

THE ORTON DEBATE.

instead of which there has hardly been a platform in the kingdom or an issue of your newspaper in which there has not been a direct violation of the promise made to you by me." We must add that, in our opinion, a judge, or any other gentleman, has a right to expect that what he says at a friend's dinner table will not be made public. We presume the Chief Justice has faithful domestic servants; but what a treasure a discharged scullery maid would have been to the Ortonites! How she could have been made to say and swear "As how she 'ad heerd the judge say, times out of mind, as how he would kick that there felon only he can't abear as his boot should touch such a villain." Equal in absurdity was the story that the Lord Chief Justice had told Sir Robert Peel that the claimant would be sent into penal servitude—a story which the right honourable baronet has contradicted in the House in his grandest style.

The charges against the judges excite a mingled feeling of indignation and merriment. But by far the greater part of Dr. Kenealy's speech was a plea for a new trial of *Regina v. Castro* by a Royal Commission. Considering the years the claimant had to get up his case, the length of the trial, and the mass of evidence, it is remarkable that Dr. Kenealy could not say more in favour of a new trial. An advocate can always find some points that favour his client, but Dr. Kenealy's points were few and generally weak. The reply of Mr. Bright was excellent. The right honourable gentleman said:—

Nothing was more clearly proved than that the defendant knew almost nothing of his life till he was sixteen years of age. He did not remember the names of his tutors—excepting one. He did not remember that he had ever had more than one tutor. I venture to say there is no man in this House could not tell a good many things about his tutors—some of them not of a very agreeable character, perhaps. Look at our own experience. We have all had a long life by the time we were sixteen years of age, and every one of us could write a volume of the incidents of our young life, from the age of five or six up to sixteen. In this case there was no memory. It was all a blank. There were no persons who could give the information. The memory could not be cultivated. The whole thing was a forgetfulness which could not have come from conspiracy, but must have come of the fact that the person was assuming to be something which he was not. When it is asked, "Do you think that a mother can forget her

own son?" I answer, "Do you think that a young man, who lives almost entirely with his mother till he is four-and-twenty, when he gets to thirty-five or forty can be totally ignorant of his mother's name!" But, more than that, do you think that a young man who up to four-and-twenty has spoken ordinarily and perfectly the French language, and can scarcely speak English so as to be fairly well understood, can at the age of thirty-five or forty not only be unable to speak the French language, but can be ignorant of the pronunciation or meaning of a single word in it? He knows so little of it that he is advised not to attempt even to speak it. Now, I should like to ask any one, whatever may be the opinion he now has of the case, whether these facts—the absolute ignorance of all that happened till the age of sixteen, the total forgetfulness of the mother's name, and the similar forgetfulness of the language spoken till the age of four-and-twenty, and, in addition to this, the multitude of contradictions in which the statements made were involved, for it is notorious that everything which he said while in Australia about his enlistment or engagement in the army was directly and flatly contradicted in every particular by that which he said about his military life when he came to England—I should like to ask any man whether these facts are not conclusive against the claim which was set up.

This is a reply to the arguments of Dr. Kenealy. The Lord Chief Justice, in summing up, adopted a method that enabled the jury to arrive at a certain conclusion. He presented the real Tichborne and the Claimant as depicted in the evidence—the inner man and not the outer man—and no one in his senses could suppose that the claimant is Tichborne.

It is to be hoped that we have now heard the last of the case. At all events, the agitation must not be kept up by calumniating the judges. The calumnies do not hurt the judges, but it is injurious to the public welfare to allow ignorant and stupid people to be told that the judges are corrupt. If hereafter the judges are calumniated, the Government will be bound to prosecute the offenders.

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