

# The Dock and the Scaffold eBook

## The Dock and the Scaffold

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

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

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

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

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



# Contents

<a href="#">The Dock and the Scaffold eBook.....</a>	<a href="#">1</a>
<a href="#">Contents.....</a>	<a href="#">2</a>
<a href="#">Table of Contents.....</a>	<a href="#">4</a>
<a href="#">Page 1.....</a>	<a href="#">5</a>
<a href="#">Page 2.....</a>	<a href="#">6</a>
<a href="#">Page 3.....</a>	<a href="#">7</a>
<a href="#">Page 4.....</a>	<a href="#">8</a>
<a href="#">Page 5.....</a>	<a href="#">9</a>
<a href="#">Page 6.....</a>	<a href="#">10</a>
<a href="#">Page 7.....</a>	<a href="#">11</a>
<a href="#">Page 8.....</a>	<a href="#">13</a>
<a href="#">Page 9.....</a>	<a href="#">14</a>
<a href="#">Page 10.....</a>	<a href="#">16</a>
<a href="#">Page 11.....</a>	<a href="#">18</a>
<a href="#">Page 12.....</a>	<a href="#">19</a>
<a href="#">Page 13.....</a>	<a href="#">21</a>
<a href="#">Page 14.....</a>	<a href="#">22</a>
<a href="#">Page 15.....</a>	<a href="#">23</a>
<a href="#">Page 16.....</a>	<a href="#">24</a>
<a href="#">Page 17.....</a>	<a href="#">25</a>
<a href="#">Page 18.....</a>	<a href="#">26</a>
<a href="#">Page 19.....</a>	<a href="#">27</a>
<a href="#">Page 20.....</a>	<a href="#">28</a>
<a href="#">Page 21.....</a>	<a href="#">29</a>
<a href="#">Page 22.....</a>	<a href="#">30</a>



Page 23..... 31

Page 24..... 33

Page 25..... 35

Page 26..... 37

Page 27..... 39

# Table of Contents

Section	Table of Contents	Page
Start of eBook		1
DECLARATION OF MICHAEL LARKIN.		1
DECLARATION OF MICHAEL O'BRIEN.		1
THE CRUISE OF THE JACKNELL		2



# Page 1

## DECLARATION OF MICHAEL LARKIN.

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

Farewell, dear Ireland, for I must leave you, and die a martyr for your sake. Farewell, dear mother, wife, and children, for I must leave you all for poor Ireland's sake. Farewell, uncles, aunts, and cousins, likewise sons and daughters of Erin. I hope in heaven we will meet another day. God be with you. Father in heaven, forgive those that have sworn my life away. I forgive them and the world. God bless Ireland!

MICHAEL LARKIN.

## DECLARATION OF MICHAEL O'BRIEN.

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

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

MICHAEL O'BRIEN.



## Page 2

So ends the story of the memorable events which gave three new names to the list of Ireland's martyrs; so closes the sad and thrilling record which tells how Allen, Larkin, and O'Brien died. Over the neglected plot in which their calcined remains are lying no stone stands inscribed with their names—no emblem to symbolize their religion or their nationality. But to that gloomy spot the hearts of the Irish people will ever turn with affectionate remembrance; and the day will never come when, in this the land that bore them, the brave men whose ashes repose within it will be forgotten.

\* \* \* \* \*

### THE CRUISE OF THE JACKNELL

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

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

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

## Page 3

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

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

## Page 4

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

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

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

This was the course adopted. How it was carried out, the Attorney-General, with whatever degree of authority may attach to his words in such a case, has thus described:—



## Page 5

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

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



## Page 6

About the 26th of May the ship left the Sligo coast. On the 1st of June she arrived at Dungarvan. During the voyage councils were held on board. Provisions were running short, and they could not remain much longer at sea. These matters were made the subjects of discussion. Some were for going to America, and some for landing; and at last the conclusion was arrived at that the majority of the officers should be landed, and that the others should go either to America or to the Western Isles—the Hebrides. They hailed a large fishing boat, and offered the man on board L2 to put two men on shore. He went on board the brigantine, and when he did so, twenty-eight men who were hitherto concealed, rushed on board his ship. He asked them if he would land them at Helwick Point, and they said no, because there was a coastguard station there. They were eventually landed about two miles from that point, and they were compelled to wade through water three-and-a-half feet deep to the shore.

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

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

We found the cargo to consist of 5,000 rat-tail files, of different sizes and descriptions. Then there were several smaller files that mechanics carry in their pockets; then again there was the flat file, in respectable numbers, that are used for cutting on either edge, and that are carried in sheathes, to prevent the mechanics from cutting their neighbours' fingers. These files were to be distributed to the paupers in Ireland, to enable them to sharpen their teeth, so that they could masticate animal food at the grand barbecue that was to be given on the landing of our vessel. Another portion of the cargo was 200,000 puff-balls and sugar-plums, for gratuitous distribution among our English friends and brethren in Ireland.

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



## Page 7

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

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

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

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

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

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

have at heart; for all which the name of Colonel Warren will long be held in honour and in grateful remembrance among his countrymen.

## Page 8

[Illustration: COLONEL WARREN]

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

Other Irishmen, naturalized citizens of America, had previously been tried and sentenced for Fenian practices, including acts done and words spoken by them in America, which would not have come within the cognizance of the court had they been tried otherwise than as British subjects; and in their addresses to the court they had made reference, proudly and hopefully, to the fact that they were adopted sons of that great country; but none of them had struck upon a course so well calculated as that taken by Colonel Warren to raise the international question, and necessitate a distinct and speedy solution of it. He had a good case to go before the jury, had he allowed himself to be legally defended, and he was perfectly aware of that fact; but he clearly perceived that, by taking the other course, whatever might be the consequences to

## Page 9

himself, he would be able to render better service, both to his adopted country and his native land. He took that course, and it is, therefore, that he is to-day in a British convict prison, far away from his home and friends, from his wife and his children, subject to all the restraints and indignities imposed by England on the vilest and meanest of her criminals, and with a term of fifteen years of such treatment decreed to him. Let us be able to say at least, that his countrymen are not unmindful of the sacrifice.

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

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

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

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

WARREN—I desire, in the first place, to explain, while ignoring the jurisdiction of this court to sentence me, and while assuming my original position, my reasons for interfering in this case at all. I can see beyond my present position, the importance of this case, and I was desirous to instruct the jury, either directly or indirectly, of the importance of their decision, while never for a moment deviating from the position which I assumed. I submit that I effectually did that. They incautiously, and foolishly for

themselves and the country of which they claim to be subjects, have raised an issue which has to be settled by a higher tribunal than this court.

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

## Page 10

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

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

THE CHIEF BARON—Certainly not; but I am bound in point of law to refuse to hear you upon any matter respecting the verdict. We are bound by that verdict just as much as you are. That is the law. PRISONER—What position do I stand in now, my lord? I have been indicted with a number of parties, one of whom had been identified in America. I have been tried and convicted. What position do I stand in now? Am I convicted on the evidence of Corydon, who swears that I belonged to the Fenian Brotherhood in 1863? Does that prove that I belonged to it in 1867?

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

PRISONER—You instructed the jury, at the same time, that the fact of my holding the position of a colonel in '63 was sufficient corroboration of the evidence that I belonged to it in 1867. THE CHIEF BARON—I told the jury that holding the rank of colonel was evidence for their consideration, upon which to determine whether you previously belonged to the Fenian confederacy. I told them they were at liberty to consider whether you would have got that rank if you then joined for the first time. PRISONER—Precisely the same thing, but in different phraseology. Am I to understand that I have not liberty to address the court as to why sentence should not be pronounced upon me?

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

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

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

PRISONER—Then I state, my lord, that as an American citizen, I protest against the whole jurisdiction of this court, from the commencement of my arraignment down to the end of my trial. I protest against being brought here forcibly, and against my being convicted on the evidence of a man whom you yourselves designated a man of the

most odious character. You instructed the jury pointedly on one occasion, and subsequently you said that no respectable jury could act on his

## Page 11

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

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

## Page 12

As to the position in which I am now placed by British law, I have to repeat that I am an American citizen, and owe allegiance to the government of the United States. I am a soldier, and have belonged to the National Militia of America. Now, if war had broken out between the two countries, and that I had been taken prisoner, the English government, according to English law, would hold me guilty of high treason. I would not be treated as an ordinary prisoner of war, but would be liable to be strung up at the yard arm. See then the position of England towards the United States. The Crown should not be in such haste to act thus. It was hardly a judicious policy. Andrew Johnson was the grandson of an Irishman; Mr. Seward was the son of an Irishwoman; General Jackson was the son of an Irishman; General Washington and Benjamin Franklin lived and died British subjects, if this law be correct. There is another point to which I wish to refer—it is to the manner in which my government has acted in this matter—

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

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

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

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

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

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

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

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

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



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

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



## Page 13

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

\* \* \* \* \*

AUGUSTINE E. COSTELLO.

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

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

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



## Page 14

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

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

COSTELLO—My lord, as you truly remark. I have allowed my feelings to run away with my discretion; but it is hard for a man to stand here, satisfied as I am of innocence, knowing full well that I have committed no wrong; it is hard for a man in the bloom of youth, when the world looks fair and prosperous to him—when all he loves is in that world—it is hard that a man should be torn from it, and incarcerated in a living tomb. My lords, I am an humble individual; I claim no rights but the rights that emanated from a Godhead—the rights that were given to me at the hour of my birth. That right is my inalienable liberty, and that no government, no people, has a right to take from me. I am perfectly satisfied to stand before a British tribunal to answer for acts or words of mine, if I break any of the laws of the country; but, my lords, you must admit that I have transgressed no law. His lordship, Judge Keogh—I must now candidly admit that I have heard a great deal about that gentle nan that was not at all complimentary to him—but I say for myself that his lordship, Judge Keogh has dealt with me in the fairest manner he could have done. I have nothing to say against the administration of the law, as laid down by you; but I say a people who boast of their freedom—hold up their magnanimous doings to the world for approval and praise—I say those people are the veriest slaves in existence to allow laws to exist for a moment which deprive a man of liberty.

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

[Illustration: Augustine E. Costello.]

COSTELLO—I speak under correction, my lord. You must, if you please, be assured that I do not attribute any wrong to your lordships—far be it from me; I acknowledge and again reiterate that. So far as the law is concerned, I have had a dose that has almost killed me; but if there was a little—a very little—justice mixed in that law, I would not be now addressing your lordships. Of the law I have had sufficient, but I have come to the conclusion that justice is not to be found inside a British courthouse. My lords, I complain, and grievously, of what my friend Colonel Warren and my friend General Halpin complained of—of being tried in this Court as a British subject; and I think your lordships



## Page 15

will not reprimand me much for that expression. I left the shores of my native land—Ireland is the land of my birth, and I am proud to own it. I am proud to say that I am an Irishman, but I am also proud and happy to state that I am an adopted citizen of the United States; and while true to the land of my birth, I can never be false to the land of my adoption. That is not an original phrase, but it expresses the idea which I mean to convey. Now, my lords, my learned and very able counsel, who have conducted my case with the greatest ability and zeal, and of whom I cannot speak in terms of sufficient praise, demanded for me a jury half alien. I was refused it. I was born in this country, and I was, while breath remained in my body, a British subject. In God's name—if I may mention His holy name without sufficient reasons—what affection should I have for England? You cannot stamp out the instincts that are in the breast of man—man will be man to the end of time—the very worm you tread upon will turn upon your feet. If I remained in this country till I descended to the grave, I would remain in obscurity and poverty. I left Ireland, not because I disliked the country—I love Ireland as I love myself—I left Ireland for the very good and cogent reason that I could not live in Ireland. But why could I not live here? I must not say; that would be trespassing. I must not mention why I was forced to leave Ireland—why I am now placed in this dock. Think you, my lords, that I would injure a living being—that I would, of my own free accord, willingly touch a hair upon the head of any man? No, my lords; far would it be from me; but that government which has left our people in misery—

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

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

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

Your lordships are well aware that there are many contradictions in the informers' testimony, and now here is a matter which I am going to mention for the first time. Corydon, in his first information at Kilmainham, swears that he never knew me until he saw me at a Fenian pic-nic, and this he modifies afterwards by the remark, that any man would be allowed into these pic-nics



## Page 16

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



## Page 17

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

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

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

## Page 18

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

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

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

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

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



## Page 19

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

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

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

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

\* \* \* \* \*

GENERAL W. HALPIN.

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

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

## Page 20

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

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

The general set about his work of defending himself with infinite coolness and self-possession. He was supplied with a chair, a small table, and writing materials in the dock. When he had any notes to make, he sat down, cleaned and adjusted his spectacles, and wrote out what he wanted. When he wished to cross-examine a witness, he removed his glasses, came to the front of the dock, and put his questions steadily and quietly, without a trace of excitement in his manner, but always with a close application to the subject in hand. One could almost refuse to believe, while listening to him, that he had not been educated and trained for the bar; and undoubtedly many of those who wear wigs and gowns in her Majesty's courts, are far from exhibiting the same degree of aptitude for the profession. But it was in his address to the jury that the remarkable talents of the man were most brilliantly revealed. It was an extraordinary piece of argument and eloquence, seasoned occasionally with much quiet humour, and enriched with many passages that showed a high and courageous spirit. His scathing denunciations of the system of brutality practised towards the political prisoners in Kilmainham gaol, and his picture of Mr. Governor Price as "the old gorilla," will long be remembered. One portion of his remarks ran as follows:—

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

## Page 21

of men. One of these represented the law, another the gibbet in front of the gaol, and another was supposed to represent the Church militant.

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

I ask you if I have not thoroughly and sufficiently explained away the terror, if I may use the term, of these papers, which were taken from walls and other places, to be brought against me here. I ask you, gentlemen, us reasonable men, if there be a shadow of a case against me? I ask you if I have been connected by an untainted witness with any act, in America or Ireland, that would warrant you in deciding that I was guilty of the charge with which I stand accused? Is there one single overt act proved against me; or have I violated any law for the violation of which I can be made amenable in this court? I ask you if, in these letters which have been brought up against me—one found in Thomas-street, another in the pocket of a fellow-prisoner—there is anything that can affect me? Recollect, gentlemen of the jury, that I speak to you now as men imbued with a spirit of justice. I speak to you, gentlemen, believing that you are honest, recognising your intelligence, and confident that you will give in a verdict in accordance with the dictates of your conscience. If you are the jury that the Attorney-General hopes you are, gentlemen of the jury, I am wasting time in speaking to you. If you are, gentlemen, that jury which the Attorney-General hopes to make the stepping-stone to the bench—for; gentlemen, I do not accuse the Attorney-General of wishing to prosecute me for the purpose of having me punished; I believe he is above any paltry consideration of that sort—but, gentlemen, all men are influenced by one motive or another, and the Attorney-General, though he is the first law officer of the Crown in Ireland, is human like ourselves; he is not above all human frailty, but like other men, doubtless, likes office, and



## Page 22

likes the emolument which office brings. But, gentlemen of the jury, it will be your fault if you make your shoulders the stepping-stone for the Attorney-General to spring upon the bench. I say these words to you in sober, solemn earnestness. You are now trying a man who has lived all his life-time in a country where freedom is venerated and adored. You may believe, gentlemen, that you have the speech of freedom here; but I claim, gentlemen, that the real spirit of freedom has fled these shores many a century ago—has sped across the Atlantic, and perched upon American soil; and, gentlemen, it ought to be your wish and desire—as I am sure it is, for I am unwilling to believe that you are the men the Attorney-General deems you to be—to do me justice, and to prove that Dublin juries do not on all occasions bring in a verdict at the dictation of the Crown. Gentlemen, the principle of freedom is at stake. Every man that is born into this world has a right to freedom, unless he forfeits that right by his own misdemeanour. Perhaps you have read the Declaration of American Independence. In that declaration, drawn up by one Thomas Jefferson, it is stated that every man born into this world is born free and equal; that he has the right—the inalienable right—to live in liberty and the pursuit of happiness. These are the cardinal principles of liberty. I claim these rights, unless I have forfeited them by my own misconduct. I claim there is not one particle, one scintilla, of evidence to warrant you in finding a verdict for the Crown. I have not conspired with General Roberts or any of these other generals. There is no evidence to show you anything about any such conspiracy, as far as I am concerned. With these facts before you, I ask you, as reasonable men, is there one particle of evidence to show that I am guilty of the charges preferred against me? I shall simply conclude by repeating the words with which I commenced—that I leave it between your conscience and your God to find a verdict according to the evidence and, the truth. I leave it to you in the name of that sacred justice which we all profess to venerate, and I ask you not to allow your passion or your prejudices to cloud your judgments—not to allow the country to say that the Dublin juries are in the breeches-pocket of the Attorney-General. Never let it be said that a prisoner, forced into your country, carried off from the steamer which was bearing him away from yours to his own, has been found guilty on the evidence of perjured witnesses. Never let the world say that a Dublin jury are not as honest as any other. Do not allow those acrimonious feelings which unfortunately in this country difference of sect engenders, to have anything to with your verdict. As far as I am concerned, I ask no favour from you. I ask no favour from any man that lives in the world. I have always, gentlemen, adhered to my own principles, and will do so while I am able. If you consent to send me for my life to a penitentiary you will

## Page 23

not make the slightest impression on me. I am pleading for life and liberty—I am pleading in the cause of justice, and I leave it in your hands. I demand that you should exercise your best judgement to render a verdict before the Omnipotent Creator of the universe, who is looking into your hearts as well as mine—to render a verdict for which you will be sorry—to render a verdict that your countrymen will cheer—to render a verdict that will make you venerated and admired in the land of your birth while you live on this earth.

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

When General Halpin took his place in the dock with, his fellow “convicts,” Colonel Warren and Augustine E. Costello, to receive his sentence, he appeared calm and unimpassioned as ever. The question why sentence should not be passed on him having been put—

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

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

The Lord Chief Baron said that the prisoner, having been convicted of felony, his property was at the disposal of the authorities, and that any representation he had to make on the subject should be made to the government. Halpin said he wished that the money might be transferred to the governor of whatever gaol he was to be imprisoned in, so that he might have the use of it to purchase necessaries should he require them.

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

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

The Prisoner, in reply to a question asked by the Clerk of the Crown, said that justice had not been dealt out to him as he thought it might have been. He had been prevented by the Crown from getting witnesses for his defence, and from seeing his witnesses, while the Crown had taken four months to get their witnesses properly

trained, and to ransack all the Orange lodges of Dublin for jurors. He complained of the rules of the gaol, and of the law that permitted them to be in force, and said:—

## Page 24

I deny the jurisdiction of this court in common with Colonel Warren. I owe no allegiance to this country, and were I a free man to-morrow I would sooner swear allegiance to the King of Abyssinia than give half-an-hour's allegiance to the government of this country—a government that has blasted the hopes of half the world and disgusted it all. I am not, I suppose, permitted to speak of the verdict given against me by the jury. It was entirely unnecessary for the Crown to produce one single witness against me. The jury had their lesson before they came to the box.

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

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

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

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

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

HALPIN—I am aware that it is not within your province to deal with the acts of another government, but I may be permitted to say this—that the outrages offered me and those gentlemen who claim, like me, to be citizens of the United States will be gladly submitted to if they only have the effect of making the sword of Brother Jonathan spring from its scabbard.

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



## Page 25

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

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

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

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

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

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

HALPIN—Well, I cannot be prevented thinking it. Now, I will refer to a subject which I may be allowed to speak upon. You will recollect that I had addressed a letter to Mr. Price, asking him to furnish me, at my own expense, with two of the morning papers—the *Irish Times* and *Freeman's Journal*. I believe they are both loyal papers; at least they claim to be loyal, and I have no doubt they are of the admitted character of loyalty registered in the principles of Dublin Castle. The reason why I wanted these papers was, that I believed that the best reports of the trials since the opening of the Commission, would be found in them. I said to Mr. Price that it was important that I should see all the evidence given by the informers who were to be produced against me, to enable me to make up my defence. I was denied, even at my own expense, to be furnished with these papers, and that I complain of as a wanton outrage. Perhaps Mr. Price was governed by some rule of Kilmainham, for it appears that the rules of Kilmainham are often as far outside the law of the country as I have been said to be by the Attorney-General. In fact, Mr. Price stated when giving his testimony, that he was not governed by any law or rule, but that he was governed solely and entirely by his own imperial will. CHIEF BARON—That I cannot allow to be said without at once setting it right. Mr. Price said no such thing. He said that with respect to one particular matter—namely, the reading of prisoners' correspondence, he was bound to exercise his own discretion as to what he would send out of the gaol, and what he would hold. This is the only matter in which Mr. Price said he would exercise his own discretion. PRISONER.—I think, my lord, you will allow your memory to go back to the cross-examination of Mr. Price, and you will find that when I asked him by what authority he gave the letters he suppressed into the hands of the Crown to be produced here, he stated he had no other authority than his own will for so doing.

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

## Page 26

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

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

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

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

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

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

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

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



## Page 27

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

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

\* \* \* \* \*

### THE SENTENCES.

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

John Warren, 15 years' penal servitude.

William Halpin, 15 years' penal servitude.

Augustine E. Costello, 12 years' penal servitude.

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

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

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



conscience have unimagined resources against brutal spoliation and the triumphs of injustice; and that if men are often immoral in their designs and actions, there is still in the general course of history a sovereign morality, and judgments the forerunners of the infallible judgment of God.”