

a nicety of criminal pleading that he made his great mark in the profession.

In 1843, Daniel O'Connell had entered upon his campaign of monster meetings for the repeal of the Union. Beginning with an assemblage of 30,000 at Trim on March 14, the numbers at these gatherings had increased to 250,000 at Tara, and on October 8 a still vaster multitude was expected to assemble at Clontarf. The Government prohibited the Clontarf meeting by proclamation, and arrested O'Connell, Gavan Duffy, and others. O'Connell was sentenced to a year's imprisonment and a fine of £2,000; the Irish Court of Queen's Bench upheld the conviction; and the accused appealed by way of writ of error to the House of Lords. Not even the recent legal proceedings in relation to Irish matters more vividly excited the public interest and attention than did this State trial. The case was argued for the several defendants by a number of learned counsel, of whom the then Mr. Barnes Peacock was nearly the junior, taking precedence only of Sir Colman O'Loughlen. Sir Thomas Wilde (afterwards the first Lord Truro) was the leader of this band of counsel, while Follett and Thesiger (afterwards Lord Chelmsford) were against them for the Crown. Mr. Peacock took an objection which, though technical in point of form, brought in question the substantial justice of the proceedings. The whole bench of English common law judges had been called in to advise the law lords. One of the most acute, Mr. Baron Parke of the Exchequer (afterwards Lord Wensleydale), confessed and avoided what he styled "the ingenious argument of Mr. Peacock." But when the law lords came to give judgment (which they did in the teeth of the advice solicited from and given by the judges), Lord Denman delivered his elaborate speech adopting the objection of Mr. Peacock, and on that and another ground moved the House to reverse the decision of the Irish Court. Lord Cottenham and Lord Campbell supported the same view, and, in spite of the opinion of the Chancellor (Lyndhurst) and Lord Brougham, the sentence pronounced upon O'Connell and his companions was quashed and the prisoners released from custody. The occasion was rendered

the more striking historically because at this trial the lay lords practically renounced their right to take part in the decision of legal appeals. Messrs. Clark and Finelly, the House of Lords' reporters, quote comparatively modern instances in which a case involving the rights of individuals was discussed and voted on in the House of Lords as if an ordinary debate on a political subject or a private bill had been in question. So, in the O'Connell appeal, Lord Stradbroke wished to vote against the acquittal; but the common sense and fairness of the House, even of those most bitterly opposed to O'Connell, prevailed, and a precedent against the interference of those peers who have not the training of lawyers with the judicial business of the House was definitively established. The argument by which Mr. Barnes Peacock on this great occasion prevailed was briefly as follows: The indictment was of monstrous length, and contained several counts or separate charges. Some of these counts were held to be void in law. Yet the verdict and judgment were general; that is, given generally upon the whole of the indictment, not separately on each separate count. The objection was that such general judgment was bad, and could not be taken to apply to the good counts only. The other objection (for which Mr. Peacock was not responsible) was founded upon a curtailment of the jury panel. Sir Joseph Arnould observes that the decision in O'Connell's case has entirely put an end to the loose practice which had so long prevailed of giving a general verdict and judgment on an indictment comprising several distinct charges. It is obvious that such a practice deprived the accused of the opportunity of meeting each charge one by one. But the practice had long prevailed, and Lord Denman said, referring to Mr. Peacock's address, which had converted him: "I felt, as my learned brothers did, great surprise when I heard the most able and ingenious argument that was addressed to the House on this point, and I confess I had never felt any doubt on the subject till that argument was submitted to my mind."

After this great victory, as brilliant and useful a success as a stuff gownsman could