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LAW INTELLIGENCE.

(From the Quebec Papers.)

THE GAVAZZI TRIALS.

QUEBEC, Monday, Jan. 23.

The Court was opened at ten o'clock precisely—Mr. Justice Panet presiding. The Court-room, as well as the passages and approaches to the building, were crowded to excess. A large police force and a strong body of special constables were in attendance.

The case of the Queen vs. John Hearn, et al., on an indictment for riotously beginning to demolish a Church, was called, and the names of the defendants being called over, they all appeared.

The following persons were sworn in as Jurors:—

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| John Lennon, | Jean Bte. Bedard, |
| James Burns, | Francois Thelend, |
| Garret Murphy, | Francois Carrier, |
| Stephen Slattery, | Joseph Amb. Demers, |
| James Fitzgerald, | Jean Cantin, |
| Thomas Whitty, | George Vanlaucourt. |

The following gentlemen appeared as Counsel for the Defendants:—J. T. Taschereau, C. Albyn, T. Pope, J. O'Farrell, and — Duggan, Esquires.

On application of the Counsel for the prisoners, the witnesses were requested to retire.

Mr. Solicitor-General Ross then addressed the Jury.

The first witness examined for the Crown was Mr. Sheriff Sewell, who deposed as follows:—Knew that a riot occurred in Chalmers' Church on the 6th June last, in which a man named Gavazzi lectured. Witness was present with his family. Thinks the lecture was half through—say about half an hour after it began, up to which time there had been no interruption whatever, when Gavazzi made a violent assertion. Somebody answered him. Does not know what the person said; he gave a short answer in a curt tone. It was not in a loud voice. Then there appeared to be a little scuffle on the other side of the church. There is a gallery in the church. Witness sat in the lower part on the night of the lecture, about half way up. Thinks there was a scuffle because he heard a noise. The noise caused everybody to rise, and there was a cry of "turn him out." The people in the church all rose. Some persons moved about. Don't know whether they were going out for not. A general volley of stones then broke in the windows. Heard cheering, hurraing, or crying, outside. The windows were broken near where he stood. Thinks there were a great number of stones thrown from the south side. There was one volley, and occasionally after that stones were thrown. Heard no cheering inside. Meantime a number of men gathered round the pulpit. Does not know whether or not they belonged to the audience. Witness left his family, told them not to be afraid, and went among the crowd. Thought it his duty to do so. Told his family to stand between the windows to avoid the stones. If it had not been his duty, witness felt no inclination to get among the people collected round the pulpit. Before going among them, witness put his umbrella and his hat in the pew. When he got there, he saw two or three men trying to get into the pulpit; passed through them. There might have been a dozen persons. They were fighting. Some of the Protestant portion of the audience had begun to fight with them. Could not tell who they were. There were two parties fighting against each other when witness went among them. Did not know a single man of the persons whom he might consider the assailants, and could not say if they were persons who had only just come into the church. Thinks not. Some of the persons fighting had "shillelaghs" in their hands. About a dozen other persons came in afterwards. They tried to get into the pulpit. The only person witness knew was Mr. John Hearn, one of the defendants. He was not fighting; on the contrary, he was standing there doing nothing and with nothing in his hands.—Witness put his hand on Hearn's shoulders, and addressed him; but found he was excited, and left him. There was a man near witness with a life preserver in his hand, and, fearing a blow, witness moved away. Spoke to another man. Did not know the man who had the life preserver. The fighting continued until Gavazzi was thrown from the pulpit. Saw him fall. A man climbed up the pulpit previous to this, who was thrown down by Gavazzi. Did not see Hearn from the time he spoke to him until the following day. Hearn was behind the men who were fighting. After some time the police came in, and the row ceased. Heard a cry, that they were murdering Gavazzi in the basement of the church. Went down; it was perfectly dark; heard scuffling; and when the light was brought, found Paoli, this man's Secretary, with his head cut.

(This part of the evidence about Paoli was overruled.)

Saw a good many windows broke next next day when he passed—the gas-lamp on the pulpit was bent—remained in the basement with Gavazzi, until the Mayor came, when he, Gavazzi, was removed—saw a rush of men from near the door into the lower part of the church; cannot say whether they came from the gallery or not. Witness cannot say what they were doing; they were engaged part of the time, in getting some of the audience out of the church.

Cross-examined—Has made a deposition, already in this case. Gavazzi lectured on the "Roman Catholic Religion." Knows one of the lectures was styled in the public placards posted through the City "The Popish system is blindness." It is not usual to hold lectures of this kind in a church; there was no "Divine" Service on that occasion; heard two lectures by Gavazzi, the first at the Methodist church. On both occasions Gavazzi was applauded, repeatedly, by those who approved of what he stated. Recollects that he (Gavazzi) said something against Nunneries. He spoke "broken" English and witness could not catch all he said. His daughters heard more than he did, and witness since heard, that he spoke against the chastity of the nuns. Met the Mayor before Gavazzi lectured, and asked him to come; told the Mayor he (Gavazzi) was a great actor. Don't recollect exactly what violent assertions Gavazzi made use of (objected to as irrelevant, and objection overruled.) The cry of "turn him out" was made immediately after the curt observation alluded to in examination in chief. There was a general alarm. Is not positive that the people did not stand up before the stones were thrown. (The deposition of the witness made before Symes, J.P., a few days after the riot, was then read, in which witness swore the stones came in after the people stood up.) When the Police entered, the row immediately ceased, and no more stones were thrown. Saw no indication on the part of the persons who entered the church to destroy it. Went among the people unarmed as he thought he could do more good than if he kept his umbrella in his hand, which was more of a weapon in appearance than in reality. Though he might have got a kick in the fray. The object appeared to be to get at Gavazzi only. There were two gentlemen went round the town with a list collecting as he understood for the purpose of defraying the expenses of this trial and repairing the church. Witness subscribed. It was at the second lecture given by Gavazzi the row occurred; the subject was the Romish Inquisition; paid 1s 3d for admittance. Can't say what were the words uttered by Gavazzi which caused the interruption. Believes it was something about the Priests in Ireland being connected with the Ribbon Society. When Gavazzi was interrupted by applause there were no cries of "turn him out." There were two parties fighting when witness went to the pulpit, one party apparently desirous of getting at Gavazzi, and the other party of preventing them. Was not hurt by any one. Does not remember how Hearn was dressed. Hearn was warm, was standing behind the persons engaged in the scuffle, and he did not attempt to get at the pulpit. He (Hearn) had the appearance of having been in a jostle; he was standing quietly, but appeared excited. Witness was also excited. Witness applauded himself at the first lecture, but not at the second. Gavazzi described the water punishment or torture inflicted by the Inquisition and acted the scene very well. Has no recollection that Gavazzi defied any one to contradict his assertions face to face. Did not leave the church the whole time of the row, and saw every thing that passed. Did not hear Gavazzi say anything about Irish Catholics in particular. The expressions made use of were highly offensive to Catholics. Does not belong to any persuasion; was brought up in the Church of England. Was not a regular attendant at the Chalmers' Church.

James Reed—Was inside the church on the night that Gavazzi lectured in June last. Went there about seven o'clock. Did not see any person about the church when he went in. Gavazzi was interrupted about an hour after the lecture commenced, when a row began. The interruption came from a person in the front seat; is positive that it was Hearn. Will not swear that it was Hearn. There were seated in the pew with Hearn the Honorable Malcolm Cameron, Mr. Angus McDonald, and Mr. Charlton. Knows the voice of Hearn, and therefore concludes that it was he who cried out, but could not swear to it. Could not make out the words used. A number of men rushed into the church from the outside. Witness, being in the gallery, tried to get down, but could not, as the gallery door was fastened. Cannot say whether on the outside or on the inside. Returned to his seat in the front of the gallery, and saw then a crowd of persons. There was a general melée near the pulpit. Could not say what they were fighting about. But thinks some of

them, between eight and twelve in number, were desirous of getting at the pulpit. Saw but one or two sticks. Saw Hearn there, but none of the other prisoners. Saw Donahoe, Bowen, and Giblin in the church that night. The two last named were in the gallery. Knows the prisoners Gallagher and Burns by sight. Heard one Hood call out from the gallery, "you are known Hearn." On second consideration is not sure that it was Hood who called out. After remaining some time in the gallery went down stairs; saw the prisoner Gallagher outside the door. Before leaving the church, saw stones come through the windows. Three or four stones were thrown. Saw persons outside the church, after he went out, pick up stones and throw them at the church windows. Does not know who they were. Saw Hearn fighting. Saw Donahoe and one Cole engaged in altercation, but there was no fight between them. Saw no indication of an attempt to demolish the church save the throwing of the stones at the windows as before mentioned. Did not speak to any person who was fighting.

Cross-examined—Knows the Hon. Malcolm Cameron since he came to Quebec. Knows his voice, and has spoken to him once or twice. Does not think it was he or Mr. Charlton, and is sure it was not Mr. McDonald, who interrupted Gavazzi. Several persons cried "turn him out," referring to Hearn. Witness paid a *treble sou* for admittance. Gallagher had no weapon when he met him at the church door. Did not see him strike or injure any person. At the time he saw Charlton he was sitting peaceably in his pew, same as witness himself. Witness has not been indicted as a rioter.

William Benning, Chemist and Druggist, sworn.—Was in Chalmers' Church on the occasion of a riot there. Do not remember when it happened. The lecture had been going on for some considerable time without interruption, when the lecturer Gavazzi, having made some allusion to the Ribbon Societies of Ireland, the prisoner Hearn, who was sitting in a pew before me, cried out, "it's a lie," or "you're a liar." Gavazzi stopped and said "fear not," and again proceeded with his lecture, and continued on the same subject. He was again interrupted by the prisoner Hearn crying out "It's a lie," or "you're a liar." Immediately after, the windows were broken in all quarters, and a general row ensued. Prisoner Charlton was sitting in the same seat as Hearn. I noticed several persons round the pulpit who were armed with sticks, some of these were in their shirt sleeves and others commonly dressed. Received a blow from one of them. Do not know what Hearn and Charlton were doing in the church. Saw several persons attacking Gavazzi, but cannot recognise any of them. Hearn and Charlton were doing nothing when I saw them. The throwing of the stones which broke the windows was an apparent attempt to destroy the building. Saw nothing done to the gas burners or gas lamps. Saw Mr. Robert Shaw struck, and Father Gavazzi receive a blow of a stone, whilst in the pulpit; also saw Mr. William Campbell struck.

Cross-Examined by Mr. Alleyn.—After Hearn cried out "It's a lie," there was a general cry of "turn him out;" this cry was not put into execution in consequence of Gavazzi saying there was no danger. Immediately after the cry, stones came in, the audience rose, and some gentlemen went forward to the pulpit to protect Gavazzi. Noticed a great many persons, 10, 15, or probably 20, armed with sticks and other bludgeons; one or two of them had umbrellas, and skull-crackers. The stone which struck Gavazzi was thrown from the inside of the church. There were a great many books thrown.

Cross-Examined by Mr. Pope.—The prisoners Hearn and Charlton were sitting in the same pew. The lecture was charged for. There was no divine service held in the church this evening. All denominations went to the lecture, it was open to all who paid their money. I do not think there was applause before the interruption by Hearn. Cannot say what were the exact words Gavazzi was using when interrupted. The subject of the lecture on the evening in question was "the ancient and modern Inquisition."

Cross-Examined by Mr. Taschereau.—Had no occasion of observing who were about the church outside.

Cross-Examined by Mr. O'Farrell.—Cannot say whether Gavazzi's remarks were palatable or not to Catholics. If they were not palatable, Catholics should not have been there. There were no policemen in the church until the riot was almost finished. The throwing of stones had then ceased, but the fighting inside had not. The fighting stopped for a moment when the police came in but was resumed again owing to their inaction. The police did not suppress the riot; I think it died out after expending itself. A collection was made for funds to retain counsel to see that Protestants had their rights, and I contributed something towards that object.

Re-Examined by the Solicitor General.—Consider that the police were no check upon the rioters, but the people were. Had the people not put down the tumult, I think the rioters would have gone on to beat Gavazzi and demolish the church.

Mr. Geggie—I know Giblin; Charlton and Roach I know by sight. I was present in Chalmers' Church on the 6th June last. A little after gun fire, I heard some one in the lower part of the church say "It's a lie." As soon as these words were uttered, a number of persons raised their voices, and the prisoner, Bowen, put his head out of the window and gave a yell. As soon as that was done, a volley of stones came through the windows. Whereupon Bowen, together with the others who were with him, rushed along the gallery and disappeared down the stairs. Fighting in the church succeeded. The attacks appeared to be concentrated against the speaker in the pulpit. The congregation were not assembled for the performance of religious services. The first words I heard were "It's a lie." I heard something said by the lecturer about the ribbon society, but what it was I cannot say. I did not remark to Mr. Roger Finn that the exclamation he heard proceeded from a man in his shirt sleeves. The broken windows I observed on the following morning.

SECOND DAY.

Mr. David Bell, Farmer, Little River.—I was in Chalmers' Church when the row occurred. All went on quietly, until between eight and nine o'clock, when a person without his coat on got up in the middle of the Church and called out, "it's a lie." I do not know the person who called out. There was some reply from the gallery, and a rush made towards the pulpit. The rush was made by persons in the Church, several of whom got upon the preacher's box. I do not know John Hearn, nor any of the prisoners. The person who called out was a young man possibly under 30 years of age. I do not see that person among the prisoners.

Robert Symes, Esq., J. P., sworn.—On the 6th of June, I went to Chalmers' Church, at seven in the evening, to attend a lecture by Father Gavazzi. I have been upwards of fifteen years in this city, and am well acquainted with Quebec Society. I know Charlton, Hearn, Bowen, Giblin—I know them all. There were men and women present at the lecture—a number of women. The lecture proceeded without interruption for a given time. I saw Hearn, Charlton, and Bowen in the church before any interruption took place. I observed Bowen in the gallery, running about and concerting a plan.

Mr. Alleyn.—This man in the box gives opinions. I object.

Mr. Justice Panet.—Give your evidence without opinions.

Mr. Symes.—I observed a person leave his place, and go down from the gallery. He returned. Bowen was continually going to and fro, going from one place to another. I then observed Charlton, as it appeared to me, communicating with Bowen, by turning his head and by his eyes. (A burst of laughter, the impropriety of which Mr. Stewart brought to the notice of the Court.)

The Judge said it was impossible to prevent involuntary laughter.

The Court would not allow the evidence to be given.

Mr. Symes.—This first interruption arose from the utterance of the words, "it's a lie." I did not see the person who cried out, but from the voice I think it was Hearn. The lie was addressed to the lecturer. It was at a moment when Gavazzi was speaking about Ribbonism in Ireland; the words, "it's a lie," were repeated twice at least; witness left the pew, went into the aisle, and sang out in a loud voice, "keep quiet," "sit down." Did this to find out who were the interruptors. There was a momentary lull, but there was an immediate rush in the other aisle towards the pulpit, observing which witness made towards the pulpit and found himself at the foot of the stairs leading thereto. Did not see any of the prisoners at the bar among the persons who rushed towards the pulpit. Went out to get the police, and encountered Giblin with a stick in his hand near the door in a perfect fury. After some time, witness made his way out and ordered the police to come in, but to his utter astonishment they refused to obey him. (Counsel put a question to witness to elicit from him a statement of what arrangements he had made with the police to suppress any disturbance.) The witness was proceeding to inform the jury what he considered to be his duty as a Magistrate, when the judge stopped him. Mr. Justice Panet would admit that Mr. Symes did his duty.—Mr. Stuart made some remark, and Mr. Justice Panet then stated that a stop must be put to this kind of evidence being adduced. It was no evidence at all. He (Mr. Justice Panet) had been engaged for two days taking down evidence altogether irrele-