not before the Land League.' 'Did tenants ever before come with their rents in the night-time, and say they did so in fear of being seen? Oh, never.' 'Was the taking of evicted farms unpopular before 1879? Not at all. Quite the contrary.' 'And did you ever hear of moonlighting in Kerry or anywhere else until you first heard of the Land League? Never heard of any such thing before.'

These were some of the questions addressed by learned counsel on behalf of the 'Times' to witnesses immediately interested in Irish landlord property or Dublin Castle rule who came before the Court. The object of these questions and answers is obvious. They were meant to show that the character of the outrages of the past ten years was developed by the land agitation which began at Irishtown. It was sought to be shown

that organised opposition to rent was a veritable new departure in Irish agrarian troubles ; and that all the other offences and deeds embraced between boycotting and moonlighting, and which have been minutely particularised here, were the offspring and undeniable results of the teaching of the Land League. Evidence given by witnesses for the defence has amply dispelled this illusory picture of pre-Land-League agrarian peacefulness and freedom from turbulent and varied opposition to landlordism. Sir Charles Russell has disproved the answers of the 'Times' witnesses referred to, by quoting from the report of the Devon Commission and from Sir George Cornwall Lewis's book on the Local Disturbances of Ireland. I should wish, only I know I should be tiring the Court, to add to this testimony ; but, instead of reading from the same book, I will simply refer to the pages. At pages 22, 23, 24, 34, 35, 40, 43, 73, 82, 93, 96, 108, 111, and 115 in Sir George Cornwall Lewis's book, particulars are given of people being attacked for having taken land from which others had been evicted ; intimidation practised against the taking of land ; the unpopularity of rent-paying to landlords, and all and every outrage gone into before your Lordships in this Court. Then in the 'Times Red Book' published in 1880, which I intended also to quote again, I find that on pages 127, 150, 152, and 156, midnight attacks ; unpopularity incurred by taking land from which others had been evicted ; and all the kinds of crime familiar to your Lordships now, are proved to have been committed in Ireland twenty, thirty, forty years ago, and proved too in the columns of the 'Times' itself.

I will now trouble your Lordships with a few instances of this from the 'Times,' instances that are not given in the Red Book, but they cover various periods from 1850 down to 1886 ; and I think it is material that I should be allowed to prove this out of the columns of the 'Times.' I shall refer to no other authority to prove that all these crimes that have been charged against the Land League, and which, according to the 'Times,' never existed in Ireland before the Land League, occurred from time to time during the last thirty years. I will not read all the articles. I will just refer to them. In the 'Times' of the 25th December 1850, there is an article, or rather a communication, from its Dublin correspondent that a farmer in Armagh found it necessary to make his

visit at night to ensure secrecy in the payment of his rent. Then from the same Dublin correspondent of the 'Times' of the 2nd August 1850, page 4, there is an article headed 'The Anti-Rent Campaign;' and particulars are given about movements against the payment of rent in different parts of Ireland. Then in the 'Times,' of the 28th February 1850, under the heading 'State of the North,' the Belfast papers report outrages upon landgrabbers, or at least upon people who took land. The term landgrabber is not used, but the thing is just the same. Then in the 'Times' of the 2nd April 1851, in the county of Down, there is an account given of a party of men coming to intimidate farmers at night-time, because the tenants preceding the present occupiers of these houses and lands had been ejected for non-payment of rent. The article concludes:—

'All parties are warned on penalty of death not to take the vacant houses and farms. Bodies of men at night traverse the country to the terror of the peaceable portion of the people.'

In the 'Times' of the 17th of March 1852 there is an article on agrarian crime and assassination in Ulster, giving a very lurid picture of Armagh and Fermanagh and other counties. One sentence I will just read from this article:—

'The witnesses are terrified and will not give evidence. The jurors are terrified and will not find verdicts against the ruffians who have committed these crimes. Under these circumstances Mr. Napier applies to Parliament for a select committee to inquire into the cause of outrage and crime in the counties of Armagh, Monaghan, and Louth, and into the efficiency of the law for the suppression of these evils.'

In the identical copy of the 'Times' which gives this picture of Ulster counties thirty-seven years ago and twenty-eight years before the birth of the Land League, there is an outrage reported from the county of Clare, to the effect that a Mr. Creagh was fired at because he had taken part of the lands of Tredahow surrendered by a man named Casey, and was to have come into possession on the 25th of the then present month. Then in the 'Times' of the 24th of March 1865, page 10, column 3, there is an account from the Dublin correspondent of Donegal juries refusing to convict a man charged with an agrarian murder;

and it seems from the article that no Donegal jury could be got to consign a man to the gallows for executing the 'wild justice of revenge.'

In the 'Times' of January 15th, 1870, there is an account of moonlighting in Mayo. It is not exactly called moonlighting, but this is what is said :—

'Agrarian outrages are still reported. A correspondent of the "Freeman" states that on Sunday night a man named Higgins, residing at Swineford, Co. Mayo, was dragged out of bed by an armed party, who "comed" and "carded" his face and other parts of his body, lacerating him severely, because he offered to take some land from which tenants were to be evicted. Threatening letters continued to spread alarm in the County Meath and other parts of the country.'

In the 'Times' of January 21st, 1878, page 8, column 1, there is from the Dublin correspondent an account of intimidation being practised with reference to the taking of land. Then there is in the 'Times' of December 31st, 1886, an article, which I will crave the kind permission of the Court to read, because it is remarkable appearing in this paper so late as the date given ; in fact at a time when negotiations must have been going on between the 'Times' and Pigott and Houston about the letters and this whole Anti-Land League conspiracy.

'It is curious, in looking through a series of letters on the condition of Ireland forty years ago, contributed to the "Times" by its commissioner in the course of a tour extending over a period of five months, to find how much would be a true description of the present state of things in that country. Tipperary seems then to have occupied the unenviable position lately attained by Kerry of being the most disturbed county in Ireland. Outrages and murders were of frequent occurrence, the cause being invariably agrarian. The writer of the letter in question tells of one gentleman who was building a residence for himself and an agricultural school for his tenants, and giving a large amount of employment, but who was obliged to walk about his estate with two men armed with guns to protect him, to have ball-proof window shutters to his house, and two armed policemen to guard his steward, because on the falling-in of an old lease he found his land in such a wretched condition, and the tenants upon it so miserable, that he bought them

out by agreement. Having escaped six shots, this gentleman was generally known in the neighbourhood as the "woodcock." He tells of a land agent who was in the habit of taking two boys, one before and one behind him, on his horse when riding through the country, so that he could not be killed without one of the boys being shot. He tells of an English gentleman who had lately succeeded to a property near the town of Tipperary, and who after living for three months upon the estate, during which time he was "most kind" to his tenants in giving them lime and slates for their houses and land, received a notice precisely similar to the threatening letters of to-day, save that the Moonlighters appear then to have gone by the name of Starlighters; and the writer of the "Times" gives a sample letter:—

"Sir,—I take liberty under Captain Starlight's law to truly inform you that I am bound on my solid oath to keep up the following law. You are counted a good landlord, and were it not for that I would not put you in possession of what you are going to hear, nor would I expose myself by giving you this, and of course must encounter with you hereafter.

"Notice.

"There did twelve of us sit on a jury, and agreed on, that if you were left in Old Castle long that you would be a good man to some and a very bad man to more of us. We agreed on the above captain's law to remove you either (dead or alive) which we all drew lots, with the exception of one, for to know whom should take your life, and be joined with two more, if necessity requires it. Now the lot fell to me to undergo the task and whatever two I choose to take with me.

"It is still in my power to notice you once before I commit the deed. I therefore notice you under my authority for to quit Old Castle with health as you came with it, and is sorry to the heart that we left you so long as we did, but we must make bad good now. So you must be accessory to your own death if held with opposition as much as I am for shooting you.

"I therefore the third time bid you quit if you like or remain if you dare, for if you do I will make you acquainted with small English powder and Irish slugs when you may think you are safest. You know you gave plenty of opportunity to us, but we did not agree on taking your life until this time. Now we are left but a very short time to undergo our task, and that we will do faithfully if put to it. I will

make you know what a Paddy mouse is with a blunderbush in his hand. Perhaps you may laugh at this and say it was some cowardly blaguard moted it. Do that if you like or if you dare.

“ Given under our hand,

“ CAPTAIN STARLIGHT.

“ ” CLARE DO.

“ ” TO THE POOR.”

And then the writer in the ‘Times’ goes on :—

‘The same writer saw a schoolmaster walking about the town of Tipperary followed by two armed policemen because he had resisted an attack upon his house by some men in search of arms, and though fired at and wounded, succeeded in killing one of his assailants and securing the conviction of another ; but instead of his courageous resistance carrying with it the sympathy of the people, their sympathy was with the cowardly ruffians who attacked him, and if not guarded by the police he would, we are told, have been murdered, a case precisely similar to that of the persecuted Curtins. He gives several other instances of farmers, labourers, landlords, and agents who were obliged to have their lives protected by policemen while following their vocations, and goes on to observe that these outrages had for their object a system of terrorism which should set the law at defiance, and that they were directly fostered and increased by the repeal agitation then going on. The small farmer, he says, expected that if he got repeal he would secure the possession of his land without acknowledgment or rent to anybody, and under this impression a code of terrorism was encouraged which resisted not only ejection from land, and the payment of arrears of rent, but which forbade the turning away of a servant, resisted the payment of debts, prevented the giving of evidence, and punished the assertion of every right with the threat of violence or death, which was almost invariably carried out. When this is the case who can wonder, it is pertinently asked, that men of capital will not resort here, that landlords who can afford to live elsewhere will not live here, and that the country does not prosper ?’

Then the article concludes as follows :—

‘How truly might all this be written of the Ireland of to-day.’

Well, now, my Lords, I think that is very significant testimony coming from the ‘Times,’ that all these crimes, moonlighting,

opposition to officers of the law, necessity of landlords and others being protected by police—this proof out of the 'Times' that these things were done years before the Land League was ever heard of, contradicts most emphatically the answers given by its witness in that box to questions put directly by counsel for the 'Times.'

XXIV. OTHER 'TIMES' CHARGES REFUTED

I come now to consider several specific charges made in this case, one of which is that the funds of the League were habitually used to pay for outrage and to procure the escape from justice of criminals. This charge is amplified at pages 154 and 253 of *O'Donnell v. Walter*, where it is stated that Egan after resigning the League treasurership held funds with which to enable the Phoenix Park murderers to escape to America. At page 254 of the Blue-Book it is asserted that on the 18th of February 1883, Mrs. Byrne's sister-in-law had returned from Ireland with 200*l.* from Egan to enable the whole gang of Invincibles to escape to America, and that on Mrs. Byrne's discharge she received more money from Egan. In the official report, at page 13, the Attorney-General declared that :—

'Many of those whose names are included in these particulars knew, and must have known, that sums of money were being paid, not in an exceptional instance, but over a long period of time, to persons who were engaged in carrying out the acts of violence and crimes to which I have referred.'

Then at page 186 the Attorney-General says :—

'I think it will appear that an emissary of the Land League, an agent of the Land League, used to get the money from the treasurer, either Mr. Biggar or Mr. Brennan, or Mr. Egan, either one of the officials who might be in charge, used to take down the money, 20*l.* or 30*l.*, and having received the money, of course, from Mr. Biggar or any of the other officials who handed it, used to take down the 20*l.* or 30*l.* in the district, and then distribute it locally to the men who were going to carry out the outrages.'

Clearer or more detailed charges than are made in these quotations could not be put into words. But where, my Lords,

are we to look for any the least corroboration of them in the evidence submitted by the 'Times'?

In two places and two only; one is where, at page 1873, Delaney the informer swears that the eight forged letters from Egan to James Carey were genuine; and the other is at page 3039, where Pigott's account of the bogus interview with Eugene Davis is made by Houston to detail the imaginary connection between the League and the perpetrators of crime.

As this concoction of Pigott's appears to be the basis of all the charges levelled at the League, affirming it to have been paying for the perpetration of crime, I will read a few extracts from it to show where the Attorney-General's information and evidence came from. I believe your Lordships have this bogus Pigott-Davis interview in your minds.

The President.—I remember it.

Mr. Davitt.—You have it.

The President.—Yes.

Mr. Davitt.—Then I pass it by. Not a single word of evidence outside of Pigott's forgeries and Delaney's statements has been adduced here by the 'Times' to sustain, or even to lend the colour of probability to, the foregoing monstrous charges.

Mr. Biggar, who was treasurer of the Land League with Mr. Egan, was never even asked while in the witness-box if he had ever given money, or known money to be given from the League, for the perpetration of crime or outrage.

And he has denied on oath the infamous allegations contained in this charge, than which a fouler or more malignant one was never put forward against public men. Bank books have been examined, League accounts scrutinised, branch documents produced, and every other available means employed by the accusers that could bring such facts as they allege to light if they existed; but all which they leave on the records of this inquiry to justify their charges are the forged letters and the concocted Davis interview of Richard Pigott and the statements of the unique scoundrel Delaney.

Nor will the circumstance of one or more Land League books not having been produced, enable the accusers to fly for refuge to the argument of suspicion, after failing to make forgery sustain their charge.

They allege over and over again that the Land and National Leagues are practically one. What they charge against the Land League they likewise allege against the National League.

And mark, my Lords, after specifically formulating this charge that the League 'paid sums of money, not in an exceptional instance, but over a long period of time, to persons who were engaged in perpetrating crimes'—I am quoting from the official report, page 13—counsel for the 'Times' never once asked Mr. Timothy Harrington while in that witness-box a word about any such use of League money. Mr. Harrington has been secretary of the League for some nine years, from the 17th of October 1882 to the present hour.

He had with him, and produced on subpœna, every book of the League ; cash-books, bank pass-books, cheque-books, minute-books, letter-books, covering the whole of this time ; yet never a one of these was he asked to open, never a leaf of one of these was he requested to turn over by counsel for the 'Times' while he was in that witness-box.

This one fact, my Lords, speaks for itself, and speaks a most eloquent refutation of the charge I am dealing with, and which I feel sure would never have been made if the 'Times' believed it would ever be compelled to produce Richard Pigott, the origin of all these allegations, in a court of justice.

With reference to Mr. Harrington, I do not think it necessary to make any comments upon the evidence of the wretched man O'Connor, who swore that he received money or promises of money from Mr. T. Harrington with which to intimidate by violence certain electors in a poor-law guardian election in Kerry. I am sure your Lordships have that incident in mind. The same witness also alleged that two letters were sent to a branch of the National League by Mr. Harrington, one declining to make grants to evicted tenants, owing to the disturbed condition of the district ; while the other and more private letter enclosed money, and encouraged the perpetration of outrage.

Mr. Harrington has met this charge in the most conclusive manner possible.

The first letter was genuine ; the second was never written ; and the miserable man who first made this charge made it, on his admission here, in the office of the I.L.P.U. in Dublin, and for a

promise of money, providing, to use his own expression in his letter to his brother, 'he would prove queer things' against Mr. Harrington and others.

I believe your Lordships have received, through a most respectable solicitor in London, a confession from the man O'Connor, in which he declares there was no truth in his evidence here, and that he told the story we listened to in that box in order to obtain from the I.L.P.U. or the 'Times' enough of money to enable him to get medical assistance for a broken-down constitution.

For the miserable creature who resorted to such means in a desperate struggle for life, there is some room for pity; but for Houston and the others who have been willing tools in this conspiracy, I have totally different feelings, and would use other language if this Court would indulge the use of strong words.

I come now to the Timothy Horan letter. Upon this letter and cheque what a world of imputation may not be founded in the manner in which all the 'Times' charges are sustained! Here it is in 'Times' logic: A letter supposed to be asking 6*l.* from the Land League for medical assistance for some men supposed to have been wounded in some supposed nocturnal adventure with the police, is got from one Phillips, an ex-Land League clerk. Thousands of letters were received by the Land League from all over Ireland, according to Phillips. Therefore, the Land League paid sums of money over a long period of time to persons who perpetrated outrage and crime. That is the way in which the 'Times' has reasoned on these premisses. This kind of argument did very well for the 'Times' until its major proposition, in similar reasoning, was put a little out of joint with its conclusion by the explosion of the forged letters. But charges resting on reasoning, which bases its conclusions upon suspicion and not upon clearly established facts, will not impose upon your Lordships' judgment.

The Timothy Horan letter is the only document, not forged, produced in this Court, to even indirectly connect the Central Land League with the payment of money to men who are alleged to have been engaged in crime; and the 6*l.* thus paid is the only money of the Land League that evidence has traced to men in the circumstances described in the letter. This letter if found at page 4841 of the evidence, and I am sure that it has received your Lordships' most careful attention, because I can recollect with

what forensic eloquence all the leading counsel for the 'Times' flourished that letter and asked questions about it, and based numerous suspicions upon it.

Now, taking this letter in its worst light, or best rather for the 'Times' case; what does it amount to when rationally considered? Some men belonging to some body, clearly not a branch of the League, as shown by the expression of 'that society,' used in a letter from the secretary of the Castleisland Branch of the League to J. P. Quinn, acting secretary *pro tem.* of the Central League in Dublin, were wounded in some adventure. It cannot be contended that these wounded men were members of the League.

What 'that society' alluded to was, we are left to conjecture. It may have been a party of Fenians drilling, or, possibly, moonlighters out upon some criminal proceeding. But we have no clear evidence in the letter itself, and unfortunately, Timothy Horan, who could throw most light upon the subject, is dead.

It is evident from the letter that among those who knew who these wounded men were, was a doctor and a Catholic clergyman; but as these two gentlemen may have come by their knowledge professionally, they could not fairly be asked to divulge names so discovered.

But upon the fact that Horan asked the money to be sent either to himself or to the Rev. John Hallagan, I think it is only reasonable to assume that the money was applied for more in the way of medical charity than as any reward for whatever raid the wounded men may have been engaged in. The expression 'they proved to be heroes' must be taken in the hyperbolic sense in which an Irish peasant speaks of the most commonplace occurrences. In a letter asking for relief for some labourers out on strike, which is found at page 2859, the writer speaks of them as 'brave fellows.' Our people are prone to use big words, and to apply terms of superlative eulogy to the most ordinary acts. An average public speaker becomes 'Demosthenes.' A lawyer of a few months' experience who wins a lucky case is compared with O'Connell or Brougham, while the organisers of a county or a province are compared with Carnot as 'organisers of victory.' But there is another consideration arising out of this letter which is pertinent to my argument. It was not addressed

to the Land League, but to one of its clerical staff, who, it appears from the terms of the letter, had had a conversation with Horan about the occurrence referred to, at some time previous to the writing of the letter.

Mr. John Ferguson, of Glasgow, whose initials were on the back of the letter, has been examined with reference to this transaction; and his direct evidence relating to the letter will be found at page 4826, and his cross-examination thereon by Sir Henry James, from 4840 to 4845.

As I think it very important to dwell upon Mr. Ferguson's explanation of this transaction, perhaps you will allow me (as your Lordships have clearly in your minds what he said) to summarise it. He said that if he had known that this was an application to reward men who had been engaged in any criminal act, he certainly would not have made any such grant. He then expressed his belief that in the hurry of the business of the League at the time, and on the eve of its suppression, this letter did not attract full attention. He himself could not call the letter to mind. He had no recollection whatever of it, but he said, I think, in answer to Sir Henry James, that if an application came before him for money to get medical assistance for men who had been wounded by the police, he would have no hesitation in subscribing such money himself, though he would hesitate in supplying the funds of the League for even medical charity under such circumstances.

That is the gist of Mr. Ferguson's evidence about this letter, and my reading of his answers to the questions put to him will not make it any clearer for the court.

At pages 4842, 4844, and 4845, he gives further evidence on the matter, and expresses fully his own views as I have tried to summarise them in my remarks.

He has no recollection of the letter whatever. He acknowledges that his initials are on the back of it. He says the date on which the grant was made was on the eve of the expected suppression of the League, that the business at the executive meeting would consequently be hurried, and that applications from branches or persons would not naturally receive due ordinary attention.

While, as to the 'Times' reading of this letter, he declared that, if such a letter came before him, even for medical assist-

ance only, for men who had been engaged in crime, he would not agree to advance League money, though he would personally subscribe on the score of charity for medical aid for persons wounded, no matter who they were.

These are the facts and suppositions surrounding this famous Timothy Horan letter and cheque.

What they prove against the persons charged, or against myself, who was at that time reposing in an atmosphere of innocence in Portland Prison, I do not, as a layman, know.

But I venture to assert, as a layman's opinion, that the finding of this one letter among hundreds of letters addressed to the League by all sorts and conditions of men, no more proves that such letters were of a similar character, or that the League Executive ever voted money for a criminal purpose, than my presence in Portland at the time proved me to be one of the 1,600 thieves and pick-pockets incarcerated in that establishment.

The witness Alexander J. Phillips, who gave this letter to Mr. Soames, gave certain answers in connection with it at page 6272, and I satisfy myself by calling your Lordships' attention to where these answers can be found.

I was making some observations last evening upon the charge made in 'Parnellism and Crime,' and repeated by the Attorney-General here, and which will be found at page 186 of the official report ; the charge that money was paid in various sums from time to time by the Land League and the National League for the carrying out of crime. Under that head I dealt with the Timothy Horan letter and cheque. On the general bearing of this charge, I have a few words to say about a witness named Farragher, whom your Lordships will probably remember. He was in the box for a considerable time, and from the beginning to the end of his examination there was not a word about grants of money by Mr. Biggar or anybody else for the perpetration of crime or outrage ; and surely if, as has been alleged by the Attorney-General, agents of the Land League used to get sums of 20*l.* or 30*l.* from Mr. Biggar, or Mr. Egan, or Mr. Brennan for that purpose ; and if this money was distributed, as the Attorney-General has said, among persons employed to commit crime ; some knowledge of that fact would have percolated to the ears of a man who swore he was in the Land League office, in daily

employment, from May 1880 to October 1881, and who also asserted in the witness-box, that he had been sent on confidential messages by Mr. Egan to James Mullett. The fact that Farragher has not said a word to corroborate the learned Attorney-General's statement, added to the other fact, that neither has any other witness, respectable or disreputable; disposes most effectively of this allegation. And, finally, though large numbers of Land League documents have been read, for instance in Farragher's evidence from page 2033 to page 2042, and again from page 2049 to page 2052; and by Sir Henry James from page 2072 to 2083, and again by Sir Henry from page 2130 to 2153; and during Mr. Soames' evidence from page 2857 to page 2875, nearly all of which documents related to payments of one kind or another by the Central League, while its responsible leaders were in prison; yet there is not a single document of all these that can be construed into a payment, or a request for a payment, for the perpetration of outrage or crime. Documents there are, I admit, among these which relate to the defence of prisoners in various parts of the country, and to this matter I will refer later on; but I affirm that the Timothy Horan letter and cheque stand alone in the entire evidence. How much of legal guilt there may be in the transmission of the 6*l.* under the circumstances related, I cannot say. If the letter appealed to Quinn for money with which to provide men with the means of committing crime, or as payment or hire for that purpose, or even as a reward for having been moonlighting; there might, though I do not know, be in such facts, legal proof against leaders who may however have known no more of Quinn's recommendation than your Lordships. But as the money was not asked for in Horan's letter on any of these grounds whatever, I affirm that the letter in question can form no reasonable or fair proof of any criminal purpose, or of sympathy with men engaged as such, against the persons here charged, most of whom were, I believe like myself, under lock and key in prison, at this very time.

Another charge, which relates exclusively to Mr. Parnell, calls for a few remarks, although I am in no way representing or speaking for Mr. Parnell here. I will, however, refer your Lordships to contemporary evidence which completely refutes the allegation. The charge is:—

'That at the time of the Kilmainham negotiations Parnell knew that Sheridan and Boyton had been organising outrage, and therefore wished to use them to put down crime.'

At page 55 of the official report, in the opening statement of the Attorney-General, he elaborates and explains this charge. Mr. Parnell has fully answered it in his evidence, and I am sure I need not trouble to call your Lordships' attention to it. I will call your attention to a letter addressed to the public press by William Henry, commonly called 'Captain,' O'Shea the day following Mr. Forster's speech in Parliament, in which speech Mr. Forster alleged that Mr. Parnell must have had some knowledge of Sheridan's doings in the way of organising outrages. In that letter Captain O'Shea directly contradicted Mr. Forster, and asserted that he never told him that Mr. Parnell had told him, O'Shea, that he had any knowledge of Sheridan being implicated in the way of promoting crime anywhere.

As to Boyton's name, there has not been one word of evidence given here to connect him with any outrage whatever. He made some violent speeches I admit, as I did myself; but proof there is not a particle in the evidence produced by the 'Times' to convict or connect him with the perpetration of crime. Boyton lived here in London from 1882 to 1885, when I believe he emigrated to South Africa, where I understand he is living now.

Now with reference to what are called the missing books, I have no doubt that Sir Henry James will dwell with emphatic comment upon the non-production by the defence of some of the Land League Books. That is but natural, seeing how little else but suspicion lies behind his case. I do not think, however, that the non-production of these books can be used with any effect against us, unless Sir Henry is instructed by Mr. Macdonald to how how the Land Leaguers of 1882, with their other wicked attributes, possessed the prophetic faculty of actually forecasting the task of this Commission, and deliberately destroyed such books as would prove Pigott's figures and accusations to be true. Action of that kind would come up exactly to Mr. Macdonald's conception of Parnellite conspirators, but fortunately the public is not as wise as the manager of the 'Times.'

We were not accused in *O'Donnell v. Walter* with misappro-

priating Land League books or charged with bad book-keeping. The defence has produced all the books which could be found after a lapse of seven years. These books have been here and have been inspected. For my part, and I am sure I can say the same for each person charged, I regret that every book and every document ever possessed by the Land League has not been forthcoming. They would be an extra vindication of the accused from the charges of the accusers, from the fabrications of Pigott, and the concoctions of Houston and his fellow-conspirators in the I. L. P. U. No human agency—apart from Mr. Macdonald's belief—could have anticipated seven years ago that any tribunal would require an inspection of Land League books. The Land League was suppressed in October 1881. Mr. Parnell and many of the principal persons here charged were in prison. The office of the League in Dublin was demoralised, owing to continuous arrests of secretaries and clerks. Rumours of raids upon the offices were rife, and finally the books and papers were carried off, apparently by more persons than one. The books, or some of them, went to Liverpool, thence to London, thence, it seems, to Paris. In October 1882 there was a convention in the Antient Concert Rooms in Dublin, presided over by Mr. Parnell, when the National League of Ireland was called into existence. That convention was fairly representative of the national sentiment of Ireland. To that convention Mr. Patrick Egan submitted a balance-sheet or financial statement of Land League accounts. It has been read here and put in as evidence. That statement was read to the convention. The accounts had been audited by Mr. John Dillon, Matthew Harris, and the Rev. Eugene Sheehy. That convention never questioned an item in Mr. Egan's account. It accepted the assurance of the auditors that Mr. Egan had not misused a penny of the Land League funds. The Ireland which upheld the Land League movement did the same. So did the people of America who subscribed most of the funds. All these are facts that cannot be controverted. But it is right to mention there was one person in Ireland who was not satisfied. His honest and truthful soul saw deception in all this. He perceived that the Irish race had been taken in. His eagle eye became fixed upon Patrick Egan, and he resolved to unmask the fraud which had escaped the attention of those most con-

cerned. His name was Richard Pigott ; and it is his writings, and charges, and figures which we have been investigating for the past twelve months. My belief is that when the National League became established, and the Land League had ceased to exist, and when the final statement of Land League accounts had been given and accepted as satisfactory by those who alone had the right to judge, the books which were taken to Paris were either destroyed, mislaid, or carried to America. Anyhow their non-production here I have endeavoured to account for in the natural and common-sense order, the efforts that have been made to trace them, and the rational explanation which we have given with reference to the circumstances of the last seven years, and I do not see that more can in justice or in reason be demanded from us. Again I say I regret that we have not been in a position to produce every one of these books, and every document and letter that ever came into the Land League office. In this connection the secretary of the National League, a body which has had a life of seven years subsequent to the two years' existence of the Land League, placed himself in that witness-box and brought into Court, or placed at the disposal of the 'Times,' all the books and accounts of the organisation, which according to the indictment is the same as the Land League, and which is charged with having paid money for the carrying out of crime. We know the result of Mr. Timothy Harrington's examination and the inspection of the National League books. The 'Times,' which looked for evidence to sustain its allegations, found instead a mare's nest.

Another specific charge, my Lords, is—

‘That the Invincibles were a branch of the Land League, and were organised and paid by its treasurer, Egan.’

The Attorney-General elaborates and comments upon this charge, as follows : but I have no doubt your Lordships have carefully read what he said ?

The President.—Yes.

Mr. Davitt.—Very well, I will pass on. It is needless to remind your Lordships that the charge so explained rests for proof upon nothing more reliable than Richard Pigott's forged letters, and the bogus Eugene Davis interview which I have already

referred to. There is an attempt to corroborate these by a congenial 'Times' witness, the convict Delaney, who, like his co-expert in handwriting, William Henry O'Shea, swore that Pigott's forgeries were genuine signatures. I would pass on at once to the next charge, and leave the character of Pigott's evidence, documentary and otherwise, to answer the vile allegations against my friend Mr. Egan, only the game by which he has been vilified before the public and in this Court, but especially here, is one which in justice to him I must ask your Lordships to allow me to expose by means of the evidence which was intended to corroborate the statements in the forged letters.

The convict Delaney was the instrument chosen for the backing up of Pigott's letters. His history is well known. He did five years for highway robbery. He was afterwards tried for an alleged attempt upon the life of the late Mr. Justice Lawson, and got ten years' imprisonment. He was implicated in the Phoenix Park murders, and was sentenced, while undergoing the previous imprisonment, to penal servitude for life.

He emerged from prison in May 1884 to swear an information before Mr. Molony, the magistrate of Sligo, against one P. N. Fitzgerald, of Cork, who was there charged with treason-felony. On the subsequent trial and acquittal of Fitzgerald in Dublin, the jury was so scandalised at the perjury of Delaney that they added a resolution to their verdict of acquittal, stating that Delaney was unworthy of belief on his oath.

His next appearance was in this Court.

With reference to myself he swore as to four matters which were as many deliberate falsehoods—

1st. That I had attended Fenian meetings at the Mechanics' Institute, Dublin, in 1878.

2nd. That on the night of the Rotunda meeting, 30th of April 1880, I supported O'Hanlon and the party of Fenians who came to break up the Land League demonstrations.

3rd. That with Egan and Brennan I afterwards attended a meeting of Dublin Fenian centres, and cemented an understanding between the Fenian body in Dublin and the Land League; and

4th. That he saw me on one occasion with Daniel Curley in a timber yard in Dublin.

These statements I have sworn before your Lordships were one and all deliberate lies, and I reiterate the same here. At page 1856 of the evidence he swore first that he heard of the Invincibles in the latter part of 1881. On the same page he swears that Patrick Egan and Thomas Brennan were the principal leaders of the Invincible organisation. At page 1859, Questions 34,607 and 34,608, he swears that the Invincibles got their money from the Land League and Patrick Egan. At 34,613, the same page, he swears that James Mullett got 50% from Mr. Egan, and lower down on the same page he declares that James Carey and others received money likewise from Mr. Egan. Then, to give so circumstantial and so veracious a witness an opportunity of substantiating what he had thus sworn, counsel for the 'Times,' at pages 1872 and 1873, kills two birds with one stone by getting Delaney to swear that the eight letters alleged to have been from Mr. Egan to Carey and Mullett and others, were genuine letters, bearing the signature of Patrick Egan. Pigott's confession had not yet been made. Amounts of money equal to those sworn to by Delaney are found mentioned in the forged letters of 8th October 1881, the 25th of October 1881, the 11th March 1882, as being sent by Mr. Egan to Carey, Mullett, and others. Then the Attorney-General gets Delaney to explain that the 'A fund,' mentioned in the letter of the 24th of February 1881, was no other than the Invincible fund ; and the triumphant expert in handwriting and in 'Times' morality was handed over to Sir Charles Russell for cross-examination.

The scene now changes to Maryborough Prison, Ireland. Enter Mr. Shannon to visit Delaney. At Question 35,138, page 1877, Delaney swears that Shannon introduced himself as Crown Solicitor, as an agent from the Government. Shannon took his statement in that capacity, and made Delaney swear to its veracity on a book. Delaney's evidence here was included, of course, in that statement. He has sworn so ; and at page 1888, Question 35,543, he swore that Shannon showed him the eight letters the evening before he appeared in the witness-box. The question which I now want to ask of Sir Henry James is a simple one. It is this. Did Pigott get the 'information' about the money mentioned in the forged letters from Delaney, through Shannon ; or did Delaney get a read or a knowledge of what was

stated in these letters from the same gentleman during the three or four hours he spent with him as a 'Crown Solicitor' in Maryborough Prison ?

Where, may I ask, outside of Delaney's perjured testimony or Pigott's forged letters, is the evidence produced before this Court to sustain this charge against Mr. Egan or Mr. Brennan ? Will Sir Henry James go back to Farragher and adduce that savoury gentleman's story about taking letters from Mr. Egan to Mullett in 1881 ? Let me examine Farragher's veracity a little as shown in his evidence. Patrick J. Farragher says he was born near Ballinrobe, county Mayo. Before coming here as a witness he was master of the Ballinrobe workhouse. He admitted having been charged by the guardians with drunkenness, immorality, and using insulting language to the matron of that establishment. He was dismissed, and did not appeal against his dismissal to the Local Government Board. He stated at page 2056 that he had been speaking to five or six persons in Ballinrobe about this Commission, and that it was this circumstance which led to his being subpœnaed. He declared to Sir Charles Russell that he only knew one of them, a policeman named Kirby ; and this he said of a place near which he was born, in which place he was then master of a workhouse, a Mayo village of two or three thousand people where everybody knows who everyone else is. He actually swore he could not give the date of his own eviction ; and at page 2057, Questions 38,428 and 38,434, he swore that he was in the employment of the Land League from May or June 1880 to the suppression of the League in October 1881 ; while at page 2059, Question 38,500, he swore he was not in the employment of the League at the time of the trial of Parnell and others, which began in January 1881. At Question 38,502, same page, he says (I am quoting his words), 'about two or three months after that trial I suppose is the time I was so employed.' At page 2060, Question 38,530, he again swore that Thomas Brennan remained in the Land League as secretary 'for two or three months after his (Farragher's) engagement as clerk, before he (Brennan) was arrested,' and as I have already pointed out, Brennan was arrested as a suspect on the 23rd May 1881. At Question 38,538, same page, he again says he believes he was taken in at the Land League three or four months before

Brennan was arrested. At page 2062, Question 38,585, he swears that he saw Mr. Egan 'ten times' in the Land League office in Dublin, between February and October 1881. At page 2063, Question 38,640, he swore that he took a letter from Mr. Egan to Mullett 'about September or the beginning of October 1881,' adding 'it was very near the suppression of the Land League,' which event, your Lordships are aware, took place on the 17th of October. Again, at page 2068, in reply to Sir Henry James, Farragher first said he saw Mr. Egan in the Land League after the suppression of the League. Then at Question 38,823, he declared he could not tell whether he had seen him at all in 1881; and for four following questions his answer was 'I could not tell you,' to the query by Sir Henry James when in 1881 he had seen Egan in the Land League office. And this is the witness who at page 2063 is made to say he took letters from Mr. Egan to Mullett in two of which there was money, 'the two' corresponding with the allusions in two of the eight forged letters to money which Pigott's concoctions had represented as coming from Mr. Egan to Mullett!

And, my Lords, it is upon the miserable transparent inventions of three such exquisite scoundrels as Pigott, Delaney, and Farragher, men of the most abominable character, apart from their performances in that box, that the 'Times' makes its accusations against Patrick Egan and Thomas Brennan, against neither of whose moral or business reputation a word of suspicion has ever been spoken in Ireland or America.

XXV. ORIGIN OF 'PARNELLISM AND CRIME'

Then, my Lords, there is the charge put forth by the Attorney-General as being contained in 'Parnellism and Crime,' that the Invincibles were a branch of the Land League, and were organised and paid by its treasurer, Patrick Egan. On this same page where this is repeated, page 3055 in the evidence, Richard Pigott gives the learned Attorney the following answer to question 51,733.

'A. It is only one line, "he organised the Invincibles and he bargained with the Parnellites." That refers to John

Devoy. In connection with that he (meaning Houston) asked me could I procure materials for another pamphlet bearing especially on that statement, that is to say, Devoy organised the Invincibles, and organised the Land League at the same time.'

This 'other pamphlet' which Houston ordered from Pigott, after giving 60*l.* for the first, was not printed as a pamphlet by Pigott. It appeared in the columns of the 'Times' under the title of 'Parnellism and Crime,' and contains the charges and allegations into which your Lordships are inquiring. So much my Lords, for this charge.

But before parting with the convict Delaney, I ought, in justice to him, to say that within the last few weeks he has addressed a letter——¹

The Attorney-General.—Oh!

Mr. Davitt.—The Attorney-General ejaculates. I have not yet said what it is, but evidently the Attorney-General knows all about it.

The Attorney-General.—No, you have no right to say that. It was quite evident you were going to refer to something which was not admissible.

Mr. Davitt.—Very well, I will take back what I said, and will pass on.

Now, my Lords, there is another specific charge which reads as follows. 'That Parnell was intimate with the leading Invincibles, that he probably learnt from them what they were about when he was released on parole in April 1882. That he recognised the Phoenix Park murders as their handiwork, and that, knowing it to be theirs, and partly in fear for his own safety, he secretly qualified and revoked the condemnation which he thought it politic publicly to pronounce.' Well, my Lord, that is founded upon Pigott's forgeries and Pigott's concocted interview which purported to have been given to him by Eugene Davis, and which your Lordship was good enough to say had occupied your attention.

Then, to sustain these vile fabrications of Pigott which were found in the bogus Eugene Davis interview produced by Houston in this Court, the 'Times' published the fac-simile letter, and wrote the following editorial on the morning of the division upon

¹ Appendix K.

the present Government's Coercion Bill ; ' an appropriate occasion ' for such publication, as Mr. Macdonald said, when under cross-examination. It is not necessary to read the article ; but in justice to Mr. Parnell, as he is not here, I would ask permission to read an extract from a speech that he made in the House of Commons that very night when this fac-simile letter had appeared. I will only give a short portion of the speech, because I am sure your Lordships have read it.

The Attorney-General.—I think it is in evidence.

The President.—Yes.

Mr. Davitt.—Very well, I will ask permission to read it.

The Attorney-General.—I merely mention that.

Mr. M. Davitt.—

'The writing is strange to me. I think I shall insult myself, I ought to say, perhaps, the House, in order that my denial may be complete and perfect. I certainly never heard of the letter. I never directed such a letter to be written. I never saw such a letter before I saw it in the "Times" this morning. The subject-matter of the letter is preposterous on the surface. The phraseology is absurd, as absurd as phraseology could possibly be. In every part of it, it bears evidence, absolute and irrefutable evidence, of want of genuineness and want of authenticity. Politics are come to a pretty pass in this country, when a leader of a party of 86 members has to stand up at ten minutes past one in the House of Commons, in order to defend himself from an anonymous fabrication of this kind which is contained in the "Times" of this morning. I have always held with regard to the late Mr. Forster, that his treatment of his political prisoners was a humane treatment and a fair treatment, and I think for that reason alone, if for no other, he should have been shielded from such an attempt as was made on his life by the Invincible association. I never had the slightest notion in the world that the life of the late Mr. Forster was in danger, or that any conspiracy was on foot against him or any other official in Ireland or elsewhere. I had no more notion than an unborn child of such a conspiracy as that of the Invincibles, and no one was more astonished than I was when that bolt from the blue fell upon us in the Phoenix Park murders. I knew not in what direction to look for this calamity. It is no exaggeration to say that if I had been in the Park that day I would gladly have stood

between Lord Frederick Cavendish and the daggers of the assassins, and for the matter of that, between their daggers and Mr. Burke. Now, Sir, I leave this subject. I have suffered more than any other man from that terrible deed in the Phoenix Park, and the Irish nation has suffered more than any other nation.'

The infamy of this whole proceeding is really beyond the power of language to adequately represent. It is from beginning to end, from the interview and bargain between Houston and Pigott in 1885 down to the appearance of this letter in the columns of the 'Times,' a piece of calculated and connected moral assassination of the political character of public men ; without a parallel in political or party history in any of these countries. Houston, the son of the Dublin warder and the secretary of the I.L.P.U., calls on Richard Pigott, the ex-editor of the 'Irishman' newspaper, which was purchased from him by the Land League. Pigott writes a pamphlet in which he attacks and vilifies the men to whom he had repeatedly offered his services, and from whom he had been constantly soliciting money and favours, before he found more congenial employment from the enemies of the League. The correspondence which passed between Mr. Egan and Pigott, before Houston's appearance on the scene, and which has been read here, a correspondence which led to the discovery of Pigott's forgeries ; shows to what length this infamous scoundrel went in his efforts to get money from the Land League funds.

Having failed with the League, he turned to the I. L. P. U., and was at once engaged as their pamphleteer and paid agent. He writes his 'Parnellism Unmasked' and obtains 60% from Houston for the job.

I have read in my preceding remarks what he said in reply to the Attorney-General about being engaged to write another pamphlet. About this period, September 1885, was the time when Mr. Gladstone's changed attitude on the Irish question began to look like the adoption by the Liberal Party of some plan favourable to Irish National demands. Pigott's pamphlet was therefore opportune for the I. L. P. U. The League administration of funds was attacked and the figures used by Pigott in this pamphlet are the same that are found running through 'Parnellism and

Crime' and forming the arguments and guiding the insinuations of counsel for the 'Times' in this Court. But this first attack upon the Land League was not thorough enough for Houston. The I. L. P. U. required something more direct and more damnatory against Mr. Parnell and his party, and Pigott was seen by Houston again and got the commission to which I referred awhile ago to get the materials for another pamphlet upon the basis that John Devoy organised the Invincibles and organised the Land League at the same time.

Here, my Lords, we have the conception of 'Parnellism and Crime,' which came into the world as the unholy offspring of Pigott and the I. L. P. U., and which was adopted by the 'Times' in March 1887. The plan of 'Parnellism and Crime' exactly corresponds with the commission given by Houston to Pigott to prepare a pamphlet bearing specially on the statement in Pigott's first production, that Devoy organised the Invincibles and bargained with the Parnellites. Running right through the articles 'Parnellism and Crime' these assertions are found, and arguments made upon and conclusions deduced from them make up the unholy story. Read Pigott's fabricated interview with Eugene Davis, produced here by Houston; read the forged documents; read Pigott's account of his visit to New York and concocted tales about Clan-na-Gael men in Paris, selling him the Parnell and Egan letters; and the whole pith and marrow of 'Parnellism and Crime' is found to be the work of Richard Pigott, in fulfilment of the commission given to him by Houston in November of 1885.

The dressing of these fabrications of Pigott's in 'Times' language may have been the work of Wolfe Flanagan, instructed by Houston; a congenial work for a man with an Irish name to stab his own country in the back for English money; but, beyond yea or nay, the matter was sub-edited by Richard Pigott. His fine Roman hand can be seen throughout the articles written to carry out the commission of November 1885, from the I. L. P. U. Pigott's work, instead of appearing in a pamphlet, this time found its way through Houston into the columns of the London 'Times,' and performed there the work of accusation, innuendo, and suspicion which the I. L. P. U. planned the execution of against its political opponents and their Liberal allies.

The 'Times' entered the I. L. P. U. conspiracy against Mr. Parnell, and became the willing tool of Houston and his aristocratic patrons and paymasters in Dublin. It paid back to Houston the money which Houston got from the I. L. P. U. to pay Pigott for the carrying out of the commission entrusted to him in November 1885.

We are asked by the 'Times' to believe that they knew nothing of Pigott or of his antecedents until after the publication of the fac-simile letter. *O sancta simplicitas!* A shrewd London lawyer like Mr. Soames, with shareholders' interest to guard; a canny Scot like Mr. Macdonald, with the responsibility of the 'Times' on his shoulders, and with a life's newspaper experience; with all the Walters and Buckles and Blennerhassetts of the private editorial staff, adding their knowledge of men and matters to the rest. And yet, we are asked to believe that an intellectual stripling like Houston, the Dublin prison warder's or gatekeeper's son, could palm off his story of the letters upon these men without telling them who was the man who procured them or anything about him. Again I say, *O sancta simplicitas!*

Mr. Macdonald, this innocently imposed-upon son of North Britain knew, however, the political value of even a forged document in a political crisis; and, agreeable to the spirit in which the Irish Loyal and Patriotic Union availed itself of Pigott's services from 1885, the 'Times' manager published the first of his forgeries on the morning of the 18th April 1887. Mr. Balfour's Coercion Act was on for second reading that evening, and the 'Times,' in the article which I have not read, but to which I called your Lordships' attention, challenged Mr. Parnell to explain and answer the fabricated production. Mr. Parnell did so at once; and the speech, which I quoted from a while ago, in which he cleared himself of the atrocious and deadly charge thus levelled against the heart of his political character and reputation, should burn itself, every word, into the conscience of every lover of fair play in Great Britain. During that speech, my Lords, which I did not read in its entirety, he was interrupted by 'Ministerial laughter,' according to the reports in the public press. Ministerial laughter at his manly and straightforward declaration that this whole letter was a foul fabrication. It is a pity that

this should be on record against the occupants of Her Majesty's Ministerial Bench on that occasion. It is possible that many of those who laughed from that place were in ignorance of the plotting and planning of Houston and Pigott, which brought forth the fac-simile letter and its accompanying accusations ; but it is known to us who those were who subscribed the money which Houston gave to Pigott ; and as sure as your Lordships are tolerating my address here to-day, their names and their donations, and the date when they gave them, will be made public before long, and they will have to take the consequences.

Then we have the demand made by Mr. Parnell and his party in their places in Parliament for a committee of inquiry into the charges and allegations refused by the Ministers to whom I have drawn your Lordships' attention in the conduct I have stigmatised. It is well known that the demand instantly made to have a Parliamentary inquiry into this whole thing, was refused ; but ultimately this heavy onerous task was thrust upon your Lordships.

Next, we have the O'Donnell and Walter fiasco, which Her Majesty's Attorney-General availed himself of (of course as counsel ; I do not speak of the learned gentleman in any other way) as a grand opportunity for reading the whole of 'Parnellism and Crime' before the Lord Chief Justice of England, and giving even a greater and more important publicity still to the work of Houston and Pigott ; and on that occasion the Attorney-General delivered himself of the perfectly sincere and natural resolution, that his clients would not, upon any consideration—no, not even if they lost their case in consequence, reveal the names of those from whom the forged letters were obtained. Wise resolve ! Characteristic conduct on the part of the 'Times !' The 'Times' newspaper all over.

And yet we were asked by these people in this Court to believe that when the Attorney-General was thus speaking in their behalf their own instructions to him, they did not know of Pigott's dealings with Houston or of the origin of the letters ; in fact, they had never heard of Pigott or of his newspaper, or of his career, until quite recently.

Let us see, my Lord, how much of truth there is in this statement of the 'Times.' The 'Times' of November 8th, 1871,

page 3, column 4, says in a telegraphic message from Dublin about Richard Pigott :

'At the sitting of the Commission Court this morning, Richard Pigott made application as publisher and proprietor of the "Irishman" with reference to some contempt of Court that he had committed.'

Then in the 'Times' of the 9th November 1871, there is another communication about Richard Pigott. The 'Times' of the 11th November 1871, page 5, by their Dublin correspondent says :—

'The Judges of the Commission Court sat this morning at half-past ten o'clock, and Mr. Pigott being in attendance with his counsel, Mr. Butt and Mr. Napier.'

Then the 'Times' correspondent again, on the 13th November 1871, says other things about Richard Pigott.

In the 'Times' of the 14th November 1871, page 5, there is more—there are three columns in the 'Times' of that date, headed 'Mr. Pigott's case.'

Then the 'Times' correspondent on the 15th November 1871, page 7, devoted nearly a column to the same gentleman, about whom the people of Printing House Square knew nothing at the time of *O'Donnell v. Walter*.

Then columns 1 and 2 of the 'Times' of November 15th, 1871, page 7, were devoted entirely to the denunciation of Pigott, and saying he deserved imprisonment for writing in sympathy with assassination. Nearly two columns of it about a gentleman that was not known to Mr. Macdonald, or to Mr. Soames, or anybody else in Printing House Square in 1887 !

Then there is an article from the 'Times' own correspondent again on July 17th, 1871, of nearly a column, referring to Pigott, and then, my Lords, the very irony of fate ! When Richard Pigott was about to be sent to prison for contempt, he was presented with a testimonial, and in the address—I will but quote four or five lines—in the address presented to him it was said :—

'Not even content with imputing to you as guilt the uncensured passages of another paper, the correspondent of the London "Times" forged against you a false and mali-

cious libel, declaring you had deplored that the constables were not murdered.'¹

Richard Pigott, twenty years ago, charging the London 'Times' with forgery! The 'Times' in 1887 publishing documents forged by Richard Pigott!

But, coming back to the Attorney-General's statement in *O'Donnell v. Walter*, we have him on behalf of his clients not only refusing to give the source of the letters, but defending his not doing so by insinuating another charge, that men connected with the Land League might assassinate the person or persons implicated, if their names were divulged.

Well, I have some words here I shall not read, my Lord; I do not want to indulge in any language that would be foreign to a place like this; but it is very hard in the face of a conspiracy of this kind to control one's words and feelings. It was only the certainty that John Cameron Macdonald, or some one else connected with this Pigott-Houston conspiracy, would find himself committed to prison by your Lordships if the 'Times' refused to give the names of those who furnished the letters, which caused them to bring Pigott forward in this Court. The manner in which the 'Times' pretended to atone for the wrong it had done was characteristically mean. The simulated language of regret did not as much as cover the apparent chagrin at the detection of the forgery and exposé of its frustrated game. There was no manly apology offered to Mr. Parnell, or to Mr. Egan, or to others who had like them been paraded in its columns as the paymasters and abettors of assassination. No. The Attorney-General's statement, like the leader on the same subject in the 'Times,' said, between the lines, 'we regret deeply that we have failed to convict you. We apologise.'

Their after conduct proves this to be a just estimate of their action in withdrawing the forged letters, after the forgery had been detected, despite their efforts to cloak the forger. Instead of abandoning the charges—which hung round and depended upon the forged letters for origin and justification—the work of vilification has been carried on in this Court, while agents such as Shannon, Kirby, and Thompson, and others for the 'Times,' who

¹ Dublin *Evening Mail*, March 30, 1872.

were in the pay of Mr. Soames, or in that of Dublin Castle, have been going into convict cells visiting wretched men wearing out their lives in penal servitude, offering them promises of liberty if they would only come forward and bolster up the case which fell to the ground when Pigott confessed his villany.

Thus has the 'Times' persevered in its congenial game, unshamed by exposure, undeterred by any consideration of remorse, dead to every feeling except that of implacable hate of the Irish leader, his party, and their cause.

And, with reference to this foul charge of assassination, what renders broadcast assertions of sympathy with political assassination so reprehensible and dangerous, is the lamentable fact that men in all countries who believe themselves to be oppressed by despotic rulers or unjust and alien government, show only too great an inclination to avail themselves of such reprisals. In ancient history the assassins of tyrants were the favourite heroes of oratory and poetry. Even in Christian times and countries the law of the Gospel has not always kept in check the lawless promptings of revenge.

'Revenge,' said Lord Bacon, 'is a kind of wild justice.'

And again—

'The most tolerable sort of revenge is for those wrongs there is no law to remedy.'

To locate this 'wild justice' in Ireland alone, is but a piece of stupid malignity on the part of the 'Times.' The murder of Count Rossi, the minister of Pope Pius IX., evoked little or no indignation in England. It was about this period that the 'Times,' writing upon the Garibaldian movement for Italian liberty, said—

'It is quite time that all the struggling nationalities should understand that freemen have no sympathies with men who do nothing but howl and shriek in their fetters; liberty is a serious game, to be played out, as the Greek told the Persian, with knives and hatchets, and not with drawled epigrams and soft petitions.'

If Mr. John Finnerty had uttered these sentiments on a platform in Chicago, and urged their application against English officials in Ireland, the 'Times' would not alone accuse him of being an

advocate of assassination ; it would charge me in the words of 'Parnellism and Crime' for even associating with Mr. Finnerty as being 'in trade and traffic with avowed contrivers of murder.'

Political assassination is as reprehensible to Irishmen as to any other people. There is not a country in Europe in which there has been less of such crime than in Ireland. What is the record of France and Italy and Germany in this respect? Even in free America two presidents have met their fate, in our own time, at the hands of political assassins. But what of England, the country whose political morals have had, as a kind of guardian angel, the censorship of the 'Times'? Have its constitutional traditions saved it from the stigma of political assassination? In the troubled time of the 17th century, political murder and accusations of political murder were constantly recurring features of the situation. Gardiner, the historian, tells us that among the Puritans of the period, there was no horror evinced at the murder of Buckingham by Felton. Even in the present century, the fathers of this generation saw on Tower Hill the spectacle of the public executioner holding up the dissevered heads of Englishmen executed for no less a crime than plotting the wholesale assassination of an English Ministry. Thistlewood, the Cato Street desperado, inflamed by the administration of reactionary Cabinets, formed the plan and found other Englishmen to assist him in the attempt to murder all the members of the Government, who were about to banquet at Lord Harrowby's. Yes, my Lords, political assassination is a terrible crime, which has sprung up only too readily in the rank soil of human passion, under the generating influence of unjust or unpopular government ; and those who, for the purpose of defaming political opponents, fling about charges of sympathy with such crime, incur the blame of tending to make popular and respectable the very deeds and excesses which they affect to deplore.

I say affect to deplore, and I use the word purposely, because the files of the 'Times' prove that, when alleged enemies of England have been plotted against, and their lives attempted, this journal, which has had the criminal audacity to plot and pay for the moral assassination of Mr. Parnell, has condoned the crime which its paid forgers tried to fasten upon the leader of the Irish

people. In April 1858, one Simon Bernard was put on his trial in this city for complicity with assassination, in the plot to murder the Emperor of the French. I am sure the fact is in the recollection of your Lordships, when Simon Bernard was tried here in London. The 'Times' in a leading article on the acquittal of the prisoner used these words :—

'With the resolute stubbornness of the English middle classes they (the jury), like the audience in court, refused to look at Bernard as a murderer, like Barthélemy or Lané. They saw in him, *even if the evidence were complete, only a conspirator against a despotic ruler*, who had himself seized a throne by craft and violence, and against whom craft and violence, if not justifiable, were at least not to be classed with the guilt of the common murderer. . . . *Why then should Bernard, even if guilty, be judged by the severe rules of English morality? Let the French settle these things among themselves.*'

XXVI. MORE 'TIMES' FABRICATIONS EXPOSED

The next charge calling for comment reads :

'That the knives, revolvers, &c., with which the Phœnix Park murders were committed, lay for days in offices shared by the League and Parliamentary party, open to the inspection of the curious.'

The pith of this charge consists in its insinuation. It is meant to convey the impression that the instruments, alleged to have been used in the murder of Lord Frederick Cavendish and Mr. Burke, were kept in the offices of the Parliamentary party and Land League in London, and that, consequently, the persons who frequented those offices must have not only known of the presence there of these murderous weapons, but knew also for what they were intended.

The evidence brought forward in substantiation of this charge was that of one George Mulqueeny, whose direct testimony begins at page 3588 of the evidence. No other person has been produced before your Lordships with reference to this particular allegation, except this Mulqueeny, who was admittedly a political errand boy of Captain O'Shea's; an instrument of the man who

was once Mr. Parnell's too intimate friend, and who to show, I suppose, the value of that friendship, stepped into that witness-box to swear that Pigott's forgeries were the signatures of his friend. Now what did this errand boy of O'Shea's swear? Mulqueeny is asked first to make good this paragraph, from near the top of page 155 of *O'Donnell v. Walter*. I am quoting.

'Gentlemen, I ask you to look at the next page ('Parnellism and Crime') which is most important. Before the knives reached Palace Chambers (the Parliamentary offices) they were entrusted to a Fenian shoemaker in Bethnal Green, who boasts of having made leather sheaths for them. This worthy's services to the cause were rewarded by a "testimonial," to promote which Mr. Biggar, M.P., took the chair at a meeting convened under the distinguished patronage of the principal London Fenians, a speech by Michael Davitt being the chief attraction of the programme. . . . From the shop of this cobbler the knives were carried to Westminster by Patrick Byrne.'

These are the words of the Attorney-General at page 155 of '*O'Donnell v. Walter*.'

Now, my Lords, for the 'proof' of this in the evidence. Beyond the fact that Mulqueeny knew such a man as Maurice Collins; that he was a shoemaker; that a lecture had been delivered by me towards his relief, and that Mr. Biggar took the chair on the occasion; there is not one word of proof or attempted proof of—1st. That Collins ever made the sheaths in question. 2nd. That the knives were ever in his house or carried from thence to Westminster. 3rd. That the lecture delivered by me was for any other object than that of charity, or was under any patronage whatever, Fenian or otherwise. The 'testimonial for service rendered to the cause,' the 'making of sheaths for the Phoenix Park knives,' and their 'being carried from Collins' place to the offices of the Irish Parliamentary party,' are pure fabrications; as the only witness produced by the 'Times' who gives any evidence about Collins, or this lecture, has said never a word, nor was he asked by counsel for the 'Times' to say a word, about these particularised allegations.

At page 3608 Mulqueeny tells how he invited me to deliver the lecture in question.

At page 3609, Question 58,142, he swore that the lecture had

no political significance, but was got up by himself, Mulqueeny, and others, who knew Collins as an Irishman who had suffered loss of trade as a 'Vigilant,' and their object was to set him up in business again.

The 'Times' witness said never a word about the meeting or lecture having been held under the patronage of London Fenians. This was another additional fabrication of the 'Parnellism and Crime' writer.

With reference to the application to Collins of the term 'Vigilant' by the witness, it was obviously a mistake by Mulqueeny for the word 'Visiting,' for at page 3612, Question 58,219, the witness gives this answer to me :—

'Was it not the Political Prisoners' Visitors Association that Collins belonged to?—A. You are quite right. It was the Prisoners' Visitors Association, but I thought it was "Vigilance."''

This, my Lords, disposes of the 'Fenian cobbler' of 'Parnellism and Crime' whom Mr. Biggar and myself are declared by the 'Times' to have testimonialled for having made leather sheaths for the knives that are alleged to have been used in the murder of Lord Frederick Cavendish and Mr. Burke. No, there is not one word of evidence to corroborate that serious charge against Mr. Biggar and myself. Mulqueeny even swore, at Question 57,612, that he had no knowledge of Collins having even been a Fenian ; and it was on Mulqueeny's invitation—as said by Mulqueeny in that box himself—that I had been invited to lecture for the relief of Collins.

Now as to the charge proper under this head. At page 254 of 'O'Donnell v. Walter,' the Attorney-General said :—

'In the Parliamentary offices the weapons were kept for several days before Byrne removed them to his home in Peckham. The knives lay in a paper parcel on the floor ; the Winchester rifle and revolvers, of which so much was heard at these murder trials, lay open to the inspection of the curious.'

At page 3593 of the evidence, beginning with Question 57,720 and ending at Question 57,736, Mulqueeny tells the story about Byrne showing him one day a paper parcel in which there were knives, and saying in answer to a query by a witness, that

they were surgical instruments purchased by Dr. Hamilton Williams. A few questions higher up the same page, Byrne is said by witness to have shown him two revolvers, one new and the other old, one being kept by Byrne for Mr. William Redmond, who left it in his custody for safe keeping when he (Redmond) was leaving for Australia. On the next page, 3594, from Question 57,742 to 57,773 on the opposite page, Mulqueeny tells how Patrick Byrne, Frank Byrne's brother, was carrying a parcel from the National League rooms to Frank Byrne's house, and how he let it drop on witness's toe, and told him it contained a Winchester rifle; Patrick Byrne, according to witness, having nothing to do in or with said National League. This comprises the whole of the story about the knives and revolvers and Winchester rifle, as told on direct examination by the only witness produced by the 'Times' to prove this charge, Captain O'Shea's boon companion, Mulqueeny.

In cross-examination, in reply to Mr. Reid, page 3602, Mulqueeny said—

‘I was somewhat surprised to see such things in the National League rooms; it was not an ordinary thing but an extraordinary thing to see, but I thought no more of it.’

The witness being told by Byrne that these were instruments purchased by Dr. Williams, he, while naturally thinking the National League room a strange place for such things, thought nothing more about the circumstance. It was only after the evidence given at the Invincible trials in Dublin that he connected the contents of the brown paper parcel with anything wrong. Touching this parcel and its presence in these offices, the witness said, in reply to questions by me, page 3609, that the League offices were open to anyone who cared to enter, and that lots of people used to be up there casually. He said also that there were plenty of places in the office where such a parcel could be stored under boxes or papers, where casual visitors to the office would not notice the presence of the parcel. This is the entire story about this parcel and its connection with the offices of the League and Parliamentary party in London. The thing begins and ends with Frank Byrne, Dr. Hamilton Williams, and Patrick Byrne, Frank Byrne's brother. We are not aware, so far as the

evidence goes, that any other human being ever saw these weapons in that place except George Mulqueeny. I think it is insinuated in 'O'Donnell v. Walter' by the Attorney-General that they were there 'on inspection.'

Of Patrick Byrne, Mulqueeny has said that he had nothing to do with the office of the National League. Of Dr. Hamilton Williams he has said more, and it amounts to this. At page 3590, from Question 57,629 to 57,635, the witness relates that Hamilton Williams accompanied Byrne and himself on one occasion to open a branch of the League at Poplar, but he says he does not think that anyone delegated Williams to go there. At page 3609, in reply to me, Mulqueeny said 'that he knew Hamilton Williams as an advanced Nationalist; that he never knew him to be a Land Leaguer. That on the occasion of the meeting in Poplar, at which he was present, he made a speech violent enough to "blow the roof off the house," to use the words of Mulqueeny, and that on that occasion there was no one present whom the witness would call a representative Leaguer, neither was there any member of Parliament there.

About Frank Byrne, personally, Mulqueeny says, at page 3600, that he never suspected him of being other than honest and honourable before his name became publicly connected with the Phoenix Park tragedy, through the Invincible trials in 1883. That if he had known of his real relations with Tynan and Williams, he never would have associated with him. Politically the witness knew as a member of the League executive that Byrne had been attacked by other Leaguers more than once for the way in which he was acting in his capacity as secretary, as also for his employment of organisers who were alleged to have been occasionally in Ireland when they should have been at League work in Great Britain. And in the matter of Tynan or No. 1, whom Mulqueeny did not know as such until told by Byrne at the time it came out in connection with the Park murders; the witness says at page 3601, Question 57,945—

'I asked him (Byrne) who No. 1 was, and he said "Tynan."

I said it was a damned shame to bring Tynan and men of that calibre into the National League offices.'

I think that this 'Times' witness has summed up, in this one answer, the whole case about this brown paper parcel. Assuming

it to be true that such a parcel was ever there, and was ever shown to George Mulqueeny, because, as I have already said, we have had no evidence from anyone else but this man, and it is known that he is the political tool and errand boy of Captain O'Shea, the once private friend of Mr. Parnell, but who became afterwards his deadly enemy. And even if this story were true about this brown paper parcel, it was the work of a man who was playing his employers false. Mulqueeny, who was on the most intimate terms with Byrne and his family, with Tynan and Williams, swears he never once suspected them of being connected in any way with the Invincibles until the revelations arising out of the trials in Dublin early in 1883. How then could the members of Mr. Parnell's party, or others who visited the offices in which Byrne was employed, know or suspect the double game he was playing ?

It was not asked of Mulqueeny by the Attorney-General, nor was it said or even hinted by the witness, that Messrs. T. Quinn, Foley, Biggar, and T. P. O'Connor, M.P.'s, who were less intimate with Byrne, knew or even suspected that Byrne, Tynan, and Williams were what they confessed themselves afterwards in America to be, or that any such parcel as that described in the charge was ever within the walls of the office in Palace Chambers. Legally as well as morally, therefore, this charge, or rather what it is meant to imply or insinuate, falls completely to the ground ; as there has not been one particle of proof produced here by the 'Times' to show that any of the parties charged had the least guilty knowledge either of Byrne's connection with the Invincible Society, or with the fact of the knives or brown paper parcel ever having been within the walls of the Parliamentary offices for one single second, if the parcel ever really had an existence there outside of Mulqueeny's imagination. Mr. Parnell, and others of his colleagues, have sworn they had no such knowledge. The only 'Times' witness brought forward to sustain this charge, did not swear, nor was he asked by counsel for the 'Times' to swear, that they possessed such knowledge. But this charge, which I have been testing by the evidence given to sustain it, was only meant to insinuate what the 'Times' wished but has failed to prove. The charge was bounded on the one hand by the story of Collins, the alleged maker of the leather sheaths for the knives,

being rewarded by Mr. Biggar and myself for this and other kindred achievements ; and on the other by the only charge I have now left to deal with. I have exploded the 'Fenian cobbler' story by aid of the 'Times' own and only witness thereon.

The other and last charge has been exploded long ago. But we will re-explode it ; it reads as follows :

'That Parnell on January 23, 1883, by an "opportune" remittance, enabled Byrne to escape to France.'

There can be no mistaking the meaning of this charge. It clearly suggests, taken along with the insinuations in the preceding allegation, that Mr. Parnell had a guilty knowledge of Byrne's complicity in the Invincible conspiracy, and gave him 'an opportune remittance' with which to evade the hands of justice. The learned Attorney-General tries to push home this charge in 'O'Donnell v. Walter' in this way :

'The extraordinary letter tells its own significant tale. The question, however, is not one of opinion, but of fact. If Mr. Parnell supplied Byrne with money to leave the country in January 1883, the importance of the action cannot be obscured by any argumentative sleight of hand.'

Well, the letter upon which this 'opportune remittance' charge is founded, and the false story which it was made to tell against Mr. Parnell in 'Parnellism and Crime,' was stolen from the League offices and forwarded to the 'Times' after George Mulqueeny had informed his friend William Henry O'Shea, 'over a glass of wine,' to use the witness's complimentary reference to O'Shea, that such a letter existed. O'Shea, Delaney's co-expert in handwriting, had been a close friend of Mr. Parnell, and a kind of diplomatic go-between employed by Mr. Joseph Chamberlain ; doubtless to make such use of his intimacy with the Irish leader as would be serviceable to the once famous apostle of the doctrine of landlord ransom.

O'Shea, like Sancho Panza, believed omnipotently in the political greatness of the Brummagem knight of La Mancha, for when the said knight should become the prime minister of England, Sancho O'Shea was to be made Sir William Henry, and to become the Chief Secretary for Ireland ! This has not happened yet ; so the 'Times' received the Byrne letter which Mulqueeny

swore he never stole or sent, but about the existence of which he told his boon companion, O'Shea, only.

The history of the Byrne letter and of the cheque for 100*l.* has been told in evidence ; and although there is no fear of Sir Henry James persisting in still giving it the 'Parnellism and Crime' character of 'an opportune remittance to enable Byrne to escape from justice,' it will do the interests of truth and justice no harm to have it re-told.

It has been proved by the evidence of Mr. Parnell, Mr. Justin McCarthy, and others for the defence, and by George Mulqueeny, witness for the 'Times,' that the Land League of Great Britain was not a self-supporting body. Grants of money had to be made to it from time to time, by the executive of the Irish League. On December 15, 1882, it was stated at a meeting of the executive of the London League that there was only 1*l.* 6*s.* 1*d.* then in the funds.

A resolution was proposed by Mr. A. Cronin, and seconded by a Mr. Rogers, as follows :

'That the executive instruct the secretary to apply, through Mr. Parnell, to the Irish National League for a sufficient sum of money to meet our immediate requirements.'

This resolution was passed and recorded on the minute-book, which was produced here in Court for your Lordships' inspection.

At another meeting of the London executive, held on December 29, a fortnight subsequent to the previous meeting, Byrne, who was at that time away from his duties owing to illness, is recorded in the minutes as having written as follows :

'The general secretary wrote that he was still unfit to return to his duties, and he had written to Mr. Parnell making an application for an advance of 100*l.*, to which he had received no reply.'

Again, at the next meeting, on January 15, 1883, another letter was read from Byrne, saying he was still too ill to return to work, and that there was yet no answer or remittance from Mr. Parnell or the League in Dublin.

Then it was at an executive meeting following, the 8th of

February, that the Frank Byrne letter was read, bearing that date, in which reference was made to the 100*l.* cheque.

So that it was close up on two months after the resolution of the London executive asking for the money was passed, before Mr. Parnell got the League in Dublin to send the cheque, which was forwarded to Byrne as the general secretary of the London League.

In another letter of Byrne's, dated February 10, 1883, he accounts for the 100*l.*; returning 35*l.* 17*s.* 7*d.* balance on his hands, after meeting the business liabilities of his post, which he at the same time resigned.

This is the whole story of the 100*l.* cheque.

It was a purely business transaction on Mr. Parnell's part, and had no more to do with aiding the escape of Byrne, than with the financial needs of our old friend the man in the moon.¹

Dealing with the evidence upon the connection, as paid officials, of Byrne, Walsh, and Sheridan with the Land League, the 'Times' has largely based its charge against the Land League leaders of being 'in intimate, notorious, and continuous relations with avowed murderers.' To give to this purely fortuitous connection the colour of an actual co-partnership in criminal outrage, the talents of Pigott as a forger were availed of; and in the forged letters are found the only attempt at corroborative testimony made in behalf of the 'Times' to sustain this particular charge. I intended to have traced at least the antecedents of Byrne, but it does not matter. The witnesses for the defence, whose association with Byrne were much more casual than Mulqueeny's, have sworn they never suspected Byrne of an underhand dealing or of any connection on his part with plots or plans for the carrying out of a policy of violence. The 'Times' witness has sworn the same. The theory of guilty knowledge falls to the ground for want of evidence, and with it, unless I am wrong, falls the implied criminality of those persons here charged whom Byrne imposed upon in his capacity as secretary to the Land League of Great Britain.

What is said in 'Parnellism and Crime,' and repeated by the learned Attorney-General at page 204 of 'O'Donnell v. Walter,' and again read before your Lordships at page 127 of the evi-

¹ Appendix L.

dence, is as unfair as it was untrue when written and spoken. He quotes Byrne by saying :—

‘Byrne laid bare the pith and marrow of the League doctrine in a few trenchant words. “I am not,” he said, “fastidious as to the methods by which the cause of liberty may be advocated. I do not say you should alone use dynamite, or the knife, or the rifle, or Parliamentary agitation. But I hold no Irishman true who will not use all and each method as the opportunity presents itself.”’

These insane words were spoken by Byrne, not at a League meeting, and not while the speaker had any connection with the League ; but at a gathering in New York in 1883 or 1884, which had no relation whatever to the League in America, or of Great Britain, and at a time when Byrne’s self-glorified part in the Invincible conspiracy had been made public, and long after he had ceased to have any intercourse whatever with the men whom he had deceived in London. Surely if an employé leaves an establishment where he was never suspected of dishonesty, and turns out afterwards to be, on his own confession, a professional forger ; his previous employers are not to be held legally or morally guilty for having employed such a person, or for his after acts and sentiments. If Byrne, after going to America, and after openly avowing such opinions as those quoted, continued to have direct connection with the League, or to hold intercourse with the persons here charged ; there would be some appearance of criminal relationship with him. But what proof has been brought forward to establish this continued connection ? None, except his casual presence as a spectator, along with the general public, at the Philadelphia Convention in April 1883, and before he had given utterance to the views which the Attorney-General has quoted.

Beach has been unable to prove that either Byrne, Sheridan, Walsh, Tynan, or Hamilton Williams became members of the American Land League, after leaving these countries ; and the efforts that the ‘Times’ has made to prove Tynan or Williams members of the League before leaving for America, have signally failed.

But, even had it been established that Tynan and Williams, like Byrne, Sheridan, and Walsh, had been members of the

League in Ireland or Great Britain, or even paid officials like Walsh, Sheridan, and Byrne ; I fail to see how that would incriminate me, in the absence of all proof that I had criminal knowledge of their ulterior purposes or designs.

When these men engaged in this Invincible conspiracy, all the responsible leaders of the League, or nearly all, were in prison. The League itself was suppressed, at least in Ireland ; and by no means which the wit of man could devise could I, for instance, from my cell in Portland Convict Prison, prevent the League in London from being made a cloak by Byrne and others for plans which in their carrying out must inevitably shatter the League to pieces.

It has not been proved here by any evidence worthy of a moment's notice, that Mr. Patrick Egan sent Sheridan, as alleged in 'Parnellism and Crime,' to carry out a policy of violence in Ireland. The only attempt made to incriminate Mr. Egan was Pigott's detected forgeries, and these have recoiled upon the heads of his accusers.

In a word, my Lords, my contention is, that whether it be the self-accused acts of Byrne or Sheridan, or the criminal charge made against Walsh, on the one hand ; or whether it be the convictions recorded in Courts in Ireland against men who may have been members of the Land League when found guilty of the offences brought home to them by process of law ; these facts do not establish either criminal knowledge of or guilty participation in such acts or such offences by the persons charged before your Lordships.

And pardon my again reminding the Court that the 'Times,' from the first appearance of 'Parnellism and Crime,' has charged the Land League chiefs, that is the persons sought to be incriminated here, not with constructive moral or legal responsibility for the acts alleged or proved against certain men ; but, with the deliberate selection by Mr. Parnell, myself, and others, of agents for the commission of outrage and murder, as a means by which political aims were to be attained.

There has not been one word of proof brought here against myself, Mr. Parnell, or others, to sustain such a charge.

So much has been said in the evidence for the defence with reference to the deplorable crime in Phoenix Park, and so many

proofs of genuine indignation at the perpetration of the deed have been given in speeches, manifestoes, and interviews, that there is, I hope, no necessity for me to again reproduce for your Lordships' consideration these spoken and written testimonies of Land League and Irish regret at the sad fate of the victims of the memorable May 6.

The 'Times' has called in question the sincerity of Messrs. Parnell, Dillon, and myself in issuing the manifesto of May 7, 1882. This was a part of the Pigott-Houston conspiracy. The men who conspired to prove Mr. Parnell to be the author of Pigott's forged letters, were bound to affirm that the issuing of the manifesto was an insincere act. It was part of the game which the I. L. P. U. had to play in order to carry out its anti-Land League policy ; and the 'Times' has only allowed itself to become the puppet of this forgers' and perjurers' employment organisation in voicing its calumnies.

But against the suspicion and accusations resulting from the 'Times' forgeries of 1887, we place the acts, and the language of May 7, 1882, and of dates immediately following the tragedy itself, and fearlessly ask this Court to judge between us.

XXVII. TWO INCIDENTS OF THE PHOENIX PARK TRAGEDY

There are two incidents intimately associated with this historic crime, which I desire to bring to the cognisance of this Court. They are full of dramatic interest. On the morning of May 7, 1882, when the news of the tragedy of the evening previous had spread over London, hundreds of sympathising callers left their cards at the house of Lady Frederick Cavendish. She, of all those afflicted over the dark deed of blood, had most reason to sorrow, and stood most in need of consolation. A Government had been struck in its representatives. England's pride and power were rudely shocked in the assassination of two such men ; but, by no party, or cabinet, or society, could pangs so terrible or sorrow so overwhelming be felt as by the loving and

devoted wife to whom the news of the crime brought a burden of measureless grief.

Among the many who went with offerings of sincerest sympathy in this dark hour, was the late Mr. A. M. Sullivan; a gentleman who, as member of the London Bar, may have been known to some of your Lordships. He was a widely respected Irishman, a patriotic upholder of his own country's cause, and a gifted advocate of everything which had for object the bettering of his fellow-men. He, with many other Irishmen resident here in London, left his card where hundreds had already been before him, on the same mission of condolence and sympathy. He never expected that his name would attract attention among so many that had better claims to recognition. But on the following morning, on May 8, he received a note from a brother of Lady Cavendish's, Mr. W. G. Lyttelton, who was present when Mr. Sullivan's card was left at the house, thanking him for his sympathy and assuring him that she did not lay the murder of her husband at the door of the Irish nation; she did not believe that the Irish people sought his life, or would be implicated in the tragedy of his death.

This, my Lords, was a noble act, realising our highest conception of womanhood, and speaking a lesson of God-like charity at a moment when poor humanity's weaknesses would naturally claim an ascendancy over the promptings of Christian virtue. It was action kindred to that which spoke from amidst the agonies of death on the Cross of Calvary the words, 'Father, forgive them! They know not what they do.'

The story of this incident has been told at many thousands of Irish firesides in Ireland and America, and I know the effect which the recital has had on many a heart that had been steeled in hatred against everything English before.

It is a pleasing duty to me to give it from here a wider publicity, so that its beneficent influence may work a still greater good. And I believe I am right in saying that, never once since the fatal 6th of May, 1882, has this truly noble woman spoken one word of accusation or of anger against either the country or the cause in connection with which her husband's untimely fate will be for ever associated.

I venture to say, my Lords, that conduct, nobler, better or

more exalted than this, modern England cannot boast of. But I am proud, as an Irishman, to be able to say that there is a parallel to it, and arising out of the same deed of blood too, in the case of Ireland. It is this, and forms the second of the incidents which I asked your Lordships' permission to relate. When the Invincibles, who had been sentenced for the Park crime were awaiting execution in Kilmainham, a Sister of Mercy, with face of unusual sadness, visited the prison almost every day ; eagerly desirous of ministering religious consolation to the condemned men. She appeared to pay most attention to Joe Brady, to make his few short hours of life as bright with hope of divine forgiveness as words of Christian comfort could render them. She had learned that Brady had been a good son to his afflicted mother ; that he had borne a good character, and that he had not of his own free action undertaken the carrying out of the deed for which he was about to forfeit his young life for that which he had taken. On the morning of the execution she was with the mother of Brady. She came with some message from the ill-fated son, and to assuage with consoling words the grief of a sorrow-stricken home. She fulfilled her angelic mission of charity and went her way. My Lords, she was the cousin and most intimate and dear friend of the man Brady had killed with his own hand in Phoenix Park—Mr. Burke, the Under-Secretary of the Castle.¹

Human conduct like inanimate nature is full of contrasts. There are in the acts and motives of mankind differences as marked as the features which distinguish a landscape, rich in scenic beauty, from the parched and repellent aspect of a desert. We speak of the philanthropy of a Howard and an Oberlin, and rightly glory in the altitude of moral greatness in which they and their like stand out in towering eminence above the hard and selfish meanness of the age. Men of moral mould like this raise up our souls when we contemplate their lives, just as mountains lift our bodies above the level of the swamps below.

And, my Lords, among the virtues with which the Christian religion has reinforced the moral weakness of humanity, there are none so God-like in its character, as forgiveness. Philanthropy may get the world's recognition and be to some extent rewarded by honours or by praise ; but to forgive is an act of the soul ; it

¹ Appendix M.

means the conquering of hate, of passion, and revenge, and the triumph of that great principle of charity which would, but for our passions, make this world a paradise of peace. Lady Cavendish and Mrs. Kirwan have given examples of this charity which deserve to have their names perpetuated to the end of time.

But, as the desert is to the bright and smiling landscape, as the noxious swamp is to the mountain top in dress of sunlit glory; so is the action of the 'Times' and its Irish Loyal and Patriotic Union associates when compared with the exalted Christian conduct of these two ladies, who lost more and suffered more through the Phoenix Park crime than probably all the world besides.

Five years had rolled by since the memorable 6th of May, 1882. The law had avenged the desperate deed of that date. Five lives paid the penalty of death on the scaffold for the two which had been taken. Numerous other less prominent actors in the fateful tragedy were sent into penal servitude, to expiate their share in the guilty act. The whole civilised world had expressed its condemnation of the crime, and the recollection of it passed gradually into the region of history. The Government, which had been in power in May 1882, remained in office until 1885. The officials of Dublin Castle continued in their posts. The men who arrested, prosecuted, and broke up the Invincible conspiracy were still the paid servants of the Crown in Ireland. A statesman who had been a Cabinet Minister in 1882, and to whose house Mr. Parnell directed his steps on 7th May for counsel and advice, said in 1885 that Mr. Parnell ought to be admitted into the Cabinet of the day, as Chief Secretary for Ireland. In this same year of 1885, another statesman, Her Majesty's Lord-Lieutenant of Ireland, sought out and had interviews with Mr. Parnell, in order to discuss with him certain views with respect to the better government of that country. In the general election of that year, the party to which Lord Carnarvon belonged had been allied with Mr. Parnell's party in electioneering opposition to the party that had been in power since 1882; and a statesman now in power, speaking in Manchester in 1885, Mr. Arthur Balfour, declared as follows:—

'There was not one cardinal principle of their (the Liberal)

policy which they had in common with the Irish people. That was not the case with the Conservatives. There was one principle which the Conservatives held as earnestly as the party to which Mr. Parnell belongs, *and for which they might well be found fighting side by side*, and that was the principle of religious education. Upon that question, so far as he understood the matter, *the Tory party, the Roman Catholic party, and the Parnellite party were absolutely at one, and, united as they were on that subject, they were divided by a wide and impassable gulf from the Radicals.*'

This was four years after these terrible deeds had been perpetrated in Dublin; and yet this is how statesmen responsible for the government of these countries spoke in 1885 of the persons here charged!

My Lords, it was after this lapse of time, after these events had happened, after these and other such sentiments had been spoken by men high up in the service of the State, it was after all this that the London 'Times,' at the behest of a more or less secret conclave of Irish Loyal and Patriotic Union conspirators in Dublin, whose names and acts will soon be dragged into the light of day, began its congenial work of morally assassinating Mr. Parnell and the members of his party.

The 'Times' could not plead the promptings of personal relationship with either of the two Phoenix Park victims, as an excuse for its political resurrection of their mangled bodies. The 'Times' could not pretend that it was more concerned for the public vindication of the law than either or both of the two great English parties, nor could it well boast of possessing more intimate knowledge of the facts and surrounding circumstances of the Phoenix Park plot, than Inspector Mallon of Dublin Castle, who wove a net round the Invincibles and smote them with the stern hand of the law. Yet this paper, for its own base purposes, sent Houston and Pigott in 1887 to the graves of Lord Cavendish and Mr. Burke, sent this precious pair of mercenary men—one a known and accomplished scoundrel, the other an aspiring youth who was selected to pay for the rascality he had not the experience or the perverted ability to perform himself—the 'Times' employed these two men to perform, metaphorically speaking, the ghoul work of body-snatching, in order that the

murders of May 6th, 1882, should be brought home to Mr. Parnell, Mr. Justin McCarthy, Mr. Egan, and others in 1887. The whole world was then called upon to witness in the wounds of Lord Cavendish and Mr. Burke the handiwork of Mr. Parnell's party. Letters, purporting to be written by Mr. Parnell to Mr. Egan, and by Mr. Egan to Carey and others, were produced and printed, side by side with the story of 'Parnellism and Crime,' so that all the voters of Great Britain might see for themselves, in the columns of the 'Times,' the evidence of the guilt of the men whom one English party were prepared to place in power over the destinies of Ireland. And all this done at the behest of the paid secretary of the skulking Irish Loyal and Patriotic Union conspirators in Dublin, who had given Pigott 1,700*l.* for the manufacture of these letters and stories which the 'Times,' for kindred motives, published to the world. My Lords, is there in the wide domain of human action, or in the varied character of physical nature, a contrast so great as that which distinguishes the noble charity of the wife of Lord Cavendish and the cousin of Mr. Burke from the ghoul-like performance of the gentlemen of Printing House Square, who come here in the names of England, of law, and of justice, to get from this tribunal an act of indemnity for a conspiracy so base, dastardly, and criminal as that which Pigott's evidence and confessions have revealed ?

XXVIII. THE LEAGUE DEFENCE OF PRISONERS

I shall not detain the Court very much longer ; but your Lordship made an observation, I think, yesterday, with reference to one of the rules of the Land League, and kindly invited me to make some remarks thereon. I think your Lordship was slightly in error when you said that one of the rules of the Land League—

The President.—If I used the word 'rule' I was wrong. I did not refer to a rule, but to a resolution.

Mr. Davitt.—Yes, it was with reference to the defending of prisoners.

The President.—Yes ; you seemed to think there was nothing of that.

Mr. Davitt.—Not in the Land League rules ; but in the suggestions I made at the Castlebar convention there was.

The President.—I did use, I daresay, the word ‘rule.’ I was pointing out that that was also contained in the programme of the Land League, using a general phrase. It is contained in the resolution which was proposed or seconded by Mr. Parnell himself.

Mr. Davitt.—A resolution ; but it is not found in the rules.

The President.—No, no.

Mr. Davitt.—I do not dispute that in resolutions the defending of prisoners was over and over again recommended, and I wish to say that at the Castlebar convention of 1879 I embodied such a proposal in the suggestions I laid down. But I will dispose of the matter in a very few observations.

It is made a charge against myself and others that we paid, or that the Land League paid, for the defence of many prisoners accused of crime and outrage. I do not know in how many instances this has been proved to have happened ; but it will be in the recollection of your Lordships what Mr. Parnell and others have said in explanation of the course pursued in this respect. It has been sworn over and over again by witnesses for the defence, that there is and always has been a wide distrust of the administration of the law among the peasantry of Ireland. It has arisen out of the unhappy relations which existed between a dominant social and political class and the people so governed.

The President.—One moment, just that you may have before you what I had in my mind. The Land League was organised at the meeting of October 21, 1879, and it was introduced by three resolutions, the third of which is in these terms :—

‘Proposed by Mr. Parnell, and seconded by the Rev. Father Sheehy, that the objects of the League can be best attained by promoting organisation among the tenant-farmers, by defending those who may be threatened with eviction for refusing to pay unjust rents.’

That is what I had in my mind.

Mr. Davitt.—I had not that in my mind ; it was the more serious charge brought against us by the ‘Times,’ that the Land League defended accused persons as a means of giving encouragement to crime and outrage. Of course the resolution which your

Lordship has pointed out, was in the programme put before the first conference; but it dealt exclusively with actions at law arising out of processes of eviction. But at the Castlebar convention which assembled previous to this I recommended that members prosecuted for conflict with the police at evictions, or offences of that kind, might be defended out of the funds of the League; but that particular rule was not embodied in the rules or resolutions adopted at the conference which called the National Land League of Ireland into existence, and to which your Lordship has referred.

With reference to this want of confidence in the administration of law in Ireland on the part of the peasantry, a good deal has been said, and I am sure your Lordships have it in your recollection. The prosecution and defence of persons accused is different in England and in Ireland. In Ireland both are much more expensive. When a person is accused in Ireland, if he is not able to furnish funds for his defence, his friends subscribe, if it be a private matter. If, on the other hand, it be in any way public, his political friends and partisans, or the public generally, come to his pecuniary aid. In all cases in the North of Ireland arising out of party combinations, the association to which the accused belongs pays for his defence. This is notorious to anyone acquainted with the assize of Ulster. If it be a political case, as in the State Trials of 1881, or as in the instance of this Commission, there is a public subscription amongst the Irish people. In the majority of instances adduced here where prisoners were defended, this was done at the expense of the local branch of the League, which sent costs to Mr. McGough, the solicitor of the League, and a requisition to send down or otherwise engage counsel. In cases where Mr. McGough engaged counsel, on the recommendation of local branches, he would make inquiries from the secretary or president of the branch to ascertain if the accused person was a member, or whether the accusation was the work of political malice or of groundless suspicion. In nine cases out of ten (I think that was demonstrated by our witnesses) the persons so defended by local branches or by the consent of Mr. McGough, were acquitted. Your Lordships may probably remember the evidence of Mr. Daly, of Ballinrobe, a solicitor, who, I think, was brought here by the 'Times;' and it

might have been modesty on his part, being a lawyer under examination, to say that nearly all the people he ever defended were acquitted. Nearly all the counsel employed for the defence of such persons have since become Crown prosecutors in Ireland, positions to which, I think, there is no parallel in the legal system of this country. The present Judge Curran, Mr. Adams, Crown Prosecutor for Cork, and Mr. Moriarty, Crown Prosecutor for Clare, were those most frequently employed by Mr. McGough to defend prisoners on the recommendation of local branches of the League ; and I do not know that any of these professional gentlemen, now in the service of the State, have ever said or hinted that there was anything wrong in their being employed to defend these men. The theory of law, as I understand it, whether in England or in Ireland, is that everyone is held to be innocent until proved to be guilty. The practice in this, as in most other theories, may not always, and especially in Ireland, square with the intention of the law itself. Guilty or innocent, however, whoever is accused in these countries, is entitled to a fair trial. Owing to the technicalities of the law in Ireland, to get a fair trial is not possible without legal assistance.

I presume it is upon this theory that the Crown in Ireland assigns both solicitor and counsel to defend in all capital cases where the prisoner has not means to defray the costs of his defence. Thus, in the case of General Burke, who was tried and convicted of high treason, in April 1867, in a court presided over by Chief Justice Whiteside, the late Lord Chief Justice Fitzgerald, and Baron Deasy ; Burke had assigned to him as counsel, by order of the Court, the late Mr. Isaac Butt and the present Baron Dowse, who was then a Queen's Counsel. Even in the Invincible trials of 1883, the Government of Ireland had Brady and others defended at the expense of the public ; and among the counsel ordered by Mr. Justice O'Brien to defend the Invincible prisoners was the present County Court Judge Webb, who has figured in this inquiry as the author of the Irish Loyal and Patriotic Union pamphlet 'Ipse Dixit.' Under the circumstances of the law as administered in Ireland, I make no apology for any part I have ever taken in obtaining for prisoners a fair trial ; and I contend that, instead of it being implied as wrong or criminal on the part of the League to have defended some of its

members, it was to the credit of the branches that they aided the cause of justice in helping it to determine where real guilt lay in a prosecution, and where innocence was wrongfully accused.

I have claimed for the Land League that it induced the Legislature to pass the Land Act of 1881 and the subsequent agrarian enactments which related exclusively to Ireland. These measures are valuable chiefly because they necessarily involve additional legislation, which must go to the very root of the social evil of Ireland, and sweep away the land system which the Land League was organised to abolish. The extent to which the Land Act has relieved agricultural rents in Ireland up to 1887, is summarised very succinctly in three brief tables contained in an able article which Dr. Walsh, Archbishop of Dublin, contributed to the 'Contemporary Review' of last year. It appeared in the November number, 1888, and it would only take me five minutes to sum up the amount of reduction given and the number of cases heard ; but if your Lordship says it will be of no assistance to you, I will not inflict it upon the Court. It is about my final observation with reference to the Land League, to show in these tables, carefully prepared, the number of cases heard in the Land Courts, and the amount of percentage of reduction given in the various counties of Ireland.

The President.—They are tables which have not been put in evidence before ?

Mr. Davitt.—No, I do not think it was put in evidence, therefore I will pass it by.¹

My Lords, I again express my regret that trained and experienced legal skill was not brought to bear upon the evidence which the defence has placed before this Court ; because I am convinced that in such evidence, as well as in the weakness of the case presented by the 'Times,' there is to be found a full and ample refutation of all the charges which that paper has levelled against Mr. Parnell and his party, the Land League, and myself. Your Lordships have, however, to consider this evidence on its merits, and to form a judgment or to issue a report, in which due and careful consideration will, I am sure, be given to every point which a trained lawyer would insist upon if such a competent authority on legal evidence had had the performance of the duty

¹ Appendix N.

which I have attempted to carry out. I have endeavoured, in my own way, to meet and answer the charges which the accusers have made in 'Parnellism and Crime' and in *O'Donnell v. Walter* against myself and others. I have admitted that the first special charge against me was true, namely, that twenty years ago I was tried for Fenianism and was convicted. I have contended that, while admitting that there was legal guilt in such action of mine—guilt which, however, I had expiated, according to law, long before this Commission began its work—there was in the political circumstances of the time, in the then government of Ireland, and especially in the past history of such government, enough to justify me, politically and morally at least, in joining in a revolutionary organisation with the view of bettering the condition of the people and the rule of Ireland. I pointed out in my argument that the unwise policy of England in postponing reforms until fierce agitation or secret conspiracy menaced the existence of law and order, put a premium upon illegal combinations, and earned for such action a *post-facto* justification, when legislation followed in the wake of turmoil and disorder.

XXIX. SUMMARY OF CASE FOR THE LAND LEAGUE

With reference to the second special charge made against me, that I had founded the Land League, or land agitation, with money which had been subscribed for purposes of outrage and crime; I have shown, I hope conclusively, that such an allegation is untrue. I have proved clearly, both in my evidence and in my observations, that the money transaction upon which this charge is based, took place in August of 1879, five months after the Irishtown meeting; while I have sworn that not one penny of this money was expended in, or in any way connected with, the promotion of the conference in the Imperial Hotel, Dublin, in October 1879, from which the National Land League sprang. I have told your Lordships the whole circumstances surrounding the incident of this money: how it was thrust upon me without the asking, the uses I made of it, and the manner in which I

repaid it out of my own, and not from Land League, resources. And I ask this Court, in face of these facts and statements, to decide that this charge has not been proven. The third and last special charge made against me here was, that I had had intimate intercourse with members of the party of violence in America, and that I brought about an alliance between such party and Mr. Parnell's party in Ireland. In reply I have given the Court, in considerable detail, a circumstantial account of those whom I met in America, and what was the extent of my association with them. I have also traced the origin and growth of anti-English feeling among the Irish in America, and endeavoured to give a rational explanation of such antipathy ; while I have pointed out, incidentally, that this bitter feeling, which was only reciprocating the anti-Irish hatred of Englishmen as voiced by the 'Times,' has practically disappeared from the Irish-American mind, as the result of Mr. Parnell's efforts and my own in the very movement which the 'Times' alleges was meant to be an organisation for the achievement of the complete separation of Ireland from England by means of violence and outrage. The allegation that I brought about any such union as that imputed, has come to grief, because it attempted to sit upon two stools at one and the same time. While the writer of 'Parnellism and Crime' alleges that I was the connecting-link in this so-called 'union,' the 'Times' witness Beach, who was in the Clan-na-Gael in America, and who is supposed to have known all its secrets, said never a word while in the witness-box corroborative of this assertion in 'Parnellism and Crime.' In fact, Beach took to himself the credit of having been the medium of this 'union,' through an 'interview' with Mr. Parnell in the House of Commons, some time in 1881, while I was a prisoner in Portland. Mr. Parnell has told your Lordships on oath that he never discussed any such subject with Beach ; that no such interview was in his recollection, and that no such union was ever desired, planned, or executed by him or for him by any one of his colleagues.

Then, in further disproof of this particular allegation, I cited for your Lordships' consideration the resolutions and platforms which formed the charters of the American Land League ; I told the story of the seven League conventions in America, and the part which myself and others of the persons charged played at

these gatherings. I analysed their composition, and pointed out that while individual delegates at each and all of them might be members of the U.B. or other revolutionary bodies, the mass of the delegates were *bona-fide* Land Leaguers, while the action of each and all of the conventions in their corporate capacity was perfectly in accord with the policy which Mr. Parnell and the other persons charged carried out in Ireland for a clearly defined constitutional end, and by open and legal combination. I have shown that whatever Clan-na-Gael influence was exercised at one or more Land League conventions in America, was exercised secretly and not openly ; and this Beach has abundantly proved by his so-called secret circulars, not a single one of which makes even the least allusion to any union between the secret revolutionary and the open constitutional movements ; while in more than one of these documents the Land League is spoken of as something to be captured, or that ought to be controlled by occult agency, if possible. I have cited the constitution, rules, and bye-laws of the American League as evidence that there could be no truth in the 'Times' allegation, as the views there enunciated and the plans of organisation laid down were incompatible with the idea of any compact or understanding with the so-called party of violence.

Then, with reference to the money received by the Land League of Ireland from America, I have gone into some details of the sources whence it came. Mr. Parnell said on oath, what I have also testified, that our appeals were not addressed to one class, or one section, or to any organisation in America ; but that we addressed ourselves to all our countrymen in the United States without exception, and that the financial resources sent from America to us came from Irishmen and Irishwomen, or Americans of different nationalities, as such, and not from individual extremists or revolutionary organisations ; and in this connection I dealt at length with the part played by Mr. Ford and the 'Irish World.' I quoted from that paper the editor's own declarations that the 'Irish World' was not the organ of the Land League or of any other body, that it represented its editor's views, and not Mr. Parnell's ; and I have likewise shown from its columns that men of all nationalities, including Englishmen, made the paper the medium of their contributions to the Land

League of Ireland. In fairness to Mr. Parnell I have pointed out that the 'Irish World' was always more partial to me than to Mr. Parnell, and I have referred your Lordships to numerous leading articles in Mr. Ford's paper, from August 1882 to March 1885, in which the Parliamentary policy of Mr. Parnell and the National League programme were severely criticised and attacked ; and I have pointed out incidentally that these articles were appearing at a time, or rather during a portion of the time, when the 'Irish World' was likewise advocating a policy of extreme violence against England, to which policy of violence I took the strongest objection in a letter which I wrote early in 1883, which was published in the press by Mr. John Ferguson, of Glasgow, which was read here in court, and which your Lordship said, yesterday or the day before, you recollected. And finally, with reference to the American part of the case, I have told your Lordships that, whatever I may have said or proposed in Brooklyn or Boston, or what I may have said in speeches in other parts of America or elsewhere, upon the National independence of Ireland ; these sentiments were not adopted in the Land League programme agreed to at the conference of the Imperial Hotel, Dublin, in October 1879, nor in the resolutions submitted by Mr. Parnell to the New York Hotel conference on the 13th of March 1880. Mr. Parnell and the other persons charged are to be held responsible for what they drew up or agreed to in the way of programmes or resolutions, and not for what I said or proposed on my own individual responsibility before or after the Irishtown meeting.

Then I told the story of the Irishtown meeting and the agitation which followed, and I repeated here what I said on oath, that there was no truth in the allegation that Fenians, as such, organised that meeting or promoted such agitation. I told your Lordships in the witness-box, and referred again to it in my observations, that the I.R.B. expelled me from their organisation early in 1880 for having joined Mr. Parnell in the Land League movement, and I have read or referred to manifestoes issued by the I.R.B. in 1880 denouncing agitators and the Land League.

I then gave a general defence of the land agitation and the Land League, and in reply to the charge of the 'Times' that the League was an organisation for the attainment of certain ends by

means of murder and outrage, I cited the programme and work of the League, and showed that their object was the abolition of landlordism by agitation and Parliamentary reform, and that the charge of the 'Times' was grossly libellous and untrue. I dealt with the charge that none of the persons incriminated ever denounced outrage, and I quoted from the 'Times' own witness, Bernard O'Malley, of the Royal Irish Constabulary, his admissions that at the Land League meetings attended by him the invariable rule was a warning by speakers against crime or outrage. I also read or referred to my own and others' speeches denunciatory of crime and outrage. I went into the origin and causes of agrarian crime, and I cited numerous articles from the 'Times' itself in which evictions and landlord neglect of duties to their tenants were affirmed to be the source of agrarian discontent and crime; after which I gave a general review of what I deemed to be the chief charges made against myself and others, and commented upon the evidence *pro* and *con*. My general contention upon the whole 'Times' case is that it was put forward for a political and party purpose, that it was the outcome of an I.L.P.U. conspiracy against Mr. Parnell, and that the vilest instruments were employed by both Houston and Mr. Soames to sustain the charges which centred round the forged letters and the bogus Eugene Davis interview. I affirm that a fair and unprejudiced study of the history of the Land League, both in Ireland and in America, and an honest review of Mr. Parnell's acts and words in the League, will reveal nothing that is not perfectly consistent with the evidence which he gave in that witness-box. I therefore ask your Lordships to reject the 'Times' case in its entirety, and to report that its charges and allegations in *O'Donnell v. Walter* have not been sustained by evidence and ought never to have been printed or circulated. I may remark that no evidence whatever has been offered by the 'Times' against the following members of Parliament beyond speeches, though they are all charged with having planned murder and paid agents to carry out deeds of assassination: Mr. J. R. Cox, Mr. Jeremiah Jordan, Mr. J. E. O'Doherty, Mr. Michael McCartan, Mr. John J. Clancy, Mr. T. D. Sullivan, Mr. Henry Campbell, Mr. John Stack, Mr. Denis Kilbride, Mr. James Leahy, Mr. Patrick A. Chance, Mr. Thomas Quinn, Dr. J. F. Fox, Mr. Michael Conway, Mr. L. P. Hayden,

Mr. F. A. O'Keefe, Mr. Justin McCarthy, Mr. Joseph Nolan, Mr. Thomas P. Gill, Mr. Daniel Crilly, Mr. James F. X. O'Brien, Mr. Richard Lalor, Mr. Andrew Commins, LL.D., Mr. Edmund Leamy, Mr. P. J. O'Brien, Mr. Matthew J. Keney, Mr. Patrick J. Power, Mr. James Tuite, Mr. Donal Sullivan, Mr. John Barry, Mr. Garrett M. Byrne.

Then, with reference to Mr. Parnell, I have to make this final observation. The Government which suggested and appointed this Commission to try him for alleged complicity in the Phoenix Park murders, appointed him and Mr. Sexton, before the close of your Lordships' labours, to determine, with other members of Parliament, what additional moneys should be given out of the Imperial taxes to the heir to the Crown. While Messrs. McCarthy and Arthur O'Connor, two members charged here with planning and paying for murder and outrage, have been selected, with other members of Parliament, to act, when necessary, as deputy speakers of the House of Commons, since your Lordships began this inquiry.

XXX. CONCLUSION

I have now reached the end of my task. I am only too sensible of the fact that I have trespassed upon the patience and forbearance of the Court to an extent which, possibly, would not be permitted to a lawyer. I am thankful, therefore, for such latitude, as well as for the unfailing fairness and courtesy of your Lordships towards me, personally, from the very commencement of this inquiry. I know too well I have spoken hot words and resorted to hard phrases in arguments, which may have been out of place in the calm region of a court like this. But that was because I felt that the character of the charges I have tried to meet and to answer was such as merited the strongest possible language of condemnation. I came here to address this Court contrary to the advice of Mr. Parnell, who was the central figure and chief object of the 'Times' malignant allegations. I have therefore spoken only for myself. I felt that it was my duty to come here, no matter who should advise me to the contrary. I may be wrong in my opinion, but I thought and believed that if

one with my record of suffering, physical and otherwise, at the hands of Irish landlordism and Castle rule ; of the conflict of a lifetime with the law as it has been administered in Ireland, and of the punishment which that conflict has entailed : I felt and believed, if I came before this tribunal and pleaded, in my own way, the cause of the Celtic peasantry of Ireland, that, perhaps, the story which I have told, and the case which I have submitted, might possibly, in part or in whole, arrest the attention of the people of Great Britain when they come to study your Lordships' labours and report. And I thought and hoped that, in the defence which I have made, there might possibly be found some help in the task of finally solving this Anglo-Irish struggle. Should my hope be realised, should I have contributed but in the least possible degree to point to a just and feasible solution of a problem which would bring peace and some chance of prosperity to Ireland, I shall be happy in the recollection of the task which I am now bringing to a close. I can only say that I represent the working classes of my country here as I did in the Land League movement, and I know they feel, as I do, that, no matter how bitter past memories have rankled in our hearts, no matter how much we have suffered in the past in person or in our country's cause, no matter how fiercely some of us have fought against and denounced the injustice of alien misgovernment ; I know that, before a feeling of kindness and of goodwill on the part of the people of England, Scotland, and Wales, and in a belief in their awakening sense of justice towards our country, all distrust and opposition and bitter recollections will die out of the Irish heart, and the Anglo-Irish strife will terminate for ever when landlordism and Castle rule are dethroned by Great Britain's verdict for reason and for right.

My Lords, I now bring my observations to a close. Whatever legal points are to occupy your Lordships' study and care in this long and arduous investigation, it will appear to the public, who will study the report or the decision of this tribunal, that two institutions stood indicted before it. One has had a life of centuries, the other an existence of but a few brief years. They are charged, respectively, by the accused and the accusers, with the responsibility for the agrarian crimes of the period covered by this inquiry. One is Irish landlordism, the other is the Irish Land League.

The 'Times' alleges that the younger institution is the culprit. The Land League, through me, its founder, repels the accusation, and counter-charges landlordism with being the instigation and the cause, not alone of the agrarian violence and crime from 1879 to 1887, but of all which are on record, from the times spoken of by Spenser and Davis in the days of Elizabeth, down to the date of this Commission. To prove this real and hoary-headed culprit guilty, I have not employed or purchased the venal talent of a forger, or offered the tempting price of liberty for incriminatory evidence to unhappy convicts in penal cells. Neither have I brought convicted assassins or professional perjurers, like the Delaneys and Le Carons, before your Lordships. I have not sought assistance such as this with which to sustain my case. Nor have I been aided by the Colemans, Buckleys, and Igos as confederates, or had to scour the purlieus of American cities for men who would sell evidence that might repair the case which Richard Pigott's confession destroyed, and which his self-inflicted death has sealed with tragic emphasis.

I did not go to such sources, or resort to such means, for testimony against Irish landlordism. I relied not upon the swearing of spies or informers, but upon disinterested facts, left as legacies to Truth by men who are held in reverence by England for services rendered to their country, to justice, to humanity. I have reproduced the words which these men have placed on record against crime-begetting Irish landlordism. Among those quoted as authorities, but not of them, one with them in their verdicts, though not to be classed otherwise with honoured names, I have placed the 'Times' newspaper, which is the Land League's accuser :—I have made it speak its own condemnation, and compelled it historically to exculpate the League. The face of what the first editorial ever written in the 'Times' likened to the pagan deity, Janus,—the face which circumstances have sometimes forced to look towards truth by power akin to that which compels matter to look towards the sun : I have made to confront and shame by contrast, the other face of fraud and falsehood, which, like an evil genius, has led England to regard with hate and distrust every effort of the Irish people for right and justice. I have made the 'Times' of 1847 and of 1880 give the lie direct to the 'Times' of this Commission, and have caused it to become my strongest his-

toric accuser of the evil system which it now condemns by its very advocacy. To this testimony I have added the sworn evidence of the persons whom it charges with the deeds of its client ; the evidence of the living actors in the Land League movement, and of others who represent every class into which Ireland's population is divided—bishops, priests, members of Parliament, municipal representatives, journalists, merchants, traders, farmers, labourers, mechanics, who one and all say with the 'Times' Red Book of 1880, that eviction and threats of eviction are the chief source of all agrarian crime in Ireland.

But there is another and a higher interest involved in the drama of this Commission now rapidly drawing to a close ; an interest far surpassing in importance, and the possible consequences of your Lordships' judgment, anything else comprised in this investigation. It stands between the 'Times' and landlordism, on the one hand ; the persons here charged and the Land League, on the other. In bygone ages historians, with some prophetic instinct, called it 'The Isle of Destiny.' And Destiny seems to have reserved it for a career of trial, of suffering, and of sorrow. That same Destiny has linked this country close to England. Politically it has remained there for 700 years and more. During that period few peoples ever placed upon this earth have experienced more injustice or more criminal neglect at the hands of their rulers than we have. This even English history will not, and dare not, deny. This land so tried and treated has, nevertheless, struggled, generation after generation, now with one means, now with another, to widen the sphere of its contracted religious, social, and political liberties—liberties so contracted by the deliberate policy of its English governing power ; and ever and always were these struggles made against the prejudice and might, and often the cruelties, of this same power, backed by the support or the indifference of the British nation. But, despite all this, the cause so fought and upheld has ever and always succeeded, sooner or later, in vindicating its underlying principles of truth and justice, and in winning from the power which failed to crush them an after justification of their righteous demands. A people so persevering in its fight for the most priceless and most cherished of human and civil rights ; so opposed, but so invariably vindicated ; might, surely, in these days of progress and of en-

lightenment, excite in the breasts of Englishmen other feelings than those of jealousy, hate, revenge, and fear. To many, thank God, it has appealed successfully, at last, to what is good and what is best in English nature. It has spoken to the spirit of liberty, and has turned the love of justice in the popular mind towards Ireland, and has asked the British people, in the interests of peace, to put force and mistrust away with every other abandoned weapon of Ireland's past misrule, and to place in their stead the soothing and healing remedies of confidence and friendship, based upon reason and equality.

The verdict of this Court, the story that will be told in the report of this Commission, may or may not carry the appeal which Ireland's struggles and misfortunes have addressed to the conscience and fairness of the English nation much farther than it has already travelled in the British mind. But one thing, at least, the history of this Commission will have to tell to future generations. It will narrate how this progress of conciliation between ruled and rulers was sought to be arrested ; how a people asking for justice were answered by ferocious animosity ; how men who had suffered imprisonment, degradation, and calumny in their country's service were foully attacked by the weapons of moral assassination, and how every dastard means known in the records of political warfare were purchased and employed to cripple or destroy the elected representatives of the Irish nation. This story will picture this once powerful organ of English public opinion earning again the title of 'literary assassin' which Richard Cobden gave it near thirty years ago. It will stand again in this light when its writers are seen plotting with Houston, planning with Pigott, and bargaining with Delaney how best to re-awaken in the English mind the old hate, and jealousy, and fear of a people who were to be depicted in its columns in the most odious and repulsive character that forgers' or libellers' mercenary talent could delineate in 'Parnellism and Crime.' This story will exhibit these men sitting in the editorial rooms of Printing House Square, with professions of loyalty on their lips and poison in their pens ; with 'honesty'¹ loudly proclaimed in articles which salaried Falsehood had written ; with simulated regard for truth, making 'shame ashamed' of their concocted fabrications. And these men, with the salaries of the

¹ Appendix O.

rich in their pockets and the smiles of London society as their reward, carrying on a deliberately planned system of infamous allegation against political opponents who were but striving to redeem the sad fortunes of their country, in efforts to bring to an end a strife of centuries' duration between neighbouring nations and peoples.

Between the 'Times,' on the one hand, and the accused on the other, your Lordships are, however, first to judge. It is, if I may say so without presumption, as serious and momentous a duty as judges of England were ever before called upon to perform. The traditions of your Lordships' exalted position, elevated as that position is above the play of political passion or the influence of fear or favour, will call, and will not, I am sure, call in vain, for the exercise of all those great qualities of trained ability, of calmness, of discernment, of judgment, and of courage which are the proud boast of the judicial bench of this land.

Whether or not the test of a cold, indiscriminating law will alone decide an issue in which political passion has played so great a part, and where party feeling has been a moving principle in acts and words ; whether the heated language of platform oratory, or the sometimes crude attempts at political reform, are to be weighed in the balance of legal scales, scales never fashioned, at least in England, to measure the bounds of political action ; or whether the test is to lie with a discriminating judicial amalgam of law in its highest attributes and of calm reason applied to the men, and motives, and means of the Land League, as the accused, and to the 'Times,' its charges and allegations, as the accuser ; I am, as a layman, unable to forecast.

But, be the test what it may, if it be only based upon truth and guided by the simple monitor of common sense ; I say on my own behalf and on that of the Land League and of the peasantry of Ireland, hopefully, confidently, fearlessly, ' Let justice be done though the heavens fall.'

The President.—Your expression of regret for want of trained skill was certainly not necessary. You have put your arguments before us with great force and ability, and we are obliged to you for having given us the assistance which has been withheld from us by others.

APPENDICES

APPENDIX A. (SPEECH, p. 163.)

A FEW FACTS FROM THE ATTORNEY-GENERAL'S 'ANNALS OF CHRISTENDOM.'¹

A COLLECTION OF SOME OF THE MASSACRES AND MURTHERS COMMITTED ON THE IRISH IN IRELAND SINCE THE 23D OF OCTOBER 1641.

County of Antrim.

1641. About the beginning of *November*, the English and Scots Forces in *Cnockfergus* murdered in one Night, all the Inhabitants of the Territory of the Island *Gee*, to the Number of above Three Thousand Men, Women, and Children, all innocent Persons, in a Time when none of the Catholicks of that County were in Arms or Rebellion. *Note, that this was the first Massacre committed in Ireland of either side.*

1641. Mr. *Mac Naghten* having built a small Fortress in the said County, to preserve Himself and his Followers from Outrages, until he had understood what the Cause of the then Rebellion was; as soon as Colonel *Campbel* came near with Part of the Army, he sent to let him know that he would come to him with his Party, which he did, and they were next Day murdered to the Number of eighty, by Sir *John Clothworthy*, now Lord *Masselin*, his Soldiers.

About the same time a hundred poor Women and Children were murdered in one Night, at a place called *Balliaghium*, by Direction of the English and Scots Officers commanding in that County.

County of Derry.

1641. Some three hundred Men, Women, and Children of the *Irish*, having freely come under the Protection of the Garrison of *London Derry*, were stripp'd, plundered, and killed by the said Garrison.

¹ From the Earl of Clarendon's *History of the Rebellion and Civil Wars in Ireland* (London, Wilford, 1721), pp. 329-369.

1644. Mr. *Morris*, Mr. *Daniel*, Natural Son to the late Earl *Antrim*, was hanged at *Coolrane* by the Governour's Orders, notwithstanding he had Colonel *Michael Jones* his Pass.

County of Down.

1641. The Burgesses and Inhabitants of the Town of *Newry*, meeting the English Army on their March to besiege the Castle of the said Town, were received into Protection, and after Quarter given to the Garrison of the said Castle, the said Inhabitants, and the Soldiers of the said Garrison, to the number of five hundred and upwards, Men, Women, and Children, were brought on the Bridge of the *Newry*, and thrown into the River, and such of them as endeavoured to escape by swimming were murdered.

County of Donegal.

1641. About the 20th of *November*, Sir *William Steward* commanded the Gentry and Inhabitants of that County to joyn with his Forces in Opposition to the Rebels, and accordingly they came to the Place appointed, where Captain *Cunningham* with a party of the said Sir *William's* Regiment, under pretence of incorporating with them, fell upon the Inhabitants with his armed Soldiers, and killed very many of them, among whom were *Owen Mac Sherney*, *Morris O Farey*, and *Donnagh O Callan*, Gentlemen of Quality and Estates.

About the same time Captain *Flemming*, and other Officers of the said Regiment, commanding a Party, smothered to Death two hundred and twenty Women and Children in two Caves.

About the same time the aforesaid Captain *Cunningham*, murdered about sixty three Women and Children in the Isles of *Rosse*.

1641. The Governour of *Letter Kenny*, gathered together on a Sunday Morning 53 poor People, most of them Women and Children, and caused them to be thrown off the Bridge into the River, and drowned them all.

1641. In *November*, one *Reading* murdered the Wife and three Children of *Shane O Morhghy* in a Place called *Ballikenny* of *Ramilton*, and after her Death cut off her Breasts with his Sword.

1641, 1642. The Garrisons of *Rapho*, *Drombo*, *Lifford*, and *Castleraghen*, slaughtered no less than fifteen hundred of the poor neighbouring Inhabitants, never in Arms, and three Persons were chiefly noted among them for their barbarous Cruelty, by Name *James Graham*, *Henry Dugan*, and *Robert Cunningham*, commonly called the killer of old Women.

1641, 1642. About two Thousand poor Labourers, Women and Children, of the *Barreny* of *Terhu* were massacred by the Garrisons of *Bellashanny* and *Donegal*; and Lieutenant *Thomas Poe*, an Officer among them, coming under Colour of Friendship to visit a neighbour that lay sick in his Bed, and to whom he owed Money, carried a naked Dagger under his Cloak, which (whilst he seemed to bow towards the sick Man in a friendly manner, asking how he did) he thrust it into his Body, and told his Wife, her Husband should be no longer sick, and so killed him.

1650. In the Month of *June* about three Thousand Horse and Foot of his Majesty's Army, being defeated near *Letter Kenny*, by the English Rebels adhering to *Cromwell*, most of the principal Officers of the said Party taken Prisoners, in the Battle were killed in cold Blood, by Order of *Sir Charles Coot* late Lord of *Montrath*, notwithstanding that they had Quarter from the Officers, who took them Prisoners.

County of Monaghan.

1641. Captain *Townsley* Governour of *Maghernecke*, killed four Labourers and a Woman, being under Protection.

Captain *Bromwel* Governour of *Clunes*, meeting upon the Road with Mr. *Charles O Connelly*, a Gentleman living under his Protection, caused him to be shot to Death.

1641. The soldiers of the Garrisons of *Dundalk* and *Trim*, killed no less than five hundred poor innocent Persons, Women and Children, in that County.

1641, 1642. The Armies of *Montroe* and the *Legan*, in their several Marches through that Country, slaughtered about two Thousand poor old Men, Women and Children.

1652. Colonel *Barrow* of *Cromwel's* Army, having taken an Island defended by Lieutenant Colonel *Patrick*, Mr. *Mahon* for his Majesty, after killing the said Lieutenant Colonel and his Soldiers, put all the Women and Children to the Sword, to the Number of eighty, among whom a little pretty Child of six Years old, being spared by the Soldiers, was killed by Order of the said Colonel *Barrow*.

County of Cavan.

1641. Mr. *De la Pool* an English Gentleman, having taken Lands in that County some years before the War, invited several of his Friends to come out of *England*, and live with him, who were all murdered in their Houses by the Army (only the said *De la Pool*, who was brought into the Town of *Cavan*, and there hanged) for no other Reason, but their being Roman Catholicks, and living among the *Irish*.

1641. Sir *Alexander Godren* and his Lady, being Scotch, but Roman Catholicks, each of them above Seventy Years old, were plundered of their Goods, and stripp'd Naked, And all their Tenants, Servants, and all their Sons murdered.

In the same Year the English Forces in this County drowned six hundred Men, Women, and Children, in and about *Butlers-Bridge*, no Murthers having been committed on any Protestants there, although in the Pamphlet lately Printed, several Murthers are said to be committed in that Place.

County of Mayo.

In this County few Murthers were committed by either side, though the Libel saith, That about two hundred and fifty Protestants were murdered, whereof at *Bellicke* two hundred and twenty, whereas not one Person was murdered there, which the now Lady of *Montrath* can witness; her Ladyship, Sir *Robert Hanna* her Father, with many others being retreated thither for Security, were all conveyed safe to

Mannor Hamilton, and it is observable, that the said Lady and the rest came to *Mr. Owen O Rorrkes*, who kept a Garrison at *Drumahier* for the *Irish*, before they came to *Mannor Hamilton*, whose Brother was Prisoner with *Sir Frederick Hamilton*, and the said *M. Rorrk* having so many Persons of Quality in his Hand, sent to *Sir Frederick* to enlarge his Brother, and that he would convey them all safe to him: *Sir Frederick* instead of enlarging his Brother, hanged him the next Day after he received the Message, which might have well provoked the Gentleman to a Revenge, if he had not more Humanity, than could be well expected upon such an Occasion, and in times of so great Confusion, yet he sent them all safe where they desired.

There was a Murther committed near the *Moyn*, on twenty seven Protestants, which was all (and that too many) that was committed in that County. *Buchanan*, said to be buried alive, was killed in a private Quarrel, and he cut off his Adversaries Hand, before himself was killed.

County of Gallway, and Province of Connaght.

Anno 1642. Serjeant *Redmond Burk*, of the Lord of *Clanmorris* his Foot Company, and two more, were hanged by the then Governour of the Fort of *Gallway*, the said Lord being then of his Majesty's Army, for which Action no Reparation being given to his Lordship, he pretended it to be the Occasion of his Revolt from the Lord Marquess of *Clanriccard*.

Anno 1642. A Party of the Garrison of the said Fort, murdered six People in *Rinveel*, amongst whom one *Geffery Fitz Thibot*, aged about Seventy Years, and in a burning Fever, with his Wife who was old, were murdered in their Beds; which Action provoked many of the Neighbours to stand on their guard against the said Fort.

Anno 52. *Redmond Burke*, a Colonel in his Majesty's Army, had Quarter given him by some of Colonel *Coot's* Men, he being taken in a Skirmish between Colonel *Grace*, and some of *Cromwell's* Party, and being Prisoner for some time, Colonel *Henry Ingelsby* caused his Head to be cut off.

Anno 52, 53. It was an usual Practice with Colonel *Stubbers* then Governour of *Gallway*, and others commanding in the said County, to take the People out of their Beds at Nights, and sell them for Slaves to the *Indies*, and by Computation sold out of the said County above a thousand Souls.

Murthers committed in the said County of Gallway on Protestants.

Anno 42. It is confessed, that two Protestants were murdered in that County, whereof one was a Minister as the Libel says, but it is most certain, that the Lord Marquess of *Clanriccard* caused the three Men, who murdered one of them, to be hanged in Gibbets in three several Places, and by his Lordship's Orders, *Sir Roger O Shaghnesy* hanged the two Cow-herds who murdered the other.

Anno 42. It is confessed, that the Lord of *Clanmorris* having declared against the said Fort, for hanging his Serjeant as above expressed, took Serjeant *Rowleright*, and two or three more of the Soldiers

of the said Fort, pillaging a Village near *Galloway*, and hanged *Rowle-right*, and the other three.

It is also confessed, that a barbarous Murther was committed by one *Edmund Alta*, an irreligious prophane Fellow of the County of *Mayo*, and his wicked Complices on some Protestants at *Shruel*, a Place meeting with the County of *Galloway*, on about thirty Persons, and the Pamphleteer might well remember that the neighbouring Gentry came with all Expedition to rescue the said Protestants, and that they did rescue the Bishop of *Killala* (who by the Pamphlet seems to have been murdered) and his Wife and Children, with the most Part of the said Protestants; and *Bryen Kilkenny* a Fryar, then Guardian of the Abbey of *Ross* near *Shruel*, was of the first that made haste to that rescue, and brought the said Bishop's Wife and Children, with several others of the said distressed Protestants, to his Monastery, where they found as much Civility as was in the said Fryar's Power to give them for several Nights, until Mr. *Burk* of *Castle Hacket* brought the said Bishop, his Wife and Family to his own House, where they wanted nothing he could afford them for some Weeks, the like being done by several other neighbouring Gentlemen to the rest of the said Protestants, until they were sent to Places of Security, by the Lord Marquess *Clanriccard* his Order, yet the said Fryar hath been these eight Years past kept a Prisoner for his Function or Calling, without any other Crime laid to his Charge, now being above eighty Years of Age.

And it is observable, that in this County of *Galloway* all the War Time several Protestant Ministers, *viz.* *Dean York*, Mr. *Corroyn*, Mr. *Nelly*, and other Ministers, had their Protestant Flocks and Meetings without Interruption, living amongst the *Irish*.

County of Roscommon.

No Murthers were committed by any Party in this County, only five Persons at *Bellanafada* by one *Roger O Conor*; and no Murther was committed at *Bellalegue* during the War, although in the Pamphlet the contrary is expressed; nor no such Man as *William Steward* was known in that County, nor to have been murdered there, though the Abstract sets forth his being murdered in a most barbarous manner.

County of Leotrim.

Anno 1641. It was commonly known to all sides, how cruel the Governour of *Mannor Hamilton* was in that County, how he usually invited Gentlemen to Dine with him, and hanged them after Dinner, and caused their Thighs to be broke with Hatchets before Execution.

Also the said Governour being in *Ulster*, when the Rebellion broke forth, desired one Mr. *Iraght* (a Gentleman, who professed much Friendship to him) to do him the Favour to guide him in Safety to *Mannor Hamilton* aforesaid, which the Gentleman did, and came near upon a hundred Miles with him, after being Friendly treated for some Days by the said Governour, he hanged without the least Occasion; neither was the Gentleman in the Rebellion, but was hanged least he should. The Libel says, three Protestants were murdered in this County, but on due Examination, it will be found there was none.

County of Sligoe.

Here is none at this Time, who can give any exact Account of the Murthers committed in this County, but one remarkable Murther; that in *Creanes Castle* in the Town of *Sligo*, the *Irish* had a Party commanded by Major *Richard Burke* after obtaining Quarter for them to march away, to the Number of about two Hundred were murdered rendering the Castle; this Sir *Audley Mervyne* knoweth to be true.

County of Dublin.

1641. About the beginning of *November*, five poor Men (whereof two were Protestants) coming from the Market of *Dublin*, and lying that night at *Santry*, three Miles from thence, were murdered upon their Beds by one Captain *Smith*, and a Party of the Garrison of *Dublin*, and their Heads brought back next Day in Triumph into the City, which occasioned *Luke Nettervel* and *George King*, and others of the Neighbours, to write to the Lords Justices to know the Cause of the said Murther, whereupon their Lordships issued forth a Proclamation, that within five Days the Gentry should come to *Dublin* to receive Satisfaction, and in the meanwhile (before the five Days were expired) old Sir *Charles Coote* came out with a Party, plundered and burned the Town of *Clontraffe*, distant two Miles from *Dublin*, belonging to the said *George King* nominated in the Proclamation, and killed sixteen of the Townsmen and Women, and three sucking Infants; which unexpected Breach of the Proclamation (having deterred the Gentlemen from waiting of the Lords Justices) forced many of them to betake themselves to their natural Defence, and others to abandon their Houses.

In the same Week fifty six Men, Women and Children, of the Village of *Bullogge* (being frightened at what was done at *Clontraff*) took Boats and went to Sea, to shun the Fury of a Party of Soldiers come out of *Dublin*, under the Command of Colonel *Crafford*, but being pursued by the Soldiers in other Boats, were overtaken and thrown overboard.

One *Russel* a Baker in *Dublin* coming out of the Countrey, in Company with Mr. *Archbold* of *Clochram* (who went to take hold of the said Proclamation of the Lords Justices) were both hang'd and quartered.

1641. In *March*, a Party of Horse of the Garrison of *Donsoghlin*, murdered seven or eight poor People in Protection, Tenants to Mr. *Dillon* of *Hunstowne*, having quartered in their Houses the Night before, and receiving such Entertainment as the poor People could afford.

About the same Time, a Party of the English quartered at *Mallahyde*, hanged a Servant of Mr. *Robert Boynes* at the Plough, and forced a poor Labourer to hang his own Brother, and soon after they hanged fifteen of the Inhabitants of *Swoards*, who never bore Arms, in the Orchard of *Mallahyde*; and hanged a Woman bemoaning her Husband hanged amongst them.

In the same Year, after Quarter given by Lieutenant Colonel *Gibson*,

to those of the Castle of *Carriggmain*, they were all put to the Sword, being about three hundred and fifty, most of them Women and Children, and Colonel *Washington* endeavouring to save a pretty Child of seven Years of Age, carried him under his Cloak, but the Child against his Will was killed in his Arms, which was a principal Motive of his quitting that Service.

1642. In *April* one *Nicholas Hart* and fourteen Labourers, going with Corn to the Market of *Dublin*, and having a Pass, were all murdered upon the Road, by a Party commanded abroad by Lord *Lambert*. The same Day Mr. *Sarsfield* of *Lucan* sent his Groom to guide the Lord of *Gesil's* Troop, which the Fellow having perform'd, was knocked on the Head for his Labour. The same Day eighteen Villages in Protection, the furthest within six Miles to *Dublin*, were plundered and burned, and to the Number of four hundred, Men, Women, and Children, were cruelly massacred.

About the same Time, a Party of the Garrison of *Swoards*, having brought in thirty poor Labourers, forced them to dig their own Graves, and then killed them.

Much about that Time, one *Benet*, Sheriff of the County, killed sixteen Men and Women, coming from the Market of *Dublin* in *May*. A Party under the Command of Colonel *Crafford*, murdered one hundred forty Women and Children in *Newcastle* and *Coolmine*, being under Protection.

1641, 1642. Many thousands more of the poor innocent People of that County, shunning the Fury of the Soldiers, fled several times into Thickets of Firs which the Soldiers did usually Fire, killing as many as endeavoured to escape, or forced them back again to be burnt, and the rest of the Inhabitants for the most Part died of Famine.

1649. Captain *Harrington* a Protestant, and three hundred Officers and Soldiers, taken Prisoners at the Defeat given his Majesty's Army before *Dublin*, were after Quarter given put to Death by Order of Colonel *Michael Jones*.

Mr. *Wogan* of *Rathcoffy*, having Quarter given him in the same time, by Captain *Ottoway*, was killed by Lieutenant *Tomson*, as he rid behind one of *Ottoway's* Troopers; and one Mr. *Hiny*, an aged Person, after dividing his Goods to the value of fifteen hundred pound among the Soldiers, was knocked in the Head, together with his Daughter, her Husband and four Children, after Quarter.

Note, That no less than twelve thousand of the poor Inhabitants of that County, were cruelly massacred the first Year of the War.

County of Kildare.

1641. Captain *Thomas Hues*, having summoned thirty three Contributors to meet him at *Hodgestowne*, caused them all to be murdered.

1641. The said *Hues* murdered Mrs. *Eustare*, Aunt to Sir *Robert Talbot*, ninety Years old, (with two Gentlewomen that waited on her) after she entertained him Friendly in her House.

1641. The Soldiers of *Clongowes Wood* and *Rathcoffy*, yielding upon Quarter, were conveyed to *Dublin* and hanged there, and upwards

of an hundred and fifty Women and Children, were found in the said Places murdered.

Anno 51. Captain *Hulet* coming to Sir *John Dongan's* House at *Castle Town*, to search for a Priest, tortured a Child of Sir *John's* of seven Years of Age, with lighted Matches to force a Confession from him where the Priest was, and the poor Child not telling, or not knowing, *Hulet* hung him up with the Reins of his Bridle, but the Troopers when *Hulet's* back was turn'd, cut him down half Dead, whereof the Child died soon after,

It is well known, that the Commons of that County, were for the most Part destroyed and slaughtered by the English, in so much, that there were not so many left Living, as could gather the 20th Part of the Harvest.

County of Meath.

1642. In *April* Mrs. *Elinor Taaffe* of *Tullag Hanoge*, sixty Years old, and six Women more, were murdered by the Soldiers of the Garrison of *Trim*, and a blind Woman aged eighty Years, was encompassed with Straw by them, to which they set Fire and so burnt her: The same Day they hanged two Women in *Kilbride*, and two old decrepit Men that begged Alms of them.

In the same Year, Mr. *Walter Dulin* an old Man, unable to stir abroad many Years before the War, was killed in his own House, by Lieutenant Colonel *Broughton's* Troopers, notwithstanding the said *Broughton's* Protection, which the old Man produced.

1642. Mr. *Walter Euers*, a Justice of Peace and *Coram*, an aged Man and Bedrid of the Palsie long before the Rebellion, was carried in a Cart to *Trim*, and there hanged by the Governour's Orders.

Anno 1642. Many Plowmen were killed in *Philbert-Stowne* by the Garrison at *Bective*.

1642. Forty Men, Women, and Children in Protection, reaping their Harvest in *Bonestowne*, were killed by a Troop of the said Garrison, who upon the same Day killed Mrs. *Alfon Read*, at *Donsaghiln*, being eighty nine Years old; and forty Persons more, most of them Women and Children, shunning the Fury of the said Troop, were overtaken and slaughtered.

1642. About Seventy Men, Women and Children, Tenants to Mr. *Francis Mac O Voy*, and under Protection, were killed by *Greenvil's* Soldiers, and a hundred and sixty more in the Parish of *Rathcoare*, whereof there was an aged Couple blind fifteen Years before.

1642. Captain *Sandford* and his Troopers, murdered in and about *Mulhussey* upwards of one hundred Men, Women and Children, under Protection, and caused one *Conor Breslan* to be stuck with a Knife into the Throat, and so bled to Death; and one *Eleanor Cusaack*, one hundred Years old, was tied about with lighted Matches, and so tortured to Death in *Clonmoghlan*.

1642. *James Dowlan* about a hundred Years old, *Donagh Comen*, *Derby Dennis* *Roger Bolan*, and several other Labourers and Women, to the Number of a hundred and sixty, making their Harvest, were all slaughtered by the Garrison of *Trim*.

1642. Mr. *Barnwal* of *Tobertinian*, and Mr. *John Husseg*, innocent Persons, were hanged at *Trim* by old Sir *Charles Coote's* Party.

1642. *Gerrald Lynch* of *Donower*, aged eighty Years, was killed by Troopers of *Trim*, being in Protection.

Mr. *Thomas Talbot* of *Crawlstowne*, about eighty Years old, being protected, and a known Servitor to the Crown, (having been Lieutenant of *Horse* to the Lord of *Hoath's* Troop in the Battle of *Kinsale*, in Queen *Elizabeth's* Reign), was killed at his own Door, by some of Captain *Marroe's* Troop.

1642. About the Month of *April*, the Soldiers under the said *Greenvil's* Command, killed in and about the *Navan* eighty Men, Women and Children, who lived under Protection.

1641. Captain *Wentworth* and his Company, garrisoned at *Donmo*, killed no less than two hundred protected Persons in the Parish of *Donamora Slane*, and *Barroni* of *Margellin*, and *Ovmorein*, the Town of *Armdulehan Kingstowne* and *Haristowne*, all protected Persons.

1642. Sir *Richard Greenfield's* Troop killed forty two Men, Women and Children, and eighteen Infants at *Doramstowne*.

1642. A Woman under Protection, was by Captain *Marrow's* Soldiers put into the Stock of a Tuckmill and so tuckt to Death, in the Town of *Steedalte*.

Lieutenant *Ponsonby* put two aged protected Persons to Death at *Dowanstone*, each of them about eighty Years old:

Captain *Marrow* caused about an hundred protected Persons, Men, Women and Children, to be put to Death in the *Barrony* of *Dooleek*, and Lieutenant *John Tench* killed a protected Person seventy Years old near *Dooleek*.

Mr. *Patrick White*, Son and Heir of Mr. *White* of *Clangil*, in Protection, was taken out of his Bed and knock'd on the Head, by Lieutenant *Luaton* of the Garrison of *Trim*.

1647. Three thousand Soldiers at the Battle of *Dongans-hill*, were killed after Quarter given them, by Colonel *Michael Jones*, and many *Irish* Officers taken in the Battle, and deeply wounded were killed the next Day after, when they could not march on Foot.

1649. After the taking of *Drogheda* by *Cromwell*, the Slaughter of Men, Women and Children, continued there for four or five Days together in cold Blood, to the Number of about four thousand.

Many thousands of the poor Inhabitants of this County were destroyed in the Firs, as those in the County of *Dublin*, and the rest for the most Part perished with Famine.

County of Westmeath.

1642. About the latter end of *March*, Mr. *Christopher Mac Gawley*, notwithstanding the Protection of the Duke of *Ormond*, was killed in his own House with two of his Servants, by a Party of the *English* Army marching to *Athlone*, who laying the said Protection on the said *Gawley's* Breast, shot him through his Protection, to try whether it was Proof against a Bullet.

1642. Mrs. *Ellis Dillon* of *Killenenin*, having the Lord Justices Protection for herself, and her Tenants, was plundered, and forty of

the said Tenants, their Wives and Children were killed by Soldiers under Sir *Michael Earnely's* Command.

County of Louth.

1641. In the Month of *February*, about three hundred poor People, Men, Women and Children, were cruelly slaughtered in the Wood of *Deruer*, by a Party of the Garrison of *Dondalke* and *Tredath*.

1641. About the beginning of *March*, about three hundred Farmers and Labourers never in Arms, with their Wives and Children, were massacred by a Party of the Garrisons of *Dondalke* and *Tredath* in *Redmoore* of *Braganstowne*.

About the same time Captain *Charles Townfly*, and Lieutenant *Faithful Townfly*, with a Party of the *English Army* and Garrison of *Dondalke*, slaughtered at *Dunmoghham* two hundred and twenty Inhabitants of several Villages, commanded by the Officers of the said Army to live in that Place for their greater Security.

A Party of the said Garrison of *Tredath* and *Dondalke*, killed above two hundred Persons in the Castle of *Reaghstowne*, after Quarter given.

1641. One *Anthony Townfly* hanged Mr. *Dromgole* of *Dromgoolstowne* at his own Gate; the said *Townfly* hanged upward of thirty poor Men and Women, going to the markets of *Dundalke* and *Tredath*, on a Tree commonly called eight Mile Bush mid-way between the said Towns.

1642. A party of Horse and Foot of the Garrison of *Tradath*, kill'd and burnt in the Firs, above one hundred and sixty Men, Women, and Children, of the Inhabitants of *Termonfeighin*, within three Miles of *Tredath*; no less than ten thousand of the poor Inhabitants of that County, though they are not taxed with any Murther committed on the *Protestants*, according to their own Abstract, were massacred.

County of Wicklow.

October 1641. Three Women, whereof one Gentlewomen big with Child, and a Boy, were hanged on the Bridge of *Neuragh*, by Command of old Sir *Charles Coote* in his first March to that County, and caused his Guide to blow into his Pistol, and so shot him Dead, he also hang'd a poor Butcher on the same March, called *Thomas Mac William*.

1641. Mr. *Denis Conyam* of *Glanely*, aged and unable to bear Arms, was roasted to Death by Captain *Gee* of Colonel *Crafford's* Regiment, and in all the Marches in 41, 42, 43, the *English Army* killed all they met in this County, though no Murthers are charged on the said County, to be committed on *Protestants* by the Abstract.

In the Usurper's Time Captain *Barrington* garisoned at *Arcklow*, murdered *Donnagh O Dayle* of *Killearrow*, and above five hundred more protected by himself: and it is well known that most of the Commonalty were murdered.

1650. Mr. *Birne* of *Munneg*, a Gentleman of an inoffensive Demeanour being then in Protection, the Governour of *Carloe*, marched with a Party to this County; the said *Birne* came to him,

and two of his Servants produced his Protection, notwithstanding which he and his two Servants were hanged, *for no other Reason than that the Gentleman had a great Stood of Horses and Mares, besides a good Stock of Cows, which were out of Hand seized on by the Governour and his Party.*

County of Kilkenny.

1641. The English Soldiers of the Garrison of *Ballenekil*, burnt an old Woman of ninety Years old in her own House in *Idough*.

1642. The said Soldiers massacred a hundred eighty Men, Women and Children, who were cutting their Corn near the said Garrison. They dragged Mr. *Thomas Shee*, an innocent Person, out of his own House with five of his Servants, and hanged them all at *Ballenekil*.

1650. Colonel *Daniel Axtel* cut off the Head of Mr. *Fitz Gerret* of *Browneiford's* Son, and hanged the Sons of Mr. *Butler* of *Ballikify*, and Mr. *Butler* of *Benidstowne*, because their Fathers inlisted themselves in his Majesty's Army.

One *Francis Frisby* an English Man and a Protestant, Butler to the Duke of *Ormond*, having had Quarter upon the Rendition of *Kilkenny* to *Cromwell*, was apprehended by the said Colonel *Axtel*, and for not confessing his Lord's Plate, was tortured to Death by burning Matches between his Fingers in the Castle of *Kilkenny*.

1651. Major *Shertal*, an Officer of his Majesty's Army having delivered the Castle of *Ballimay*, upon Quarter of Life and Liberty to Colonel *Axtel*, was run through the Body by the said Colonel, and all his Soldiers to Number of one hundred and ninety were killed.

1651. Captain *Thomas Shertal*, a Captain of Horse in his Majesty's Army coming to *Kilkenny* upon a safe Conduct, was hanged by the said *Axtel*, because he had a good Estate within two Miles of *Kilkenny*.

1650. Colonel *Axtel* hanged fifty of the Inhabitants near *Thomastown*, living under his Protection, for no other Reason, but that a Party of *Cromwell's* Army was defeated the Day before in that Place, by some of the Royalists.

Colonel *Axtel* meeting one Day forty Men, Women and Children, near the Wood of *Kildonan*, who were coming for greater Security to live within his Quarters, caused them all to be killed.

Some Soldiers of the King's Army being taken in a Village in *Grace's* Parish, Colonel *Axtel* caused all the Inhabitants of the said Village to be apprehended, hanged three of them, and sold the rest to the *Barbadoes*.

1650. The said *Axtel* (as matter of Recreation) commanded his Troops to gather together a great Number of the protected People near *Kilkenny*, and being all in a Cluster, bid the Troopers rush through them, and to kill as many as happened on the left Hand of the Troop, and to spare the rest, thirty Persons were murdered then on that account.

County of Wexford.

1651. Colonel *Cook* in one March out of *Iniscorphy* into the Barronies of *Ballaghkene* and *Goury*, murdered a hundred poor Labourers, in Protection, and five hundred Women and Children, whom

he caused to be locked up in their own houses, commanding his Soldiers to set fire unto them, and one Woman having escaped out of a House, was killed, and her Belly barbarously ripped up, others thrust their sucking Babes out of the Windows, hoping that their Innocency might beget Pity in the Soldiers, who by their Colonels Command received the poor Infants upon the Heads of their Pikes, and thrust them back into the Fire.

1650, 1651. The said Colonel *Cook* in his several Marches into the *Barronies* of *Bellaghkene* and *Skarawalsh*, murdered upwards of three hundred Men, Women and Children under Protection, yet the Wife and Children of this *Cook* (notwithstanding all the barbarous Cruelties committed against the King's Subjects, and having always eminently appeared against his Majesty and his Royal Father) have been so well befriended, as to be provided for by special Name in his Majesty's Declaration for the Settlement of *Ireland*.

1650, 1651. Captain *Thomas Barrington* murdered no less than three hundred Men, Women and Children under Protection, in the *Barronies* of *Goury* and *Bellaghkene*.

1650. The said *Barrington* killed fifty Women and Children at a Place called *Layen*: he was so noted through *Cromwell's* Army for his Cruelty, that they called him *Barrington* kill all.

The above Colonel *Cook* caused twenty-two of Sir *Walter Dongan's* Men, taken at the Fight at *Clonigal*, to be killed after Quarter given, and one Captain *Birne* of his Majesty's Army wounded in the Fight, and much made of by some of *Cook's* Men, who took him Prisoner, was soon after stript and killed.

Major *Thomas Hart* forced a Country Fellow under Protection to leap into the River *Bana*, and took Pleasure to see him drowned.

1650. Captain *William Bolton* of Colonel *Pretty's* Regiment, slaughtered about two hundred and fifty Men, Women and Children under Protection, in the said *Barronies* of *Skarawalsh*, *Bellaghkene* *Bantry* and *Gillmalere*.

1650. The said *Bolton* gave Quarter at Castle *Kirk* to nine Soldiers, who after delivering their Arms were slaughtered by his Order.

1650. Mr. *Pierse Butler*, eldest Son to the Lord of *Galmoy*, and Captain of Horse in his Majesty's Army, being taken Prisoner in the Fight at *Lampstowne*, was killed in cold Blood, and after Quarter by the said *Bolton*.

1651. The said *Bolton* hanged *Pierse Doran*, who collected his Contribution, at his own Door, and one of his Servants to keep him Company.

1651. *Nicholas Lenagh*, a Man known to be Frantick, was killed in his own House, by the said *Bolton's* Orders.

Daniel Birne and *Morogh Redmond* were murdered in their Houses by Captain *Barrington*, they being in Protection, and Collectors of the Contribution.

1651. Colonel *Pretty* meeting one Day upon the Road with Mr. *Phillip Hill* a Gentleman of his Acquaintance, and his Collector in the *Barrony* of *Ballaghkene*, hanged him on the next Tree.

Notwithstanding all those Murthers and Massacres acted upon the

Inhabitants of this County, it is observable that by the late Pamphlet, and all the Papers that have been published to that Subject, they could not say one English Man was murdered in that County, since the Rebellion.

County of Tipperary.

1641. On the 24th of *October*, one *Brown* and Captain *Peasely* murdered eleven Men, Women and Children, in their own Houses at *Golden Bridge*, before any of the Catholicks took up Arms in that County.

About the same time the said Captain *Peasely* going through *Cloneulty*, *Phillip Ryan* a peaceable Gentleman, and Owner of the said Town, came out of his House to salute the Captain, who pulled out his Pistol and shot the poor harmless Gentleman Dead at his own Door.

Note, That these two Murthers occasioned the rising of the Gentry and Inhabitants of that County.

1641. One *John Wise* of *Balliowen*, an English Soldier came several times in Womens Attire upon the Road, and committed divers Murders upon simple Countrey People coming from the Market.

1649. A Soldier of *Cromwell's* being killed by some of the *Irish* Army, Colonel *Jeremy Sankey* summoned all the Inhabitants of the Parish wherein he was killed, being under his Protection, to come to *Fethered*, where he put them to the Dice, and hanged five of them.

One Lieutenant *Mac. Gragh* of his Majesty's Army, being taken Prisoner by Captain *John Godfrey*, was five Days after hanged in the Town of *Fethered* by Colonel *Sankey*, notwithstanding the said *Godfrey's* Protection to have given him Quarter.

1652. Seventeen poor Women and Children in Protection, were murdered at *Tullow* by Major *Elias Green* and his Party, and one of the Troopers refusing to kill a Woman big with Child, by Name *Elizabeth Cugly*, was wounded by the said Major, who thrust his own Sword through the Woman's Bowels.

Within a while after, thirty Women and Boys, ready to starve, and digging of Puttatoes in their own Gardens in the said Village of *Tullo*, were all killed by Orders of the said Major *Green*.

1649. Captain *Cantuel*, and Captain *Fitz Gerald* of his Majesty's Army, were tied to a Tree, and shot to Death by some Officers of *Cromwell's* Army after Quarter given.

1651. Colonel *Richards* hanged *Edward Mockler* a protected Person, and also a Woman big with a Child, saying he did it least she should be delivered of a Traytor.

Major *Bolton*, killed in the Highway near *Thurles* one *Phillip Purfel*, an honest Gentleman in Protection.

Major *William Moor* murdered upon the Highway near *Thurles* Servant of Mr. *John Bryan's*, carrying Provision to the Lady of *Thurles*.

1651. *Morish English*, a Gentleman in Protection, was dragg'd out of his own House by the said Captain *John Godfrey*, and brought to *Cahirr* were he was hanged next Day.

1651. Sixteen Soldiers of his Majesty's Army taken Prisoners by Colonel *Abott's* Troops near *Nenagh*, were all killed by them after Quarter given.

1651. One *Moran* a Soldier after Quarter promised, was by Colonel *Abott's* Command hanged three Hours by the Heels from the Battlement of the Castle of *Nenagh*, and next Day hanged by the Neck until he died.

1651. Some of *Abott's* Troops having brought a Labourer out of Mr. *Grace* of *Clogh Priory* his House, to show them the way, cut off his Head within a Musket shot to the House.

Two Labourers thrashing of Corn in *Ballinanan* were killed by Captain *Barker*.

In the Year 1650. *David Walsh*, Esq; about eighty Years old, was murdered by Major *Morgan*, now Sir *Anthony Morgan*, in the Road between *Clonmel* and *Waterford*; and one of the said *David's* Daughters, endeavouring to preserve her Father, was murdered over him; and a Grandchild of the said *David's*, seven Years of Age, then in the Company, was murdered by the said Sir *Anthony's* own Hands.

The Troopers having absolutely refused to kill him; and several other of the said *David's* Kindred, were murdered for no other Cause, but that his Children and Relations were active in defending *Clonmel* for his Majesty against *Cromwell*; and for his Son *John Walsh*, Esq; his attending on the Lord Lieutenant in order to his Majesty's Service.

No less than five hundred poor Labourers and Women were hang'd at *Clonmel*, and other Garrisons in this County; guilty of no other Crime, but being found within the imaginary Lines, drawn by the Governors of the several Garrisons in the said County.

A Woman big with Child, having in Presence of all the People the Child stirring in her Womb, was hang'd by Colonel *Richards* at *Clonmel*.

County of Clare.

1644. Forty Families in Protection were murdered by the Garrisons of *Inchicronan*.

1646. Several residing near *Bunratty*, were murdered by the Soldiers of that Garrison, under Command of Lieutenant-Col. *Adams*.

1651. Sir *Hardress Waller*, and Col. *Ingoldsby*, commanding two Parties into the *Barronny* of *Bueren*, then under Protection, kill'd in one Day, upwards of eight hundred Men, Women, and Children; and meeting with Squire *Donogh O Bryan*, an aged Gentleman, and protected by the said *Waller*, they lock'd him up in a Country-house, to which they set Fire, and burnt him to Death.

1651. The said Colonel's Troop of Dragoons murdered in the Town of *Quenne* thirty aged and poor Persons.

1651. The said *Ingoldsby*, after giving Quarter to nine Soldiers of his Majesty's Army, and a Week's Imprisonment, hang'd them.

1651. The said *Ingoldsby's* Men kill'd about a thousand poor Labourers, Women and Children, in the Barronies of *Corckromroe* and *Inchiquin*, being all under his Protection. Captain *Puerefoy*, and other Officers, commanded by the said *Ingoldsby*, murdered upward of a hundred Men, Women and Children, in the Barronies of *Bunratty* and *Tullagh*, protected by the said Colonel.

Captain *Stafe*, and Captain *Apers*, under the Command of the said *Ingoldsby*, murder'd no less than five hundred Families in Protec-

tion in the Barronies of Island I *Brackane Cluandarala* and *Moyfarta*.

1651. The said *Ingoldsby's* Men, when they were surfeited of killing, made it an ordinary Practice to bridle the poor People, Men and Women, to tye them to their Horses Tails, like Beasts, and sell them to the *Barbadoes*.

County of Lymerick.

Anno 1651. The said Colonel *Ingoldsby* being one Day with a Party in the Territory of *Cleanlish*, slaughtered upward of five hundred Men, Women, and Children, all under his Protection.

1651. The said *Ingoldsby* and his Dragoons, murdered in one Day about three hundred protected Persons in the Territory of *Tullagh-hill*.

County of Kiery.

1653. The Inhabitants of the Barrony of *Dunkueren*, being ordered by Lieutenant-Colonel *Nelson*, then Governour of the County for *Cromwell*, to remove with their Goods and Cattle, for their greater Security, were met by the said *Nelson*, Major *Peppard*, Captain *Thomas Barrington*, Captain *Hasset*, and other Officers, with a Party of Horse, and under Colour to secure their removal; and on a sudden, upon a Sign given, the Soldiers fell upon the poor People, and killed upwards of three hundred Men, Women, and Children: The Cruelty of *Barrington* and *Hasset* in that Massacre was remarkable, causing many Women to be shamefully stripp'd naked, and afterwards most inhumanly butcher'd; the Fingers of such as wore Rings to be cut off, and the Babes and Infants to be toss'd on Pikes and Halbets, in sight of their dying Parents.

1653. The said *Nelson* having granted his Protection under Hand and Seal to *Tecig Morcarty* and *Conor Mac Donogh*, Catholick Priests, until their Transportation for *Flanders*, by a Time limited; before half that Time was expir'd, apprehended the said Priests, and hang'd them with their Protection in their Hands.

1653. The said *Nelson*, and Captain *Peter Cary*, meeting with one *Thomas O Bryne*, a Butcher by Trade, hang'd him for being sometime a Lay-Fryar.

Many hundreds of the poor People of that County, reduced by the Exaction and Cruelty of their Governours to a starving Condition, were by *Nelson's* Orders, for smelling of Horse-Flesh, which they were necessitated to eat or starve, hang'd.

1653. Captain *Thomas Barrington*, aforesaid, caused the Arm of a poor Woman to be cut off with a Hatchet; and perceiving that she grasp'd with the other Hand a sucking Babe, she had at her Breast, he caused that Arm to be also cut off, and the Infant's Head dash'd against a Rock, in her Presence.

The said *Barrington*, caus'd a Lieutenant and some Soldiers of his Majesty's Army, taken Prisoners upon Quarter, to be stripp'd naked, and their Brains knock'd out with a Hatchet.

County of Cork.

Anno 1641. In *Condon's* Countrey, above three hundred Labourers, Women, and Children, were murdered by some of the Earl of *Orrory's* Soldiers.

In the said County amongst others, they guelled one *Dennis Downey*, and pull'd out one of his Eyes, and sent him in that Posture to his Wife.

Anno 41. It. fifty-six Persons or thereabouts, were brought Prisoners to *Castle Lyons* (most of them Labourers, who never did bear Arms) were put into a Stable, and the Women in that Garrison at Night fired their Beards and the Hair of their Heads, which so disfigur'd them, and burnt them, that their nearest Friends could not know them next Day, when they were hanging.

Anno 42. In the same County three hundred fifty five Persons, Men, Women, and Children, were murdered with Clubs and Stones, being in Protection.

Ann. 42. Mr. *Henly*, an *English* Gentleman, dwelling in *Roche's* Country, but a *Roman Catholick*, had his Wife and Children barbarously stripp'd, and most of his Tenants inhumanly murdered by adjacent *English* Garrisons; he the said *Henly*, nor his Tenants, being never in Arms; and such Cruelty was used, that they stabbed young Infants, and left them so half Dead on their Mothers dead Carcasses. In the said *Henly's* Town, and in the adjacent Villages, at that time, there were murdered about nine hundred Labourers, Women and Children.

Ann. 43. Cloglegh being Garrisoned by the *Irish*, and surrendered upon Quarter of Life, to Sir *Charles Vavasor*, were all inhumanly murdered, and the Hearts of some of them pull'd out and put into their Mouths; and many other Massacres were committed the same time there on Women and Children.

Ann. 43. At *Lislee*, twenty four Men in Protection, were murdered by Colonel *Mynn's* Soldiers.

At *Beallauere*, the same Year, *Teig O Mungan* and *David Boge*, blowing by Command into Pistols, were shot to Death by some of Captain *Bridge's* Men; and eight poor Labourers more were killed by them being in Protection, and then employed in saving some Harvest of *English*.

Anno 42. At *Clogheilty*, about two hundred thirty eight Men, Women and Children were murdered, of which Number, seventeen Children, were taken by the Legs, by Soldiers, who knock'd out their Brains against the Walls; this was done by *Phorbis's* Men, and the Garrison of *Bandon Bridge*.

At *Garranne*, near *Ross*; *Conor Kinedy*, who had Protection for himself and his Tenants, to save their Harvest, were murdered by the said Garrison of *Ross*, as they were ditching about their Corn.

Anno 41. At *Bandon Bridge*, the Garrison there, tied eighty eight *Irishmen* of the said Town Back to Back, and threw them off the Bridge into the River, where they were all drown'd.

Anno 50. At *Shiell*, there were forty Labourers, with Women and Children, put on the Edge of a great *Clift* over the Sea, a Rope being

drawn about them, with six Soldiers on each end, and so thrown into the Sea and drowned. This was done by Major *Wallis* and his Party, who about the same time murdered in the West of *Carbery*, upwards of eight hundred Men, Women and Children.

Anno 41. Patrick Hacket, Master of a Ship in *Waterford*; the Dutchess of *Ormond* being desirous to be convey'd by him to *Dublin*, after leaving her safe with her Family and Goods there, the Lords Justices and the Duke of *Ormond* gave him a Pass for his safe return; who being driven by a Storm into *Dungarvan*, the said Master and all his Men were hanged by Direction of the Commander in Chief there, notwithstanding he produced his said Pass.

Anno 47. Sir Alexander Mac Donnel, a known eminent Servitor to his late Majesty in the Wars of *Scotland*, was murdered by Major *Purdome*, after Quarter.

Anno 51. Charles Mac Carty of *Killmydy*, being in a Party with Colonel *Phayre* at the Gate of his Castle; Colonel *Ingoldsby* rides up to the Gate with a span'd Pistol, and shot him Dead; at which Action the said *Phayre* was much dissatisfied, being Commander in Chief of that Party.

Anno 41. The English Party of this County, burn'd *O Sulevan Beare's* House in *Bantry*, and all the rest of that Country, killing Man, Woman and Child, turning many into their Houses then on Fire to be burnt therein, and amongst others, *Thomas de Bucke* a Cooper about eighty Years old, and his Wife being little less; and all this was done without Provocation, the said *O Sulevan* being a known Reliever of the *English* in that County. Observe that this County is not charged in the late Abstract with any Murthers.

County of Waterford.

Anno 41. In Decy's Country the neighbouring *English* Garrisons of the County of *Cork*, after burning and pillaging all that Country, they murdered above three thousand Persons, Men, Women, and Children, before any Rebellion began in *Munster*, and led a hundred Labourers Prisoners to *Caperquine*, where being tied by Couples were cast into the River, and made sport to see them drowned. Observe this County is not charged with any Murthers to be committed on *Protestants*.

APPENDIX B. (SPEECH, p. 190.)

THE 'TIMES' OPPOSITION TO IRISH LAND REFORM.

'Times,' Feb. 12, 1852.

'Mr. Sharman Crawford has brought in his *annual craze* with his usual alacrity.

'As respects the direct tendency of his measure, he might have called it a Bill to perpetuate the race of tenants, the size of farms, the class of buildings, and the style of cultivation now existing in Ireland;

to make every tenant his own steward, architect, surveyor, and lawyer; to reduce the landowners to pensioners for a limited term, and to take care that during that limited term their pensions should never be paid. According to this benevolent scheme, every man who holds half a dozen acres or less might proceed at his leisure—and in Ireland there is leisure enough to rest all the world—to move a few stones here and there; to take down his fences and set them up at the wildest discretion; to convert his house into a piggery, or his piggery into a house; or heap a few furze bushes on his hovel, and a big stone or two to keep out the light; or do anything in fact that he might or might not think worth doing, and then, with the assistance of his literary neighbours, sit down, and draw up a list of improvements as a set-off against all claims for rent now and for ever. The beauty of the Bill of course is its perfect adaptation to the Irish character, and the general state of things in that country.'

'Times,' April 3, 1865.

'There are, as we have said, two separate tenures of the same piece of land in Ireland—that of the landlord, resting on law, obtained for valuable considerations, and supported by the whole open force of society, and that of the tenant, legally void, but supported by secret organisation, and ever ready when invaded to call in the hand of the assassin to warrant it.

'We cannot wonder, after the encouragement they have received, that the representatives of Ireland, speaking the wishes and feelings of their constituents, should be perpetually urging upon the Government of the day yet another attempt to transfer to the tenant some portion of the property of the landlord, and to clothe with some species of legal title claims which have hitherto rested on combination and secret terrorism.'

Mr. JOHN BRIGHT, speaking in Dublin, November 2, 1866, said:—

'I have thought, if I could be in all other things the same but by birth an Irishman, there is not a town in this island I would not visit for the purpose of discussing the great Irish question, and of rousing my countrymen to some great and united action. I do not believe in the necessity of widespread and perpetual misery. I do not believe that we are placed on this island and on this earth, that one man may be great and wealthy, and revel in every profuse indulgence, and five, six, nine, or ten men shall suffer the abject misery which we see so commonly in the world. With your soil, your climate, and your active and spirited race, I know not what you might not do.'

Speaking at Rochdale, on the December 23, 1867, Mr. Bright said:—

'I entirely disagree with those who, when any crisis or trouble arises in Ireland, say that you must first of all preserve order, you must put down all disloyalty and disobedience to the law, you must assert the supremacy of the Government, and then consider the grievances that are complained of. This has been the case in Ireland for 200 years. The great preserver there has been the gallows. Now

twenty years ago many of you will recollect that in Ireland, under the guidance of one of Ireland's greatest sons, the late Mr. O'Connell, there were held in Ireland meetings of vast numbers of the people, equal probably in number to the meetings that were held a year ago in Birmingham, Manchester, Leeds, Glasgow, and in London. Those meetings were held to condemn certain things that were evil in Ireland, to demand remedies, to even insist that there should be a repeal of the legislative union between the two countries, for many thought that only an Irish Parliament could abolish the miseries of Ireland; but there is not one of you that can point to any single great measure of justice which has been given to Ireland in consequence of these great meetings. The grievances were not remedied. The demands of the people were not conceded. Nothing has been done in Ireland except under the influence of terror. In 1829 the Catholic Emancipation Bill was passed, but the Duke of Wellington admitted it was passed because he would not take the responsibility of civil war. Afterwards, when a great famine took place, a Poor Law was passed for Ireland, and the Encumbered Estates Court was established, in order that the sale of land might be made more free; but except under the pressure of some great emergency no man can point to anything great or good having been done by the Imperial Parliament for the Irish nation. But if these huge meetings were disregarded, what was more natural or inevitable than that a certain portion of the people, not reasoning well, stimulated by an impassionate feeling of the wrongs done to their country, should descend into the ranks, the odious and criminal ranks, of a dark conspiracy? If last year Parliament had refused to extend the franchise, if all our great meetings had been held in vain, if the popular voice had risen so that all the world should have heard but the deaf members of the Imperial Legislature, you would have had in England, I will not say a dark and a criminal conspiracy, but you would have had men who would gradually have worked their way among the people, and would have instructed them in principles and in practices which are near akin to the worst form of criminal conspiracy. There is nothing so safe as great meetings. Come together, look each other in the face, let the men who comprehend the things discuss them fairly, before you consider them well for yourselves, vote by an open free vote in favour of the policy that you require, and then let your rulers take that voice as significant of the will of the country, and let them bend to it and give the country that which it demands. That has never been done for Ireland, and it is on this ground, and for this reason, that you have at this moment the terrible and calamitous state of things that exists.'

'Times,' July 16, 1868.

But when Mr. Bright repeats his scheme for regenerating both the race and the island *by the artificial production of peasant proprietors, he is attempting what we believe to be utterly impossible, what has no ground in justice, or in the sentiment of equality, or in the public interest, and what can only end in failure and disappointment. It is*

due to Mr. Bright himself that he should not sully a great career and discredit the principles of Liberal legislation by following an illusion that can really lead to nothing but harm.'

Summarised chronologically, the failure of parliamentary efforts to obtain legal protection for the rights of Irish tenants stands recorded as follows from 1829 to the period of the Land League:—

1829. Brownlow's Bill	Dropped in Lords.
1830. Grattan's Waste Land Bill	Refused.
1831. Smith's Bill for Relief of the Aged	Dropped.
1835. Sharman Crawford's Bill	"
1836. Sharman Crawford's Bill	"
1836. Lynch's Reclamation Bill	"
1845. Lord Stanley's Bill	"
1845. Sharman Crawford's Bill	"
1846. Mr. Sharman Crawford	Abortive.
1846. Lord Lincoln, Secretary for Ireland	"
1847. Mr. Sharman Crawford	"
1848. Sir W. Somerville	"
1848. Mr. Sharman Crawford	"
1849. Mr. Pusey	"
1850. Sir W. Somerville	"
1850. Mr. S. Crawford	"
1851. Mr. S. Crawford	"
1852. Mr. S. Crawford	"
1853. Mr. Napier	"
1853. Mr. Serjeant Shee	"
1855. Mr. Serjeant Shee	"
1856-1857. Mr. Moore	"
1858. Mr. Maguire	"
1860. Deasy's Bill (legalising plunder of tenants' improvements)	Passed.
1871. Landed Property Act, 1847, Amendment, Serjeant Sherlock	Withdrawn.
1872. Ulster Tenant Right, Mr. Butt	Dropped.
1873. Ulster Tenant Right, Mr. Butt	"
1873. Land Act, 1870, Amendment, Mr. Butt	"
1873. Land Act, 1870, Amendment No. 2, Mr. Heron	"
1874. Land Act, 1870, Amendment, Mr. Butt	"
1874. Land Act, 1870, Amendment No. 2, Sir J. Gray	"
1874. Ulster Tenant Right, Mr. Butt	"
1874. Irish Land Act Extension, The O'Donoghue	"
1875. Landed Proprietors', Mr. Smyth	"
1875. Land Act, 1870, Amendment, Mr. Crawford	Rejected.
1876. Land Act, 1870, Amendment, Mr. Crawford	Withdrawn.
1876. Tenant Right on Expiration of Leases, Mr. Mulholland	Dropped.
1876. Land Tenure, Ireland, Mr. Butt	Rejected.
1877. Land Tenure, Ireland, Mr. Butt	"
1877. Land Act, 1870, Amendment, Mr. Crawford	Withdrawn.
1878. Land Act, 1870, Amendment, Mr. Herbert	Dropped.
1878. Tenant Right, Lord A. Hill	Rjctd Lords.
1878. Tenant Right, Ulster, Mr. Macartney	Withdrawn.
1878. Tenants' Improvements, Mr. Martin	Rejected.
1878. Tenants' Protection, Mr. Moore	Dropped.
1879. Ulster Tenant Right, Mr. Macartney	Rejected.

1879.	Ulster Tenant Right, No. 2, Lord A. Hill	Withdrawn.		
1879.	Landlord and Tenant, Mr. Herbert	Dropped.		
1879.	Land Act, 1870, Amendment, Mr. Taylor	"		
1879.	Land Act, 1870, Amendment No. 2, Mr. Downing	Rejected.		
1880.	1st Sess. { Land Act, 1870, Amendment, Mr. Taylor	Dropped.		
1880.			Ulster Tenant Right, Mr. Macartney	"
1880.	2nd Sess. { Fixity of Tenure, Mr. Litton	Rejected.		
1880.			Land Act, 1870, Amendment, Mr. O'C. Power	Dropped.
1880.			Compensation for Disturbance, Mr. W. E. Forster	Rjctd Lords.

The following record of successful efforts to give Ireland Coercion Acts instead of Land Bills is a fitting historical complement to the above list:—

1830. Importation of Arms Act.	1848. Suspension of Habeas Corpus.
1831. Whiteboy Act.	1848. Another Oaths Act.
1831. Stanley's Arms Act.	1849. Suspension of Habeas Corpus.
1832. Arms and Gunpowder Act.	1850. Crime and Outrage Act.
1833. Suppression of Disturbance.	1851. Unlawful Oaths Act.
1833. Change of Venue Act.	1853. Crime and Outrage Act.
1834. Disturbances Amendment and Continuance.	1854. Crime and Outrage Act.
1834. Arms and Gunpowder Act.	1855. Crime and Outrage Act.
1835. Public Peace Act.	1856. Peace Preservation Act.
1836. Another Arms Act.	1858. Peace Preservation Act.
1838. Another Arms Act.	1860. Peace Preservation Act.
1839. Unlawful Oaths Act.	1862. Peace Preservation Act.
1840. Another Arms Act.	1862. Unlawful Oaths Act.
1841. Outrages Act.	1865. Peace Preservation Act.
1841. Another Arms Act.	1866. Suspension of Habeas Corpus Act (August).
1843. Another Arms Act.	1866. Suspension of Habeas Corpus.
1843. Act Consolidating all Previous Coercion Acts.	1867. Suspension of Habeas Corpus.
1844. Unlawful Oaths Act.	1868. Suspension of Habeas Corpus.
1845. Additional Constables near Public Works Act.	1870. Peace Preservation Act.
1845. Unlawful Oaths Act.	1871. Protection of Life and Property.
1846. Constabulary Enlargement.	1871. Peace Preservation Con.
1847. Crime and Outrage Act.	1873. Peace Preservation Act.
1848. Treason Amendment Act.	1875. Peace Preservation Act.
1848. Removal of Arms Act.	1875. Unlawful Oaths Act (lasting until 1879).

'Times,' September 2, 1879.

The lesson the Government and the Imperial Legislature have to learn from these demonstrations is somewhat different, but it is equally discouraging to Mr. Parnell. It is that in any shape or form transactions which would place the Irish tenants in the position of debtors to the State would be full of political perils. If the Irish landlords were to be expropriated, and their interest bought up by the State, which is the "opportunity" offered with remarkable generosity by Mr. Parnell, *the tenants would hold their lands subject to a State mort-*

gage. The interest and principal would soon be looked upon as a burden more detestable than rent itself, and, in fact, as rent under another name. In Ireland there is but little compunction about depriving the State of its due, and in a very short time we should probably see the farmers taking up "a firm and determined attitude" against the recognition of the debt.'

'Times,' October 10, 1879.

'We have not dwelt on the mechanical difficulties of Mr. Parnell's plan, because if its leading motive is unsound we need not discuss the obstacles that would practically beset its adoption. It is, however, worth the while of those who have caught up and repeated Mr. Bright's suggestion for the creation of a peasant proprietary in Ireland to survey some of these difficulties.'

APPENDIX C. (SPEECH, p. 204.)

LANDLORD RULE AND RUIN.

'In 1851 the "arable" land is returned at 14,802,581 acres; which must have included, with what the more recent returns call arable, the bulk, though scarcely the whole, of the grazed acreage. In the returns for 1871 we come upon figures dealing explicitly with a state of things which nearly ten years previously had called forth public uneasiness in Ireland. It was noticed in every county that the area of productive land was ruinously diminishing; and it was found that the average productiveness of the soil had fallen away. Except in such districts as Meath, Westmeath, Kildare, and others, the "cleared" farms were, to an alarming extent, exhibiting signs of failure to hold in grass, and were gradually relapsing into waste or semi-waste. In the Registrar-General's Report for 1881 a glimpse of the dreadful truth is first discernible. Comparing the official figures of 1881 with those of 1871, the following facts are disclosed (plantations, cities, and towns omitted):—

	1871 Acres	1881 Acres
Under crops, including meadow and grass	5,621,437	5,195,375
Grass or pasture	10,071,285	10,075,424
Bog, waste and water	4,289,432	4,708,047

'That is to say, in the ten years between 1871 and 1881, not less than 418,615 acres have gone back to waste; lost alike to pasture grass and tillage. The Official Report tells the dismal tale as follows:—

'Land under grass in 1881 appears to have decreased from 50·4 per cent. of the total area in 1872 to 49·6 per cent. in 1881.

'In crops a decrease on the ten years of from 5,487,313 in 1872 to 5,195,375 in 1881, or from 27·0 to 25·6 per cent. of the total area.

'In bog, waste, water, &c., an increase of from 20·9 to 23·1 per cent. of the total area.

'Between 1870 and 1878, as is now only too well known, owing to

the passing of the Land Act being followed by seven "fat years," there was an extravagant burst of agricultural activity in Ireland. Yet it is within this decade that the Parliamentary Report makes the exhibit above quoted. One year with another, from 1851 to 1860, the extent of arable land was 5,788,202 acres. In 1881 it was only 5,195,375; showing a loss of 592,827 acres; and the total is still falling. Between 1881 and 1882 it fell 114,327 acres.

'The destruction of the small farmer class has brought us face to face with some other unpleasant facts. We have been made to feel very sharply that the cottiers and small farmers were the class that most largely supplied us with eggs, poultry, and young stock. In truth, at the present moment, so far as these products are concerned, it looks as if the scientific large farmers of England are being beaten in London markets by the three-acre farmers of Switzerland, France, Holland, and Belgium. The Irish small farms were not only the most productive, but they had proportionately the largest amount of capital in livestock. A careful calculation from the census returns of 1841 shows that—

'Farms of 100 acres and upwards held live stock to the value of 17. 8s. per acre.

'Farms of 22 acres and upwards to 100—2*l.* 1*s.* 4*d.* per acre.

'Farms of 10 acres and upwards to 22—2*l.* 5*s.* 2*d.* per acre.

'Farms of 3 acres and upwards to 10—3*l.* 5*s.* 10*d.* per acre.

'The value of stock in the hands of Irish small farmers—five acres and under—in 1841 was 4,771,483*l.* By 1846 it was probably 6,000,000*l.* In 1851 the class had already been so far destroyed that 1,002,156*l.* represented all they held!

'Let us examine whether in any way the agricultural products of Ireland, taken as a whole—livestock, cereals, and green crops—exhibit a compensation for the loss of five millions of population. The average yearly acreage under oats between 1851 and 1860 (within which period it had already considerably fallen) was 2,074,381. In 1881 it was only 1,392,365. Wheat acreage in the like period falls from 460,802 to 154,009; barley from 221,150 to 210,152; turnips from 378,482 to 340,097; potatoes from 1,039,921 to 854,294. Cabbage shows an increase of 313 acres, and flax of 20,969. Let us now see whether an untold wealth of livestock has rolled in on Ireland to compensate for all this. The average number of cattle in all Ireland, yearly throughout the period between 1851-60, was 3,480,623. In 1881 it was 3,954,479; an increase of 473,856. Sheep, 3,297,971—3,258,583; a decrease of 39,388. Pigs, 1,194,303—1,088,041; a decrease of 106,262. Horses, 572,219—547,662; a decrease of 24,557.

'This is the exhibit for all Ireland, and a portentous one it is; but when we come to the province where clearances and consolidation have been most largely resorted to (and which is now singled out for further operations in the same direction), namely, Connaught, it appears that the solitary item of increase in the above list—that of cattle—wholly disappears, and there is loss all along the line. In cattle the decrease has been 38,681; in sheep, 318,251; in pigs, 24,316. That is to say, in the province pre-eminently subjected for thirty-five years past to the improving process of emigration and consolidation,

public statistics attest that the extent of productive land has considerably diminished; whole districts of the depopulated area have relapsed from productiveness to waste; there is a ruinous declension in the sum total of agricultural wealth or produce, cattle, sheep, pigs, poultry, oats, wheat, barley, bere, potatoes, turnips—all have gone down.'

'This Irish misery is no mysterious problem. Irish poverty is created and manufactured before our eyes by a process as simple and direct as the scuttling of a ship. The real wonder would be if Irish farmers as a class were ever much above starvation level. For fifty years past the charge has been specifically urged on their behalf that for time out of mind extortionate rents left them no means of subsistence much above that of cattle. Since Sharman Crawford's time it has been explicitly charged that an excess of 5,000,000*l.* a year has been wrung from them. For eighteen months past this charge has been under investigation in the Queen's Courts by Land Commissioners. In the result, so far, it is judicially declared that the rents have been unfair or extortionate, on an average, to the extent of about 27 per cent. per annum. The rental of Ireland for thirty years past is estimated at fifteen or sixteen millions sterling; so that, at this rate, after allowing a margin for properties fairly rented, a yearly sum of at least 3,500,000*l.*, or more than 100,000,000*l.* since 1851, has been wrongfully squeezed out of Irish farmers. Ay, wrung out of them by a process as agonising as the courbash. 100,000,000*l.*! How many tragedies of humble life darken the background of those figures! How much of unrequited toil; how much of cruel injustice, of heart-sinking and hopelessness; of hunger and privation! If this hundred millions of money, or even half the amount, were in hand just now for settling Connemara cottiers on depopulated or reclaimable Irish land elsewhere, they would need no help from Mr. Tuke. The lowest computation I have ever seen, but which I have not tested, fixes at another 100,000,000*l.* the net loss—the direct and actual loss—to Ireland in the same period on the disastrous agricultural statistics already cited; while, as if to render inevitable the pauperisation of the country, within the same period the imperial taxation imposed on and drawn from Ireland has been increased from the yearly amount of 4,006,711*l.* in 1851 to 7,086,593*l.* in 1871. And this was on a falling population. The imperial taxation of Ireland stood at 12*s.* 2*d.* per head of population in 1851. It stood at 1*l.* 6*s.* 2*d.* per head in 1871—the last year for which parliamentary figures are forthcoming—an increase of 14*s.* per head per year. Within the same period the burden on rich and prosperous Great Britain, with an increasing population, has been lightened by a reduction of 3*s.* 3*d.* per head per annum.'¹

¹ From an article by the late A. M. Sullivan, M.P., in the *Nineteenth Century*, July, 1883.

APPENDIX D. (SPEECH, p. 207.)

THE IRISH LAND ACT OF 1870.

‘The Landlord and Tenant Act, 1870 (33 & 34 Vict. ch. 46), better known as the Irish Land Act, sought, according to those who were responsible for it, to accomplish three principal objects :

‘1. To obtain for the tenants in Ireland “security of tenure.” 2. To encourage the making of improvements throughout the country; and, 3, to create a peasant proprietorship in Ireland. The Act itself is divided into five parts. The first part deals with the occupation of land. The second part deals with its ownership, and endeavours to facilitate the purchase of their holdings by tenants from their landlords. The third part enables the Board of Public Works in Ireland to advance money for the purposes of the Act. The fourth and fifth parts contain some miscellaneous clauses and definitions in connection with this Act. Reference is here made only to those sections which materially affected the relation of landlords and tenants.

‘The Act made no alterations in the tenancies held under the Ulster Tenant Right custom; it merely gave legal sanction to, and enforced, the Ulster custom against the landlords of the estates which were subject to it. The tenants of these estates were secured the benefit of the custom, but not bound to hold under it, for any such tenant could abandon his right under the custom, and claim the rights given to all tenants by the statute.

‘What course should be adopted in obtaining for tenants, whose rights were to be regulated by the Act of 1870, “security of tenure” was a matter of the utmost difficulty. It was not possible in 1870 to state openly that free trade in land was the real cause of the renewed agitation of the Irish tenantry, or to propose that the rights of those who had invested their capital under a State guarantee in the purchase of lands in the Landed Estates Court should be diminished, without compensation, for the public benefit.

‘The law of Great Britain and Ireland had persistently refused to recognise any interest or co-proprietorship in the occupier of the soil apart from a mere permission to cultivate it. The land itself was the absolute property of the landlord, subject to the existing contracts under which it had been hired out to the tenants. The purchaser in the Landed Estates Court had purchased this absolute ownership in the land, subject only to the existing tenancies. By his purchase he was guaranteed the property in, and actual possession of, the land upon the termination of the tenancies in the schedule, and the protection of the law in the exercise of his legal right of determining the existing yearly tenancies. *The right of forcing the yearly tenants to pay the full market value of their farms, or of clearing them off the land, was notoriously put forward as an inducement to such purchasers.*

‘The framers of the Act dared not state openly (and it was constantly denied) that the object of this statute was to give the tenant any estate in the land, or to transfer to him any portion of the absolute ownership. *The Act, therefore, apparently gave the tenant no new*

rights, nor in anywise deprived the landlord of any; but attempted to effect its object in a circuitous manner by affixing what was essentially a penalty to the exercise of rights which it admitted to be legal. The Act in fact said to the landlords, "Your right to evict your tenants is incontestable; no one could dream of depriving you of what is most certainly your property; you may, of course, turn out your tenants as you like, but it shall be made so expensive a proceeding that you will think seriously before you attempt it." This was described as a process by which bad landlords were obliged to act as the good landlords did; *it might be more justly stated to be an enactment by which the amusement of evicting tenants was made a monopoly of the wealthier proprietors.*

'Thus the rights given to the tenants as against their landlords are not stated affirmatively in the statute; the rights of the tenant are, so to say, latent, *and cannot be exercised until the landlord has previously attempted to exercise his legal right of resuming the possession.* Until the landlord "disturbed" the tenant the rights of the latter were precisely the same as they were before the Act.'¹

APPENDIX E. (SPEECH, p. 222.)

DECLARATION OF PRINCIPLES.

MICHAEL DAVITT then read the following document:—

'The land of Ireland belongs to the people of Ireland, to be held and cultivated for the sustenance of those whom God decreed to be the inhabitants thereof. Land being created to supply mankind with the necessaries of existence, those who cultivate it to that end have a higher claim to its absolute possession than those who make it an article of barter, to be used or disposed of for purposes of profit or pleasure. The end for which the land of a country is created requires an equitable distribution of the same among the people who are to live upon the fruits of their labour in its cultivation. Any restriction, therefore, upon such a distribution by a feudal land system embodying the laws of primogeniture and entail, the amassing of large estates, the claiming of proprietorship under penal obligations from occupiers, and preventing the same from developing the full resources of the soil, must necessarily be opposed to the Divine purpose for which it was created, and to the natural rights, security, and happiness of the people.

"Before the Conquest," says John Stuart Mill, "the Irish people knew nothing of absolute property in land; the land virtually belonging to the entire sept. The chief was little more than the managing member of the association. The feudal idea which views all rights as emanating from a head landlord came in with the Conquest, was associated with foreign dominion, and has never to this day been re-

¹ *The Irish Land Laws*, by Professor Richey, Q.C., LL.D. (London, Macmillan & Co., 1880), chap. ix. pp. 62, 63, 64, and 65.

cognised by the moral sentiments of the people. Originally the offspring, not of industry, but of spoliation, the right has not been allowed to purify itself by protracted possession, but has passed from the original spoliators to others by a series of fresh spoliations, so as to be always connected with the latest and most odious of foreign invaders. The right to hold the land goes as it did in the beginning with the right to till it."

'The landlord system, which an alien Government has imposed upon our country in the place of that which recognised no intermediate ownership between the cultivator of the soil and the State, has reduced Ireland to a degree of poverty and social misery incompatible with the natural productiveness of the land and the progressive prosperity of other civilised nations. The area of Ireland and the natural wealth of its soil are capable of supporting from twelve to twenty millions of inhabitants, if restrictive land laws did not operate against the full development of the country's resources and the unfettered cultivation of the soil. Yet a population of eight millions, previous to the year 1847, was reduced by death, starvation, and exile, consequent upon an artificial famine and continued impoverishment, to a little over five millions at the present day.

'Decreased population, with its concomitant absorption of small holdings into large estates, has produced no beneficial change in the condition of the existing farming classes, who are compelled by the coercion of necessity, in the absence of manufacturing industry, to an acceptance of a non-alternative bargain in the shape of exorbitant rent in order to obtain the use of the soil. The dread of eviction or rack-renting must necessarily operate against that expenditure of labour and enterprise in the cultivation of the land and improvement of farm dwellings and premises which follow in every country where the fruits of the people's industry are protected by the State. Hence the soil of Ireland is worse and less cultivated, and the livings and habitations of its agricultural class more wretched, than in any country in the civilised world.

'Over 6,000,000 acres of Irish land are owned by less than 300 individuals, twelve of whom are in possession of 1,297,888 acres between them, while 5,000,000 of the Irish people own not a solitary acre. For the protection of the proprietorial rights of the few thousand landlords in the country a standing army of semi-military police is maintained, which the landless millions have to support, while the conduct of the landocracy in the exercise of its legal privileges occasions almost all the evils under which our people suffer. Thus the right of the soil cultivators, their security from arbitrary disturbance, and incentives to social advancement, together with the general well-being, peace, and prosperity of the people at large, are sacrificed for the benefit of a class insignificant in numbers, and of least account in all that goes towards the maintenance of a country; but which, by the aid of existing land laws, extracts some fifteen million pounds annually from the soil of Ireland without conferring any single benefit in return on the same or the people by whose industry it is produced. If the land in possession of, say, 744 landlords in this country was divided into twenty-acre farms, it would support in ease and comparative inde-

pendence over two and a half millions of our people. To substitute for such an unjust and anomalous system as the present land code one that provides an equal protection and solicitude for the social rights and well-being of the labouring millions as that shown for those of the wealthy but non-operative few, is the principle upon which enlightened statesmanship aims at following in modern times, in order to meet the just demands of that popular intelligence and awakening civilisation which requires the sweeping away of those feudal laws opposed to the social progress and ideas of the age. Sacrificing the interests of the few to the welfare of the many by the abolition of feudal land tenures, has laid the foundation of solid governments, and secured the contentment of peoples in most European countries. The interests of the landlords are pecuniary, and can be compensated; but the interests of the people of Ireland, dependent upon the produce of the soil, represent their very existence. In denouncing existing land laws, and demanding in their places such a system as will recognise and establish the cultivator of the soil as its proprietor, we desire that compensation be given the landlords for the loss of their interests when the State, for the peace, benefit, and happiness of the people, shall decree the abolition of the present system.

‘We appeal to the farmers of Ireland to be up and doing at once, and organise themselves, in order that their full strength may be put forth in behalf of their rights and their country in efforts to obtain what has brought security and comparative plenty to the farming classes of Continental countries. Without an evidence of earnestness and practical determination being shown now by the farmers of Ireland and their friends in a demand for a small proprietary, which alone can fully satisfy the Irish people or finally settle the great land question of the country, the tribunal of public opinion will neither recognise the urgent necessity for such a change, nor lend its influence in ameliorating the social condition or redressing the political wrongs of which we complain.

‘Let us remember, in the words of one of Ireland’s greatest sons, “That the land is the fount whence we all ultimately draw, and if the terms on which the land is cultivated be unfair, if the agricultural system of the country be unsound, then the entire structure is rotten, and will inevitably come down.” Let us never forget that mere appeals to the public to encourage native industry in other departments must be utterly futile as long as the great and paramount native industry of the farmer is neglected. In vain shall we try to rouse the national spirit if the very men who make a nation sink into paupers before our faces. Paupers have no country, no rights, no duties, and, in short, if we permit the small farmers to be reduced to pauperism, if we see them compelled to give up their lands and throw themselves on public relief, there is an end of Ireland.’

APPENDIX F. (SPEECH, p. 226.)

FOUNDATION OF THE IRISH NATIONAL LAND LEAGUE.

The meeting at which it was inaugurated was held on October 21, 1879, in the Imperial Hotel, Lower Sackville Street, Dublin, Mr. Andrew J. Kettle, Poor Law Guardian, in the chair.

The resolutions were as follow :—

Proposed by the Rev. Father Behan, and seconded by Mr. William Dillon, Barrister-at-Law, 'That an association be hereby formed, to be named "The Irish National Land League."'

Proposed by Mr. William Kelly, seconded by Mr. Thomas Roe, 'That the objects of the League are, first, to bring about a reduction of rack-rents; second, to facilitate the obtaining of the ownership of the soil by the occupiers of the soil.'

Proposed by Mr. Parnell, and seconded by the Rev. Father Sheehy, 'That the objects of the League can be best attained by promoting organisation among the tenant-farmers, by defending those who may be threatened with eviction for refusing to pay unjust rents, by facilitating the working of the Bright clauses of the Land Act of 1870 during the winter, and by obtaining such reform in the laws relating to land as will enable every tenant to become the owner of his holding by paying a fair rent for a limited number of years.'

Proposed by Mr. Sweetman, seconded by Mr. T. D. Sullivan, 'That Mr. Charles S. Parnell, M.P., be elected president of this League.'

Proposed by Mr. George Delany, seconded by W. H. Cobbe, 'That Mr. A. J. Kettle, Mr. Michael Davitt, and Mr. Thomas Brennan be appointed honorary secretaries of the League.'

Proposed by Mr. Patrick Commins, Poor Law Guardian, seconded by Mr. Lawrence M'Court, Poor Law Guardian, 'That Mr. J. G. Biggar, M.P., Mr. W. H. O'Sullivan, M.P., and Mr. Patrick Egan be appointed treasurers.'

Moved by Father Sheehy, seconded by Mr. Michael Davitt, 'That the president of this League, Mr. Parnell, be requested to proceed to America for the purpose of obtaining assistance from our exiled countrymen, and other sympathisers, for the objects for which this appeal is issued.'

Proposed by Mr. Thomas Ryan, seconded by Mr. J. F. Grehan, 'That none of the funds of this League shall be used for the purchase of any landlord's interest in the land, or for furthering the interests of any Parliamentary candidate.'

THE LAND LEAGUE RULES.

Rules for the Guidance of Branches.

'I. That a president, vice-president, treasurer, and secretary, and with them not less than seven members, be elected a committee for the general management of business.

‘II. That the officers shall be elected for the term of one year, subject to removal by a vote of the members of the branch.

‘III. That the election of officers shall take place by ballot.

‘IV. That the membership subscription shall not be less than one shilling each year, the subscription being based on Government valuations, as follows :—One shilling annually for first 5*l.* valuation and under, and an increase of one shilling for every additional 10*l.*

‘V. That all branches affiliated to the League shall forward, on the first day of each month, half of the funds in hand, and with it a monthly statement to the Central Executive.

‘VI. That the treasurers shall in all cases furnish members with regular Land League receipts for full amount of subscriptions paid, on forms supplied by the Central Executive, the counterpart of which shall be forwarded to the central offices.

‘VII. That all cards of membership shall be supplied by Central Executive, and will be furnished when Rule VI. has been complied with.

‘VIII. That no person shall be admitted to membership who does not give his adhesion to the principles of the League.

‘IX. That no one taking a farm from which another has been evicted for non-payment of unjust rent shall be allowed to become a member of any branch of the Land League.

‘X. That any member of a branch bidding for or occupying a farm from which a member or non-member has been evicted, or who shall rent land which a member or non-member may have surrendered on grounds of excessive rent or upon a refusal of a fair reduction of a rack rent, shall be expelled the branch for such action.

‘XI. That no man assisting to serve processes of ejection, or taking part in any eviction, or purchasing stock or produce seized for non-payment of a rack rent, be allowed the membership of any branch. Any member of a branch proved guilty of any of the foregoing acts to be at once expelled.

‘XII. That the managing committee of each branch of the League should keep a register of the members, particulars of their holdings, names of their landlords and agents, amount of rent paid annually or otherwise, excess of same above Government valuation, cases of rack-renting and eviction, and all the necessary particulars touching the relations of landlords with their tenants in the locality of such branch of the League, in books to be supplied by the Central Executive.

‘XIII. That all sectarian discussions be excluded from meetings.’

APPENDIX G. (SPEECH, p. 234.)

PROCESSES OF EJECTION IN 1879-80.

There were 16,626 processes of ejection entered at quarter sessions against tenants in the years 1879-80, menacing with possible evictions that number of *homes*, in which 83,130 persons resided.

For each of the two years it would represent 8,313 processes, or a possible eviction of 41,565 persons.

And for all Ireland the increase in the entering of these notices of ejectment during the distress years of 1879-80 was $87\frac{1}{2}$ per cent. over the average number of the previous twenty-five years.¹

APPENDIX H. (SPEECH, p. 238.)

LAND LEAGUE PROGRAMME OF LAND REFORM, 1880.

'PROGRAMME OF PARLIAMENTARY LAND REFORM TO BE SUBMITTED TO LAND CONFERENCE ON THURSDAY, APRIL 29, 1880.

'*The Land Act of 1870.*

'In 1870 Parliament, considering it "expedient to amend the law relating to the occupation and ownership of land in Ireland," passed what is known as the Land Act. This Act had for object—(1) To provide for the tenant security of tenure; (2) to vest in him the property which he created in his holding by the expenditure of his labour and capital; and (3) to enable tenants to become the owners of their holdings.

'To give effect to these objects provision was made to compensate for disturbance tenants evicted by the act of the landlord: to compensate for the loss of their improvements tenants voluntarily quitting their holdings or evicted for non-payment of rent, and to empower the Board of Works to advance money to tenants for the purchase of their holdings, where landlord and tenant had agreed for the sale of same. Has the Act succeeded in giving effect to the intentions of its authors? Has it established security of tenure for the tenant-farmers of Ireland? Has it secured to them the property which their industry and capital may have created in the soil? Has it prevented the arbitrary increase of rent? Or has it, even to a limited extent, established a peasant-proprietary? To these questions, we regret, there is but one answer—the Land Act has failed. The experience of the last ten years justifies this assertion. Within that period tenants have been capriciously evicted, rents have been arbitrarily increased, and improvements have been confiscated as if the Act had never existed. To check, if not to render impossible, eviction under notices to quit, provision was made (sec. 3) that where a tenant is "disturbed by the act of the landlord," the court having jurisdiction in the matter may award him compensation for the loss of his holding. The sum to be so awarded is subject to certain limits prescribed by the Act left to the discretion of the chairman (now the county court judge). For example—where a holding is valued at 10*l.* annually or under the sum awarded "shall in no case exceed seven years' rent." It was soon judicially decided that, according to the wording of the section, the judge might award the whole scale of compensation, or any part of it. This discretionary power vested in the court has left the position of the tenant-farmer more pre-

¹ From returns furnished by Clerks of the Peace in Ireland for the trial of the *Queen v. Parnell* in 1881.

carious than ever. In most cases he could not even hazard a guess as to what his rights were, as to what his compensation (if any) might be. In the adjudication of claims everything depends upon the skill and moral constitution of witnesses—upon the ability and uprightness of the judge. Where one chairman—a man of broad views, uninfluenced by class prejudices—might grant ample and fair compensation—a sum sufficiently large to deter a landlord from evicting his tenants—another, perhaps of narrow mind, and one who owed his appointment to landlord patronage, would allow no actual compensation whatever. To this inequality of justice, and to the risks and expenses which a tenant would undergo in order to assert his rights, may be attributed the failure of the Land Act to secure to the “industrious occupier the benefits of his industry,” and to protect him in quiet and peaceable possession of his home.

‘ Programme for Consideration of Conference.

‘Feeling convinced, then, that it is inexpedient to maintain and impossible to amend the present relations between landlord and tenant, the question presents itself, What measure of land reform do the exigencies of the situation demand? The Land Question in Ireland is the tangled heritage of centuries of one-sided class legislation, the successful solution of which will necessitate the greatest care and investigation, together with an anxious desire to do right on the part of all who approach its consideration. Time will be needed by the present House of Commons to inform itself as to the merits of a question which is only just commencing to be understood in Ireland, and is scarcely understood at all in England.

‘ Provisional Measure for Suspension of Power of Ejectment, etc., for Two Years.

‘We, therefore, recommend as an *ad interim* measure, in view of the desperate condition of the country, until comprehensive reforms can be perfected, that a Bill should be pushed forward with all speed suspending for two years ejectments for non-payment of rent, and for overholding, in the case of all holdings value at 10*l.* a year and under, and suspending for a similar period of two years in the case of any holding whatsoever the right of recovering a higher rent than the poor-law valuation.

‘ Proposals for Permanent Reform.

‘Next, as to the permanent reform of land tenure in Ireland, we are of opinion that the establishment of a peasant proprietary is the only solution of the question which will be accepted as final by the country. The Land Act created, as between landlord and tenant, an irregular partnership in the ownership of the land, giving to the former a right to rent for his interest in the soil, and to the latter a right to compensation for the loss of his property therein. Now we venture to assert that this system, whereby two opposing classes have valuable interests in the same property, must cease to exist. The well-being of the State, the preservation of the people, the peace and prosperity of

the country, demand the dissolution of a partnership which has made financial ruin and social chaos the normal condition of Ireland; and the time has arrived when Parliament must decide whether a few non-working men or the great body of industrious and wealth-producing tillers of the soil are to own the land.

'Creation of a Department of Land Administration for Ireland.

'To carry out the permanent reform of land tenure referred to, we propose the creation of a department or commission of land administration for Ireland. This department would be invested with ample powers to deal with all questions relating to land in Ireland:—

'1. Where the landlord and tenant of any holding had agreed for the sale to the tenant of the said holding, the department would execute the necessary conveyance to the tenant, and advance him the whole or part of the purchase money, and upon such advance being made by the department such holding would be deemed to be charged with an annuity of 5*l.* for every 100*l.* of such advance, and so in proportion for any less sums, such annuity to be limited in favour of the department, and to be declared to be repayable in the term of thirty-five years.

'2. Where a tenant tendered to the landlord for the purchase of his holding a sum equal to twenty years of the poor-law valuation thereof, the department would execute the conveyance of the said holding to the tenant, and would be empowered to advance to the tenant the whole or any part of the purchase money, the repayment of which would be secured as set forth in the case of voluntary sales.

'3. The department would be empowered to acquire the ownership of any estate upon tendering to the owner thereof a sum equal to twenty years of the poor-law valuation of such estate, and to let said estate to the tenants at a rent equal to $3\frac{1}{2}$ per cent. of the purchase money thereof.

'4. The department or the court having jurisdiction in this matter would be empowered to determine the rights and priorities of the several persons entitled to or having charges upon or otherwise interested in any holding conveyed as above mentioned, and would distribute the purchase money in accordance with such rights and priorities, and when any monies arising from a sale were not immediately distributable, the department would have a right to invest the said monies for the benefit of the parties entitled thereto.

'Provision would be made whereby the Treasury would from time to time advance to the department such sums of money as would be required for the purchases above mentioned.

'Easy Transfer of Land, Compulsory Registration, etc.

'To render the proposed change in the tenure of land effectual it would be necessary to make provision for the cheap and simple transfer of immovable property. To effect this an organic reform of the law of real property would be requisite. The Statute of Uses should be repealed, distinctions between "legal" and "equitable" interests abolished, and the law of entail swept away. In short, the laws re-

lating to land should be assimilated as closely as possible to the laws relating to personal property. The Landed Estates Court would be transferred to the Department of Land Administration, its system of procedure cheapened and improved. In each county in Ireland there would be established a registry office wherein all owners of land would be compelled to register their titles, wherein also would be registered mortgages and all charges and interests whatsoever. Titles so registered (in accordance with rules provided for the purpose) would be made indefeasible.

‘With such a system of registration established and legal phraseology in conveyancing abolished, a holding of land might be transferred from one owner to another as cheaply as a share in a ship or money in the funds, and thus no apparent obstacle would stand in the way of the Department of Land Administration from carrying out the reforms which we have suggested, reforms which, it may be hoped, will bring prosperity and contentment to an impoverished and distracted country.

‘(Signed) CHARLES S. PARNELL.
J. J. LOUDEN.
A. J. KETTLE.
WM. KELLY.
PATRICK EGAN.’

APPENDIX I. (SPEECH, p. 288.)

INTERESTING SAMPLE OF (OLD) BOYCOTTING.¹

‘They (“Association for the Protection of the Protestant Interest,” Edinburgh) established other societies in every part of the kingdom, with which they corresponded: they collected large funds by means of the subscriptions of those whom they terrified into the belief that the days of popery and persecution were again at hand, unless averted by their exertions; and they were in this way enabled to scatter about everywhere vast numbers of the most violent handbills, pamphlets, and other writings, calling upon the people to do nothing less than to extirpate the whole body of their Catholic brethren from the land. One of the publications for instance, which was extensively dispersed either by the Association or by some of their partisans, gave the following directions for the treatment of this unfortunate class of persons: “Have no dealings with them; neither buy from them nor sell them anything; neither borrow nor lend with them; give them no visits, nor receive any from them.

“In order to do this effectually, let the ministers, elders, and heads of families, of any parish in Scotland, who have declared against the repeal, and who approve of such declarations, meet by themselves; and let them make a list of the papists within their bounds, containing their names, callings, and places of abode, and publish it, that all men may know them; and let each parish make a solemn public resolution

¹ From *Sketches of Popular Tumults*, p. 32. London: C. Knight & Co., 22 Ludgate Street, 1837.

to drop all intercourse with papists; particularly bearing in mind that they will not for the future employ papists in any business whatsoever; that they will not buy nor sell with them, nor willingly keep them company; and that whosoever within their bounds acts contrary to this resolution, shall be reputed a papist and dealt with accordingly." This is, in plain language, as much as to say, "Do not gather together and hunt the Catholics out of the country—that is not necessary—starve them out of it. If they and their children are hungry, and come to you to purchase bread, refuse the money—turn from them, however long or closely you may have been connected with them in the intercourse of business or of acquaintanceship, and leave them to perish. They are few and utterly helpless: a single family perhaps is all the parish contains; it is evident, therefore, that if you follow this plan of treating them they will not be able to hold out long. If they do not take flight, they must lie down and die where they are."'

APPENDIX J. (SPEECH, p. 298.)

' AGRARIAN ' CRIMES AND THREATENING LETTERS.

Year	Evicted Families	Agrarian Crimes	Threatening Letters and Notices	
1879 . . .	1,238 . . .	863 . . .	473 . . .	1879
1880 . . .	2,110 . . .	2,589 . . .	1,337 . . .	1880
1881 . . .	3,415 . . .	4,439 . . .	2,191 . . .	1881
1882 . . .	5,201 . . .	3,432 . . .	2,009 . . .	1882
	<u>11,964</u> . . .	<u>9,023</u> . . .	<u>6,010</u>	
Total 'Agrarian' Crimes				9,023
Of which number there were threatening letters and notices				6,010
Total 'Agrarian' Crimes, other than threatening letters				<u>3,013</u>

In the same return (Arthur Charlesley's) the following crimes are particularised as 'agrarian,' and are included in the 3,013 of the preceding figures: 'rape,' 'administering poison,' 'other offences,' 'burglary and housebreaking,' 'highway robbery,' 'robbery,' 'taking and holding forcible possession,' 'sacrilege,' 'demand of money,' 'pound breach,' 'injury to places of worship,' 'injury to, or attempt to injure, railway trains and highways,' 'injury to telegraph,' 'perjury,' 'levying contributions,' 'administering unlawful oaths,' 'riots and affrays,' 'illegal shearing of sheep;' while the one item, 'injury to property,' monopolises 980 of the 3,013 crimes which are left for distribution among the foregoing (and other more or less specific) 'agrarian' crimes, included in the above figures.¹

¹ From returns put in by the *Times* witness, Arthur Charlesley, on Jan. 17, 1889.

‘MEMORANDUM OF INSTRUCTIONS TO ORGANISERS AND OFFICERS
OF THE BRANCHES OF THE LAND LEAGUE.

‘In no period of the League’s existence was it so absolutely necessary for the tenant-farmers and labourers throughout the length and breadth of the country to keep a firm grip upon and control over their passions and indignation at wrongs perpetrated and injustice threatened than at the present hour. The evil system which has so long been the curse of their families and existence is now gasping out its criminal life in face of the whole world—dethroned, discredited, and on the point of being destroyed by the stern but passionless action of a united and indignant people through the means of a bloodless revolution. To consummate its death should be the effort of every member of the League, to have the civilised world bend back its thumbs and give sanction to that decree against landlordism should be the aim and desire of every man upon whom it has inflicted injuries. How is this to be effected? To show the world that the just use of organised strength is to remedy present evils, and not to avenge past wrongs—to convince our enemies that we have at last learned how to evolve out of ourselves, build up, and control a power which can be directed by judgment and reason in the practical amelioration of our wrongs and grievances, instead of allowing it to fall a prey to that intoxication of purpose and unsystematic action which have hitherto purchased the defeat of the people’s cause. To effect this object demands no sacrifice from any man in our ranks but that of temper and passion; to see it triumph requires no action but such as the League points out in its teachings and rules. Firm and determined attitude in making just demands without violence—to enforce what intelligent, legal, and resolute combination can obtain—enunciation of just principles and motives to convince where intimidation entails a conflict with law—arguments and motives based upon right and common good, when born of deep and honest conviction, will be found a more potent agency in furthering the cause of free land, and helping the League in winning it for the people, than means which jar upon the public mind and tend to alienate the sympathy of outside observers. Threatening letters are as unnecessary as they are stupidly criminal and unjustifiable; and we feel assured that no member of our organisation has resorted to such a method of making just demands which invites the stigma of cowardice and clumsily plays into the hands of the landlords. If a just right cannot fearlessly be demanded by a victim of landlord power when a powerful organisation is at his back to protect him, he deserves neither a concession from the landlord nor assistance from the League in obtaining it.

‘In speaking of injuries inflicted upon dumb animals, we cannot for a single instant believe either the numerous reports of these monstrous outrages which the landlord organs are publishing, or that a single man within the ranks of our organisation would be guilty of participating in the few cases which we are sorry to say have been authenticated. No injustice in the power of Irish landlordism to perpetrate upon our people could justify in the least degree the unfeel-

ing brutality which inflicts injuries or suffering upon harmless and defenceless animals, in revenge for the wrongs committed by their owners. While dwelling upon this painful subject we would point out to the officers of the various branches throughout Ireland the advisability of informing the executive of the League of any outrage occurring in the locality, in order that reliable information may be at hand to correct the vicious exaggeration given to insignificant occurrences by the landlord organs. Agents of the Associated Press throughout the country are known to have manufactured outrages near their districts in order to turn them to account in obtaining money by feeding the criminal appetite of English readers; and it is well to remind those gentlemen that, while the privileges of the press entitle them to publish facts and make any just or fair comments thereon, deliberate concoction of outrages will be looked upon as real outrages upon the character and name of the Irish people. A fair and judicious use of the power of combination against the enemies of the people, traitors to the League, or instruments of unjust eviction or other landlord injustice, will work the requirements of our movement in the present crisis without any resort to means or methods which would offer a pretext for foul play against the organisation or estrange the moral support of public opinion outside of Ireland from a just and noble cause.

‘Respectfully submitting the foregoing suggestions, we remain your obedient servants,

‘THE EXECUTIVE OF THE
IRISH NATIONAL LAND LEAGUE.

‘Offices of the Land League,
39 Upper Sackville Street, Dublin,
December 13, 1880.’

*Extract from Mr. Davitt's Anti-Dynamite Letter, published in
March, 1883, and read at page 5601 of the Evidence.*

‘It is true, and I regret it exceedingly, that Patrick Ford is represented in late despatches as having gone in with the dynamite party, and this acquisition, if really made, will lend to it a power which it could never otherwise obtain. From “spreading the light” to educate, to advocating dynamite, which must destroy the movement of social reform, is an extraordinary change, indeed, in the opinions of a man who has been so strenuous a supporter of the moral force doctrine; and I can hardly believe that Patrick Ford has altogether abandoned reason for Rossa. Principles of reform, intelligently and fearlessly propagated, are far more destructive to unjust or worn-out systems than dynamite bombs, which only kill individuals, or knock down buildings, but do no injury to oppressive institutions; and that man must be politically blind who cannot see that the firing of ideas of ameliorative social reform into the heads of England's toiling millions is infinitely more likely to hasten the solution of our own national and social problems than will be the blowing down of houses and the killing of innocent persons among these very millions. Any course of action on the part of Irishmen that would be calculated to consolidate thirty millions of

people into a unit of deadly antagonism against every form of Irish political movement—and perhaps of retaliation upon seven millions of our race in Ireland and Great Britain—must be the proposition of a madman. The dynamite theory is the very abnegation of mind, the surrender of reason to rage, of judgment to blind, unthinking recklessness, and can only be equalled in unconscious imbecility by advocating the substitution of gunpowder for coal, to hasten the process of generating steam.'

APPENDIX K. (SPEECH, p. 329.)

THE 'TIMES' WITNESS DELANEY.¹

Sept. 5, 1889.

[Copy.]

To Dr., &c.

.....
Dublin

or elsewhere.

Hon Doctor,—I most humbely and respectfully request now after my long years of imprisonment *that you will see the promesses which was gave to me fulfilled.*

All other men who has been produced as crown witnesses was liberated. I am kept in prison now going on 7 years. *You know I have done all that any man could do both given important information and as a witness.*

Still the exception is made with me. I am kept in prison and persecuted.

I petitioned several times and got no reply, every other prisoner who petitions get a reply. I get no reply.

I never thought that the Government would treat me in such a way, or that an Hon Gentleman like you would allow it after all the promesses which you gave to me.

I have done all which you asked me to do honestly and faithfully, and still I am persecuted, not only myself, but my poor Wife and childern.

Hon. Doctor, all I ask is that you will fulfill the promesses which you made to me, not only for my sake, but for the sake of my poor Wife and childern.

I am, Your most humble and obedient Servant, &c.

PATRICK DELANEY,
Maryboro prison.

¹ *Freeman's Journal*, September 14, 1889.

APPENDIX L. (SPEECH, p. 347.)

FRANK BYRNE—ANTERIOR TO THE LAND LEAGUE.

To the Editor of the 'Irishman.'

'Sir,—“An Ex-member of the Home Rule League,” in your issue of last week, speaking of the income of the Confederation, says those who subscribe the money have never been vouchsafed a word of information as to what has been done with it. This is absolutely untrue. A balance-sheet is issued every three months. Yours truly,

'FRANK BYRNE, Assist. Sec.

'Home Rule Confederation of Great Britain.'¹

'The executive expects that branches of the Confederation which through any cause have become dormant or inactive will hasten to assume a vigorous position without delay. Vigour, energy, and determination must be the rallying cries on every side. The executive have appointed a special committee, consisting of Mr. John Ferguson, of Glasgow, and Messrs. J. Coffey and F. H. O'Donnell, of London, to prepare a statement on the necessities of the situation, to be forwarded to the Home Rule leader, Mr. Butt, previous to the Conference of Irish members, in Dublin, at the end of the month. The special committee unite with the executive in hoping that the report which they have to make shall be accompanied and confirmed by the patriotic declarations of the hundred local organisations representing the Irish nation in Great Britain.—By order of the executive,

'F. H. O'DONNELL, Vice-Pres. and Hon. Sec.

'F. BYRNE, Acting Gen. Sec.'²

A PARALLEL CASE TO 'THE 100%. CHEQUE.'³

After some discussion Mr. Mitchell-Henry asked whether the Confederation of England, which received a loan of a very considerable sum from the League, has returned any portion or the whole of what it borrowed?

Chairman—There is nothing on the report about that at all.

Mr. Ferguson—I was one of those who objected to that loan—it amounted to 300%. It was suggested by Mr. Butt, both on the other side of the water and on this, that the money should be given to bring the Confederation into existence, and to pay some preliminary expenses which were very considerable for a National Conference. 200% being the price necessary to hold a National Conference in Dublin, the men of the Confederation have since held five or six more extensive conferences, and did not get any more loans.

Mr. Butt stated that the money was voted as a grant to the Confederation—not as a loan.

¹ From *The Irishman*, August 5, 1876.

² From the *Dublin Weekly News*, January 27, 1877.

³ From the Proceedings of the general meeting of the Home Rule League, Dublin, Tuesday, Feb. 4, 1879; reported in the *Freeman's Journal*, Feb. 5, 1879.

Mr. Goulding, treasurer of the Confederation, said that that body was absolutely without funds.

Mr. Butt suggested that a statement of the receipts and expenditure from the commencement of the existence of the League up to the present time should be prepared, and the matter dropped.

‘Dublin: Feb. 21, 1877.’¹

‘DEAR SIR,—At last meeting of Council Mr. Mitchell Henry’s letter, stating that he could not act on the Council of the Confederation, having been read, it was resolved:—

“‘That Mr. Richard O’Shaughnessy, M.P., be appointed our representative on the Council of the Confederation in place of Mr. Henry, M.P.’”

‘I understand that Mr. O’Shaughnessy, M.P., is willing to accept the position. I have duly notified him of his appointment.

‘I am, dear Sir, yours faithfully,

‘J. P. McALISTER, Acting Sec.

‘Mr. Frank Byrne,

‘A. G. Sec. I. H. R. Confederation,

‘Great Britain.’

The ‘Mr. Richard O’Shaughnessy, M.P.’ here alluded to, and whose appointment to the Council of the Home Rule Confederation of Great Britain was thus notified to Frank Byrne, is now, and has been for some years, a prominent official in Dublin Castle.

APPENDIX M. (SPEECH, p. 352.)

‘THE JOE BRADY STORY.’²

‘*The History of Tuam. Chapter xliii. The Burkes of Glynisk, Knocknagur, and Tuam.*

‘A story is told of Sister Marion Burke which is eminently characteristic of her goodness of heart and superabundant charity. It is said she was asked to visit Joe Brady, the murderer of her brother, and who could not be induced by the gaol chaplain, or any influence or persuasion, to forgive James Carey. . . . The case seemed hopeless until, in a bright moment of inspiration and of grace, the thought occurred to ask the sister of Mr. Burke to use her gentle influence to win back a lost soul to ways of Christian feeling. The good nun eagerly seized the opportunity, and, without disclosing her name and family, sought the lonely prisoner in his cell in Kilmainham. . . . Sister Marion Burke still lives and labours in the cause of religion, but that one act alone serves to render her name imperishable. . . . A Tuam girl, we have reason to be proud of that noble Christian act. . . .’

¹ From the Minute Book, Home Rule League.

² From the *Tuam* (Co. Galway) *Herald* of April 27, 1889, p. 4, col. 1.

Since 'the Joe Brady story' was related in the speech the following paragraph from *United Ireland*, of the 26th of May, 1883, has been brought to Mr. Davitt's notice :

‘ *Joe Brady.*

‘ The following touching incident is related as having happened in the last hours of Joe Brady's life, and is from a perfectly reliable source. “ The Sisters of Mercy from Golden-bridge Convent, whose Superioress is a cousin of the late Thomas Henry Burke, attended Brady daily from the day of his condemnation till six o'clock on Sunday last. His greatest difficulty in preparing for death was that he could not forgive Carey. On Sunday evening, when Mother — was taking leave of him, he thanked her warmly for all her goodness to him, and begged she would go, on the 14th, to visit and console his mother. Having promised to do so, she said :— ‘ And now I want you to promise me something. Say you will grant my request.’ He became greatly agitated, knowing what she meant. At last he said, ‘ I will.’ ‘ It is,’ she said, ‘ that you will forgive Carey, and will make no speech at the gallows.’ He threw his hands above his head and wrestled with himself, and finally exclaimed bitterly, ‘ It is hard ; but I do forgive him, hoping that God will forgive me.’ ” ’

Extract from a letter which appeared in the *Daily Express* (Dublin) of November 6, 1889 :

‘ Mr. Davitt, not being quite accurately informed as to the degree of relationship between the victim of the murders and the nun who brought peace and consolation to the repentant criminal, spoke of her as Mr. Burke's sister. Some persons, knowing nothing of the facts of the case, but happening to be aware that Mr. Burke had but one sister, who is not a nun, and who was not in Dublin at the time in question, seem hastily to have come to the conclusion that Mr. Davitt's story is a mere myth.

‘ Mr. Davitt's story, except as regards the error as to the degree of relationship between the charitable nun and the victim of the murder, is perfectly true. Brady was visited in prison, not by Mrs. Eaton, whose name has been most unwarrantably brought into the newspapers, nor indeed by any of the Sisters of Charity, but, as Mr. Davitt correctly stated, by a Sister of Mercy, Mother Magdalene Kirwan, well known in Dublin as the Sister in charge of the Reformatory at Golden-bridge, one of the suburbs of the city. Mrs. Kirwan was a near relative of the late Mr. Burke. The precise degree of relationship was that of first and second cousins, or, as it is sometimes expressed, first cousins once removed. Mrs. Kirwan was a first cousin of the father of Mr. Burke.

‘ WILLIAM J. WALSH,
‘ Archbishop of Dublin.’

APPENDIX N. (SPEECH, p. 359.)

THE GOVERNMENT LAND COURTS VINDICATING THE LAND LEAGUE AGITATION.

Total number of cases dealt with from the passing of the Land Act in August, 1881, down to the issue of the last published Report of the Commission in August, 1887 :—

I. Sub-Commission Judicial Rents	84,158
II. Rents by Agreement lodged with Commission	84,672
III. County Courts Judicial Rents	7,640
IV. Rents by Agreement lodged with County Courts	6,488
V. Valuers' Rents	839
VI. Rents by Arbitration Award lodged with Commission	21
VII. Rents by Arbitration Award lodged with County Courts	2
Total	183,820

Table (VIII.) showing the Tenement Valuation; the Former and Judicial Rents; the Yearly Rate of Reduction; and the Ratio of the Former and Judicial Rents to the Valuation, in the Cases dealt with by the Sub-Commissions.

Year	Tenement Valuation	Former Rents	Judicial Fair Rents	Ratio of the Former Rent to the Valuation ¹	Rate of Reduction	Ratio of the Judicial Fair Rent to the Valuation ¹
	£	£	£		Per cent.	
1881-2	224,541	316,111	251,158	140·8	20·5	111·8
1882-3	458,347	623,769	501,993	136·1	19·5	109·5
1883-4	348,275	467,583	380,013	134·3	18·7	109·1
1884-5	97,178	127,297	104,168	130·9	18·1	107·2
1885-6	50,099	65,817	49,918	131·4	24·1	99·6
1886-7	61,491	76,407	52,431	124·3	31·3	85·2

¹ Taking the Valuation as the standard, at 100.

The ratio of the judicial rents that had been fixed in 1881-2 to those that were not fixed until 1886-7 was that of 111·8 to 85·2, *an excess of 31·2 per cent.* In other words, in this latter year the tenants who had had the ill-luck to have recourse to the Land Courts when those tribunals were first opened found themselves burthened with judicial rents 31·2 *per cent. in excess* of those that were then being fixed for their neighbours who had had the patience to wait, and whose circumstances had made it possible for them to do so.

For the 176,000 tenants whose rents had been judicially fixed on the higher scales of 1881-2 and the three following years further recourse to the Courts was, of course, impossible. A remedy for this state of things was subsequently provided by Parliament, but not until too late to be of effective use in saving the country from a state of

ferment not far removed from social disorganisation. The remedy not only came too late; it was a miserably inadequate remedy when it came.

Table (VII) showing the Cases in which Fair Rents were judicially fixed by the County Court Judges during the Six Years ended August 21, 1887.

Year	Number of Cases	Former Rents	Judicial Fair Rents	Rate of Reduction
		£	£	Per cent.
1881-2	1,455	22,673	17,676	22·0
1882-3	1,686	25,831	20,135	22·0
1883-4	3,246	47,616	38,073	20·1
1884-5	720	12,013	9,778	18·6
1885-6	234	5,584	4,323	22·5
1886-7	318	6,859	4,931	28·1
1881-7	7,640	119,568	98,143	21·2

The following is a statement of the percentage of the reduction in the aggregate of cases judicially dealt with in the six years, whether by the Sub-Commissions or in the County Courts:—

1881-2, Total Reduction, 20·5 p. c.	1884-5, Total Reduction, 18·2 p. c.
1882-3, " " 19·6 "	1885-6, " " 24·0 "
1883-4, " " 18·9 "	1886-7, " " 31·1 "

Table (VI) showing the Cases in which Fair Rents were judicially fixed by the Sub-Commissions during the Year ended August 21, 1887.

Province	Number of Cases	Former Rents	Judicial Fair Rents	Rate of Reduction
		£	£	Per cent.
Ulster	983	12,436	9,513	23·5
Leinster	894	26,321	17,181	34·7
Connaught	1,289	17,189	10,958	36·2
Munster	739	20,460	14,778	27·7
IRELAND	3,905	76,407	52,431	31·3

The official returns furthermore show that *in fourteen counties* the average rate of reduction for the year was *over 30 per cent.*, and that *in two out of the four provinces of Ireland* it was *over 34 per cent.* The following are the exact figures of the average rate of reduction in each case:—

In Kilkenny . . .	38·4 per cent.	In Galway . . .	37·2 per cent.
„ King's Co. . .	38·6 „	„ Leitrim . . .	39·3 „
„ Longford . . .	40·3 „	„ Roscommon . . .	36·1 „
„ Louth . . .	35·8 „	„ Sligo . . .	34·7 „
„ Queen's Co. . .	35·3 „	„ Kerry . . .	31·4 „
„ Wicklow . . .	37·2 „	„ Waterford . . .	32·6 „
„ Mayo . . .	31·9 „	„ Carlow . . .	40·1 „
PROVINCE OF LEINSTER	34·7 „	PROVINCE OF CONNAUGHT,	36·2 ¹ „

APPENDIX O. (SPEECH, p. 369.)

'A SMALL CHAPTER OF "TIMES" HISTORY.

'Various are the conjectures respecting the rattling of the "Times." Some allege that it was pique on the part of Mr. Walter at being refused a baronetcy. If it were so, the refusal was injudicious. As was once said to the writer, by one who took a leading part in these transactions, "if they had given him a dukedom it would not have been too high a rate of purchase for the advocacy of the great journal." It is said, too, that its advocacy was purchased by the Conservative Club at no less than eighty thousand pounds, and that Lord Ashburton alone contributed fifty thousand of the money. Whatever may be the cause of the change, the change took place, and its support commenced by announcing that the Duke (of Wellington) would march in the spirit of the times, and grant extensive reforms. The first consequence of this tergiversation on the part of the "Times" was an enormous diminution of its circulation.'

APPENDIX P. (SPEECH, p. 104.)

PIGOTT'S CONFESSION.

At page 104 the President objected to the following statement:

'It has come to my knowledge, through Pigott's servant, that he confessed to her he had told the "Times"—(here the President interrupted)—before the case of *O'Donnell v. Walter* went into Court, that he could not, if put in the witness-box, sustain the story about the letters.'

¹ From 'The Irish Land Question and its Statistics,' an article in the *Contemporary Review* for November, 1888, by His Grace Archbishop Walsh.

² *Life and Times of Daniel O'Connell*, by William Fagan, Esq., M.P., vol. ii. pp. 324-5. Simpkin, Marshall, & Co., London, 1848.





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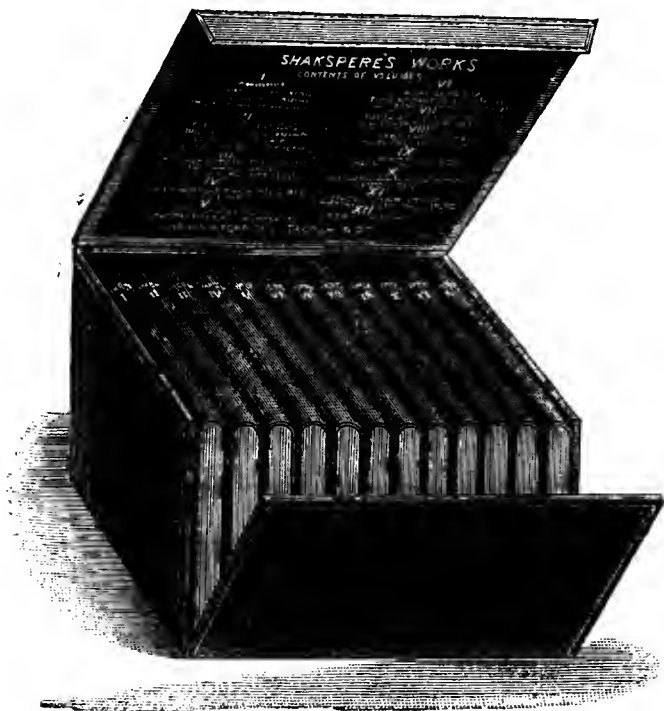
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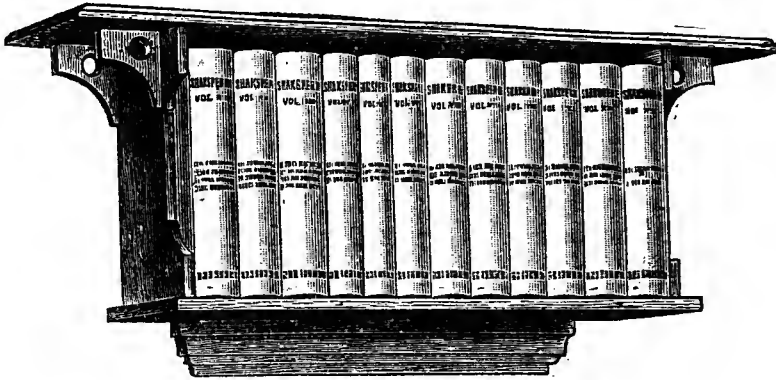
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