

say. But if they were there they were in addition to the other two Protestants?—I did not see them there. Did you open the book you took up?—No. It was lying on the heap of books, was it not? It was in the boy's hand. Did you observe the place from which he took it?—No. But it was in the boy's hand when you first saw it?—It was. Did he take it off the top of the barrow?—I did not observe where he took it from. Was there a heap of books piled on the barrow?—There was. Do they sell the "Mysteries of London" in Kingstown?—I believe they do. Did you ever see "Reynolds's Miscellany" there?—I cannot say; I might. There were bundles of papers in the barrows?—There were. Do you know the boy who had the Bible in his hand?—No. Did you open the Testament?—No. Where was the Testament when you saw it?—In the barrow. And you did not open it?—No. Was it on the top of the heap of books in the barrow?—It was uppermost. Was it before or after you saw the Bible in the boy's hand that you took up the Testament?—I cannot tell. Do I understand you to say that the books were not put out of the barrow till the Rev. Mr. Petcherine came?—Yes; I am sure the papers were not thrown into the fire before the Rev. Mr. Petcherine came.

Mr. O'Hagan—Duff swears that the books were thrown into the fire before the Father Petcherine came; are you prepared to contradict him?

Witness—I am prepared to contradict him.
Baron Greene—What Duff swore was that he wheeled the barrow to the gate, and sat on the barrow until the Rev. Father Petcherine came; that Father Petcherine came soon after, and that then the books were thrown in the yard.

Mr. Coffey—Look to Mr. O'Hagan's cross-examination, my lord.

Baron Greene—I have taken a careful note, and I do not find it upon the direct or cross-examination.

Cross-examination continued—I do not know where Father Petcherine went to when he left the yard.

Mr. O'Hagan—Did not Father Petcherine walk to the vestry before the books were burned?

Witness—He did not, Sir.

Mr. O'Hagan—You swear that the books were lighted before the Rev. Mr. Petcherine went to the vestry?

Witness—I am quite certain of it.

Mr. O'Hagan—What I want to know is, whether he went to the vestry before or after the books were lighted?

Baron Greene—Did you see the fire put to the books, and was Father Petcherine there at the time?

Witness—I did, and he was standing by quite convenient.

Cross-examination continued—The place where the fire was is about 38 or 40 yards from the chapel gate; left a few minutes after nine o'clock; the books were nearly burned at the time; there might have been books in the centre of the fire not burned; did not see Father Petcherine tear the books or papers, or do anything like that, and while he was there I saw him.

George Brown examined by the Solicitor-General—Lives in Kingstown, in Upper George's street; I am in Mr. McCann's employment; recollects the morning the books were burned; was delivering bread at the steampacket; saw when coming home a number of people in and about the chapel yard, where a fire was burning; saw George Missit throwing books on the fire; saw John Hamilton tear a book and throw it into the fire; found the leaves of a Bible outside the chapel railings on the public road; about twelve o'clock on the same day, while the fire was lighting, I saw several of the leaves lying about; gave them to the steward of the Prince Arthur steamer; did not get it back from him.

The Rev. Robert Wallace examined by Mr. Corballis, Q.C.—Remembers the 5th of November; saw those leaves at Sandycove; was coming into Dublin that morning; saw in the chapel yard about half-past ten o'clock inside a number of persons, principally grown-up boys; saw embers of a fire, there; there were about a dozen boys about the fire; saw some boys kicking books from the outward part of the fire into the centre; the books were small books resembling pocket Bibles; cannot swear positively that they were Bibles; one of the boys, after making an observation, took up a portion of a book from the fire, and gave it into my hand; has the piece he gave me with me; it is a portion of the Old Testament; one of the boys had a peculiar dress; what I produce is, I believe, a part of the authorised version of the Holy Bible; has compared it with the authorised version, and it corresponds with it.

Cross-examined by Sir C. O'Loughlin, Q.C.—Has been stationed at Kingstown since July, 1854; has been ordained for better than fifteen years; is a native of the north of Ireland.

Sir C. O'Loughlin—I believe you take an active part in this prosecution?

Witness—I am not aware that I have taken any part in it except to give evidence.

Sir C. O'Loughlin—Nor in this affair at all?

Witness—Oh yes, decidedly. I have published letters in the newspapers about the matter; most of these letters were written before I knew there would be any trial; to the best of my knowledge I have not written a letter since I was aware that the matter was to be taken up by the Attorney-General; wrote a letter about it to the *Evening Packet*; did not write to *Saunders*, but it was copied into that paper (*Saunders*); the letters were written under the names of an "Eye Witness," "An Observer," and the letter "C.," preached on the subject of the Bible burning on Sunday, the 12th Nov., had it printed in the course of the following week; believes he gave away some copies of it; it was circulated largely; the fourth edition is out at present—(laughter)—the first edition was out on the 20th of the

month; there were 500 copies in each edition; gave the last edition into the hands of the publishers on last night of this morning.

Sir C. O'Loughlin—Do you think it fair, pending the trial, that a sermon should be preached and letters written prejudging the case?

Witness—I am not aware that the sermon prejudices the case at all; it had reference to the transaction without any reference to the party concerned; I swear that my sermon was mainly about the act, and without reference to the parties who did it; I swear solemnly that it had no reference to any particular person; I believe I did not name any particular person.

Sir C. O'Loughlin—Will you say the sermon had no reference to any particular body?

Witness—It had reference to a particular body, To what particular body did you refer?—I made special reference to the Redemptorist Fathers. Did you state or insinuate that the Redemptorist Fathers had burned the Bible or directed it to be burned?—Whatever I said on the subject is in my printed sermon. Did you state in that sermon that the Redemptorist Fathers had burned the Bible?—I stated that it had been burned by their direction. And did you consider it fair for you, as a Minister of religion, pending an investigation, to speak or publish such a sermon?—I don't think doing so is calculated to prejudice their case. Do you not think that it was calculated to prejudice their case to state the Bible was burned with the cognisance or under the direction of the Redemptorist Fathers?—I don't think it in the least degree calculated to prejudice the case of the party charged. (Laughter.) Did you know that the traverser is one of the Redemptorist Fathers?—I don't know it. Did you ever hear it?—I did. Do you believe it?—I do. Were you present at the investigation at Kingstown?—I was. Did you see Mr. O'Hagan there?—I did. Did you hear him say that no Bible or Testament was burned with the sanction or under the direction of the Redemptorist Fathers?—I heard him state the substance of that. And after hearing that did you allow the publication of the sermon to go on?—I did not interfere with it. Is that a copy of your sermon?—It is. What is the price of it?—It is stated there. Yes, I see—price threepence.

[Counsel then read a passage from the sermon showing the wickedness of burning the Bible, and stating that it had been committed to the flames by the Redemptorist Fathers. The language used and the assertion in relation to the Rev. gentleman elicited loud and general expressions of disapprobation throughout the court.]

Now, do you mean to state, after that passage, that you did not think that your statement was calculated to prejudice the public mind?—I do not think it was calculated to prejudice the public mind in the case of the person charged. Very well; we will now come to the day of the occurrence. At what hour did you leave your house at Sandycove?—About nine o'clock in the morning. You have stated that in consequence of something you heard you thought it now your duty to proceed to the chapel yard?—Yes. Who told you what you heard?—A person named Hutchins. Had you seen him before on that morning?—No. Did he accompany you?—No. According to your account it was ten, or half-past ten o'clock, when you reached the place where the fire was?—Yes. In what state was the fire then?—It had principally died out only a few patches at the edge. Were the books burning at the time?—They were. If the policeman said that the fire was out at nine o'clock would he have stated what was correct?—No, he would not. When you arrived you state that there was a dozen or two boys there?—About a dozen or so. Father Petcherine was not present then?—No. And the boys you describe were engaged in kicking small books into the fire?—Yes. Is that statement true?—On my oath it is; they were kicking small books from the outside to the centre of the fire. You described them as something like Bibles?—Yes. Did you mean to tell the jury that they were Bibles?—I cannot swear positively, as I had not them in my hand. How far were you from the place at the time?—About ten yards. And you say the books appeared like Bibles?—Yes. Was there anything to prevent you from going into the chapel yard?—No. There was no mob there to prevent you from going into the yard?—There was not. You did not require the protection of the police?—No. Do you consider it the duty of a Christian Minister who saw what he thought to be Bibles kicked into the fire, to stand by and allow that to be done?—I saw the policeman there, and I took it for granted that the boys were acting by direction, and I did not think it right to interfere. But did you think it right not to ascertain what the books were?—No. Did you speak to the policeman on the subject?—No, I did not. How long were you there altogether? About ten minutes. And for ten minutes you stood by and saw boys kicking books that looked like Bibles into the fire, and you never interfered?—I did. Did you see anything like pamphlets burning?—No. Are you aware that a great number of immoral publications have been circulating in Kingstown?—I am not. Did you mix much with any of the lower order?—Not much. Were you aware that the "Mysteries of London" and such other publications were circulated in Kingstown?—I never saw the "Mysteries of London" to my knowledge. Did you see "Reynolds's Miscellany" there?—I might. Did you in any of your sermons speak of immoral publications?—I may have done so. Is it part of the duty of a Christian Minister to do it?—It is. How many boys were there at the time you got this leaf?—About a dozen. Is it in the same state as when you got it?—I gave some portion to a number of other persons. Did you give a portion to Lawson?—No. Is it part of an octavo or quarto edition?—I think it is part of a small duodecimo. It is not part of a large old Bible?—No. And you gave ten or twelve other people parts of it?—I did.

William Hutchins examined by Mr. Corballis—Remembers the morning of the 5th of November; saw the fire in the chapel yard; knew some of the boys by eye-sight; saw books on the fire, looked a second time, in about a minute and a-half; I then saw a man turn up the fire, and saw lumps of leaves, and a piece of paper; the piece was headed "Hebrews;" it was apportioned paper; it appeared to form part of the New Testament; it was partly burnt; I stooped to read it, and saw six or seven chapters commencing on the one page; by this time it was nearly consumed; believes it to be part of the authorised version.

Cross-examined by Mr. Curran—Knew it to be the authorised version because I have read it; looked at my own Bible after and saw the same; I have more than one Bible; has two. Are you and the Rev. Mr.

Wallace friends? We are personally acquainted; met him and communicated with him about this; lives at No. 4, George's-place; knew the Lawsons before that day; never had much acquaintance with them; one day I was at my shop one of them spoke to me; told me he was at the chapel-yard that morning; he said he saw the Bible; the first time I knew Charles Lawson had any of the Bible was at the police office; we had no conversation about our evidence; saw the Rev. Mr. Wallace at the police office; I have seen him in Kingstown; I am not certain whether I spoke to him. Rebecca Whittle sworn.

Mr. O'Hagan, Q.C., said he did not find information from the woman amongst the informations given by the crown. That being so, he submitted the crown should not be permitted to examine her.

Judge Crampton—I never heard such a proposition before.

Sir Colman O'Loughlin said Mr. Justice Perrin had ruled on the Munster circuit that he would not allow a witness to be examined who could have made an information before.

Mr. Justice Crampton—I have been 21 years acting on a contrary rule, and I will continue to do so until I meet with some established authority to the contrary.

Baron Greene said he never heard the proposition before.

Mr. Coffey—His lordship stated that the rule was one acted on in England. It was ruled so on the circuit of which the Solicitor-General was a member.

Mr. Justice Crampton said he knew of no English authority for the rule, and they would not adopt it now.

Rebecca Whittle examined by Mr. Beatty—I am married; lives in Kingstown; remembers on the morning of the 5th November going to the chapel yard after ten o'clock; went to where the fire had been; there was no fire burning; there were ashes; found pieces of books; took up a piece of a Bible; it was part of Nehemiah; I gave it to two gentlemen in Mr. Hutchins's shop; went back a second time to the chapel yard.

Cross-examined by Mr. Coffey—I am not a Roman Catholic; learning Bibles were to be burnt I went to see; got to the chapel yard about ten o'clock; there were some people there; not many; there were between five and a dozen; on the first occasion I picked up bits of leaves; went home then; went to Hutchins's shop; was sent for; Mr. Hutchins's boy came for me; was sent for on Wednesday; went a second time to the chapel yard immediately after I went first; about twenty minutes after I went the second time of myself; gave away some of the leaves I got; knows the Lawsons; gave some pieces to the two gentlemen in Hutchins's shop; gave some to Hunter Gower; gave a bit to a man named Laurence Symes; Gower asked me for a bit.

Rev. A. Syngé examined by the Attorney-General—I am a Clergyman residing at Kingstown; saw the last witness in November last, in George's-street, Kingstown, in Hutchins's shop; it was about eleven o'clock of the Thursday morning after the fire; received some leaves of the authorised version of the Bible from him; I now produce them: there are three parts, one Kings, one Samuel, and one Nehemiah; they appear to be burnt; have an authorised version with me, and I compared those leaves with it; swears those leaves are part of the authorised version.

Cross-examined by Sir C. O'Loughlin, Q.C.—I am assistant Chaplain of the Mariner's Church; was present during part of the trial; wrote and published letters of this transaction; my name was signed to them; they appeared in *Saunders*; wrote two letters; wrote no anonymous letter; did not get them printed in the shape of tracts; alluded to the Bible being burned in one sermon as a matter of course; did not state in it who did it; there was no idea of the trial at the time (a document handed witness, Mr. Wallace's sermon); got a copy of that sermon; could not say who sent it; did not circulate it himself, nor did not read it; it was headed, "Public Burning of the Bible by the Redemptorist Fathers;" could not even say he read the heading.

Attorney-General—My lords, we close here for the prosecution.

THE DEFENCE—GREAT SPEECH OF MR. O'HAGAN, Q.C.

Mr. O'Hagan, Q.C., rose and said—Gentlemen of the jury, I address you, I need not say it, with a feeling of deep interest and a sense of grave responsibility. I have heard, with all the pleasure which ability and eloquence command, the speech of the Attorney-General, and I have no reason to complain of it—though I may not adopt some of the opinions which it expressed—save in those portions in which my learned friend spoke of my client as a stranger, and entertained the supposition that he is a zealot or a fanatic. A stranger he is;—if he can be called a stranger, who, for a large section of the life of man, has dwelt within this empire, doing the noblest service to the religion and the morals of its people. A zealot or a fanatic he is not, and the terms have no just application to him. He is a man of no mean condition or ordinary character. He is a Christian Priest; he is also a ripe scholar, an accomplished orator, and a cultivated gentleman. Of noble birth, in his own land he held a dignified position. He was entrusted with public office in the universities of his country, and had open to him a career of honour. But he abandoned all earthly advantages and burst all earthly ties, when conscience and duty required the sacrifice. He gave up home and family, and old associations, and cherished friendships, and the hopes of a fair ambition, to devote himself in utter poverty and self-negation to the service of the Cross, and, for many a year, he has laboured to advance the immortal interests of his fellow-men, not in the wrangling of hot polemics or in the excitement of sectarian strife, but in continual effort to purify their moral nature and amend their daily lives. And his success has, I believe, been wonderful, through the impressiveness of his eloquence, the earnestness of his convictions, and the inspiring power of his example. For such a man, standing at the bar of a criminal tribunal in a strange land, charged with blasphemy against the Holy Word which he most deeply venerates, and contempt for the Divine Religion for which he has left all that the world holds dear, I cannot fail to feel interest of no common kind; but that interest grows into anxiety when I know that, to affect the issue of his trial, exaggerated statements, false representations, and malignant slanders have been circulated with unwearied and most successful industry. The condemnation has forerun the hearing. Faction has made the charge its stalking-horse. Religious zeal has listened to it with eager assumption of its truth, and popular prejudice and passion have been lashed into almost unexampled fury against a man who, with a full consciousness of innocence, has had no opportunity of justification. The press has

teemed with imputations of the foulest and fiercest kind against the person, the order, and the faith of the accused. The pulpit and the platform have rung with them; the echo. Placards in the streets and on the walls of our city have made them familiar to the passers by; and, as if all this was not enough to darken the truth and interrupt the course of fair inquiry, and crush down a defenceless Priest beneath the force of inflamed opinion and over-mastering prejudice, one, who is foremost in place as in ability and renown amongst the Prelates of the Irish Church Establishment, has thought it fit and becoming to join in the chorus of denunciations, and anticipate the judgment of the law. For I find that Dr. Whately, on the very day on which my client was held to bail at Kingstown in a speech delivered before an English assembly, which has been copied largely into the Irish journals, told his audience that the Bible burners in Dublin were the best friends of the Protestant cause, and that those who burnt the Bible in Dublin assured him of what he had always known and believed—that the Scriptures were hostile to the Church of Rome. The Bible burners!—Those who were burning Bibles in Dublin! Was this language proper to be uttered by any man, and especially by a minister of religion and a lord of parliament, taking for granted the whole fact in controversy between the crown and the accused, and lending the weight of great station and high authority to work a deadly prejudice against an ordained Priest of God—whom even his assailant must hold to be so—whilst his case was still pending, and his character and his liberty in peril? All these things have tended to deprive the traverser of the reasonable chance of a fair trial, and it is not easy for him to bear up against influences so adverse and so malignant, and so calculated to pollute the very fountains of justice. Regarding their character and natural operation, I and my learned friends felt ourselves bound gravely to consider the propriety of seeking a postponement of this trial until the existing excitement should pass away, and the public mind return to a temper of fairness and moderation. That postponement could not have been resisted by the crown, or denied by the court. But we have felt strong in the innocence of our client and the honesty of our cause; and, with his fullest sanction, we brave the difficulty of our position, in confident reliance on the integrity and intelligence of an Irish jury. Here, at least, we hope for impartial justice. Here, we expect that the fury of bigotry will be checked and the voice of slander stilled, and that you will hold your consulting chamber sacred from the intrusion of all prepossession, sectarian or political, and make a true deliverance, according to your oaths, upon the evidence, and the evidence alone. And I have taken this, the bolder course, with the less hesitation, because I am thoroughly convinced, as a rational man speaking to rational men, that the facts will warrant me in claiming an acquittal at your hands; because, as to the allegations of the indictment, I am prepared to demonstrate that, even on the case for the prosecution, no conviction is possible upon any principle known to our criminal law; and, more than this, because I hope to show you that I am not entitled to your verdict merely through legal subtility or by strict legal right, but that, morally and substantially, my client is guiltless of the offence charged upon him. And I am specially anxious to achieve his moral vindication, because it will allay the injurious excitement and subdue the rising prejudice which has been roused by the belief that an outrage has been done to the opinion and the feeling of my Protestant countrymen. I am entirely satisfied that the simple truth of the case, if it be rightly apprehended, will rectify the error and avoid the evil consequences which must flow from it in a country, so miserably distracted by religious strife. What is the charge and what is the proof? The charge is founded on the old common law of England, which made Christianity a part of the Constitution of the realm, and it proclaims my client a blasphemer, a contemner of the religion of the Gospel—a wilful destroyer of the oracles of God! A grave accusation against any man—most grave and fearful against a Christian Priest. The charge is not, in my judgment, according to the common law, that any particular version of the Scriptures has been destroyed, or that any particular form of belief has been assailed, but that Christianity itself has been brought into contempt. Will you sustain such a charge upon such evidence? I am assured you will not. You must find, positively, affirmatively, and beyond all reasonable doubt—first, that the traverser burned the Holy Scriptures,—that he burned them with full knowledge and deliberate purpose;—and next, you must find that he so burned them blasphemously, and with the deliberate design of treating the religion of the Redeemer with scorn and contumely. Even should the fact be proved—and you cannot find it, for the evidence does not warrant such a finding,—it will avail the prosecutor nothing, unless the intention be also proved. I controvert the fact. I deny the intention. On the evidence, you cannot affirm the one, or impute the other. Father Petcherine neither directed, nor counselled, nor authorised the burning of the Scriptures, nor knew of the burning of them, nor entertained, for a single instant, the infidel and anti-Christian purpose which is the gist and essence of the accusation against him, and without which he is guiltless before the law. I am not ignorant that, at the very threshold of my argument, I have to encounter a deep and wide spread prejudice, calculated to warp the judgments and cloud the understandings of the most honest men. It is believed by multitudes in these countries that the Catholic Church is the enemy of the Holy Bible—that she fears and hates its Divine teachings, and would utterly destroy it if she could. This belief has been sedulously circulated, sometimes through ignorance, sometimes through fraud; and sometimes through fanaticism—fostered by the teachings of an anti-Catholic literature—enforced from the Protestant pulpit and by the Protestant press, and entertained with unquestioning assurance, by crowds of the simple Protestant people. The latest proclamation of it has been made, as I have said already, pending this trial, and on the very day of Father Petcherine's committal; by one of the highest dignitaries, and one of the ablest men, in the Protestant church. And those who entertain this belief may reasonably think it probable that the Minister of a Church so held to be the Bible's adversary, must also be hostile to it, and willing to aid in its destruction. But, is such a belief founded on the evidence of facts, and can you safely base on it an assumption of the antecedent likelihood of my client's guilt—Catholic as he is, Priest as he is, and clinging to his faith with all the power of his intellect, and all the devotion of his heart? The question affects deeply the entire discussion of the case; and I answer to it boldly, that the belief is groundless—that it falsifies the truth of his-