

MR. JOHN SADLEIR IN THE EXCHEQUER.
(From the Nation.)

One of the most momentous cases on which a civil court in this country ever adjudicated, came to a conclusion since our last publication. The case of Dowling v. Lawler. The reader must bear in mind that it was a "trial of issues" to determine whether certain things were done or were not done—a trial where the jury were not embarrassed by any puzzling principle of law, but had simply to determine on the value and credibility of the evidence before them.—The gravity of the case arises from the fact that Mr. John Sadleir, M.P., who was substantially the defendant, denied the facts sent for trial in the most specific and circumstantial manner, and that a special jury, on their solemn oaths, have refused to credit his testimony.

Mr. Dowling was arrested on the hustings at Carlow in July, '52; he was arrested at the instance of Mr. Sadleir's election agent, for a debt which he did not owe; and conveyed to prison in time to prevent his voting and canvassing his tenants and friends for Clayton Browne. He had previously refused to support Sadleir, though repeatedly solicited to do so—among others, by Thaddeus O'Shea, the Manager of the "Sadleir Bank" in Carlow.

The arrest was made on a bond which he had given to a man named Crotty, as a counter security for putting his name on two bills cashed by O'Shea in the ordinary course of business. The bills had not come to maturity, and there was nothing whatever due on the bond at the time of his arrest. It supersedes all comment to state that counsel on both sides admit this arrest to have been a fraudulent and indefensible transaction.

The bond was procured from Crotty by the Rev. Mr. Dempsey and Edward Lawler, the latter observing that it would be "a good thing to get it for the purpose of having Dowling arrested, in order that he might not vote against Sadleir."

These gentlemen brought the bond to Mr. Sadleir in person, who carried it to Dublin and gave it to his cousin and successor in business, and reputed partner, Mr. Leonard Morrogh. In his office a certificate was fabricated in the name of a dying attorney, whose consent was never obtained, and executions were issued on the bond in two counties simultaneously to make sure of their man.

The parties entrusted with the arrest were the Messrs. Conoran, connections of Morrogh, and the younger an agent of Sadleir in the election. After the arrest the Sheriff of the Queen's County, to whom one of the executions had been sent, was brought to the Sadleir Bank, and introduced to Mr. John Sadleir, and had wine with him there.

On the evening of the arrest Crotty declared it was made without his consent, and that he would discharge Dowling, to avoid responsibilities; but Nicholas Roe and Malachi Fitzpatrick, two Election Agents of Sadleir, besought him not to do so; and the latter advised him if the bank stood between him and Dowling, to be firm. Accordingly Dowling was retained in custody, and deprived of the opportunity of voting, or canvassing his friends.

Thus the transaction was brought in contact with Mr. Sadleir or his Agents, or persons acting on his behalf, from the first conception of the plan to its final and successful execution.

In August Dowling applied by affidavit to a Judge of the Queen's Bench, and was discharged from custody. His first use of freedom was to prosecute an action against his enemies; but they were too cunning for him. His bills in the bank had now come to maturity, and two months after his release they arrested him a second time, and sent him back to cool his courage in the Marshalsea; where he has since lain for upwards of fourteen months. The Solicitor acting against him on this occasion was Mr. Mulhall, Sadleir's Election Agent.

The second arrest, like the first, was made in the name of Crotty; but, like the first, it would be wholly illegal if he did not pay the over-due bills at the bank. That is to say, he could not pursue Dowling for money which he had not paid himself. Crotty, who seems to have been an unwilling agent in the entire transaction, was not prepared to disburse £350, to forward the views of the Sadleir party. Whereupon the Manager, Thaddeus O'Shea (so Lawler swears), suggested a device by which without disbursing a penny Crotty might be put in a legal position to arrest Dowling. He proposed that Lawler, the man who originally procured the bond from Crotty—once a blacksmith and now the owner of a small weighing machine in Carlow—should draw a bill upon a clerk of Crotty's named Ling, living on a salary of £30 a year, and that on this precious security the bank would furnish money to repay itself the £350 due on the bills. Accordingly Lawler carried this money to Crotty who carried it back to the bank, and received his bills, having paid them their claim with their own cash; a process which must be highly satisfactory to the shareholders and depositors in the Tipperary Joint Stock Bank.

To give the transaction a color of reality, Crotty gave Lawler an "I O U" for the £350; but, as if Providence determined that no doubt should rest on the nature of the transaction, Lawler afterwards gave up the "I O U" without getting any consideration for it—and the money of the Bank went nakedly to take up the bill due to the Bank. Shortly after Dowling's second arrest Crotty died, and his executor, Richard Crotty, wrote to the Solicitor of the Bank, Mr. Leonard Morrogh, to inquire if there was any claim against him on the foot of these bills, but no claim was made; the answer, indeed, corresponding with the tricky and equivocal character of the whole business, admitted nothing and denied nothing. It was in these significant terms:—

"Dear Sir—
I have received your letter.
L. Morrogh."

In this state of affairs the present proceedings were taken to procure Dowling's release, and to lay the foundation of an action for false imprisonment against Sadleir. When the facts of a case are in doubt, a Court of Law generally sends them to a jury, and the Barons of the Exchequer accordingly sent the following issues to be tried by twelve special jurors; issues which resolve themselves, as we stated above, into the single questions, whether John Sadleir, or any persons on his behalf, were the real movers and managers in the affair:—

"First, whether there was an agreement between Daniel Crotty and John Sadleir, or any person on behalf of John Sadleir, that Daniel Crotty should be released from all liability on two bills of exchange for

the respective sums of £150 and £200, mentioned in certain affidavits in this matter; secondly, if so, whether the Carlow branch of the Tipperary Joint Stock Bank, or any person on that behalf, in pursuance of such agreement, had discounted a certain bill of exchange, drawn by one Edward Lawler, on and accepted by one William Ling; thirdly, did the bank discount the last mentioned bill of exchange with the bona fide intention of holding Edward Lawler liable thereon; fourthly, whether or not Daniel Crotty was a bona fide trustee for Edward Lawler or for the Tipperary Bank on issuing the execution under which the plaintiff was arrested."

To meet this tremendous case, Mr. Morrogh was not forthcoming, and was reported to have fled to England. Mulhall, who was in court, was not produced. Ling the drawer of the second bill, was not produced. But Mr. Sadleir, in person, mounted the table. As our readers are now familiar with the case proved for the plaintiff, we invoke their careful attention to the material parts of his evidence. We must premise, however, that—to complete the chain of suspicion—Lawler, the nominal defendant, admitted, on cross-examination, that "he did not employ Mr. Mulhall to defend him; that Mr. Mulhall told him he was his attorney;" and that his first intimation of his position was, hearing Mr. Fitzgerald tell the Court, that he was of counsel for Edward Lawler.

Mr. Sadleir denied everything, and disowned everybody. He was unconscious of an arrest made in his own presence; he was ignorant of its object, though he carried the bond to Dublin and instructed Mr. Morrogh how execution would most effectively issue on it; and though he hob-nobbed with a sheriff employed in the transaction. He had no control over the Manager of a bank of which his brother is the chief Director; in which his family are the chief shareholders; which is known in the district as "Sadleir's Bank." He did not know who paid Mr. Mulhall's costs in the proceedings against Dowling. He did not employ, or authorise, or recognise the hired agents of his election. He did not even desire the arrest of Dowling. In short, he was innocent as a babe of all the perilous and damaging proceedings.

It was totally impossible to believe the charge implied in the "four issues," and believe this evidence. But the jury walked out of this dilemma without loss of time; in fifteen minutes they returned to court, having found for the Plaintiff on all the issues.

They seem to have brought the case to that sagacious test suggested by the Roman orator—*qui bono?* who has benefited by the crime? Not Lawler, the weigh master; Not Crotty, the money lender; Not O'Shea, the manager; Not Sadleir's partisans, Fitzpatrick and Roe, who swore they were his agents, and whom he swore were not. None of these were the party benefited—it was the gentleman Attorney who clambered over the prostrate body of Edward Dowling into the English Treasury; and so the jury by their finding have declared.

The electors of Ennis, Clonmel, and Tralee express great indignation at the threat of being disfranchised by Lord John Russell's mis-called Reform Bill.

WARLIKE PRECAUTIONS.—We understand that almost every infantry regiment now stationed in Ireland are under orders for foreign service, whilst orders have been sent to every corps at home, cavalry and infantry, to the whole of their subalterns examined as to their eligibility and fitness for promotion. This savors much of 2nd battalions, and ten troops a cavalry regiment.—*United Service Gazette.*

THE DERRY DEFENDERS.—We find that the annual piece of foolery by which that greatest of historical shams, the "defence of Derry," is celebrated in that town, came off as usual on Sunday. It was a melancholy display, however, as we learn from a correspondent, for whose communication we regret being unable to make room. There was a small muster of unwashed juvenility, which amused itself in firing off shots, and perpetrated various other follies, quite in keeping with the occasion and the spirit that keeps the custom alive. The little ragamuffin crowd, calling themselves the "prentice boys," having done their will by making a great deal of noise and smoke, took themselves off, nobody noticing the small absurdity, not even the magistrates of the town, who, we had thought would, in their veneration for the sanctity of the Sabbath, have prevented this senseless desecration.—*Ulsterman.*

Were the Queen made aware of the act which a really great and wise Minister ought to be the first to recommend as most calculated to rivet to her Throne the devotion of her Irish subjects, she would conclude the year 1853 by granting William Smith O'Brien a full, free, and unconditional pardon—even supposing him to have already escaped from his Antipodean jailers.—*Hull Advertiser.*

FOOD PROSPECTS UNDER FREE TRADE.—We extract the following remarks from the weekly commercial report of the *Northern Whig*:—"Our food prospects present at the present moment matter for every serious consideration, indeed. About a month back we offered some remarks on this subject, and its vast importance compels us again to allude to it; not as we before stated, that we coincide in opinion with those—and they are far from being few—who predict a further and most alarming advance in the value of breadstuffs during the spring and summer; on the contrary, we hope rather to see prices tending downwards; but this broad fact cannot, and indeed should not be overlooked, namely, that as the new cereal and potato crops came into general consumption, prices suddenly increase nearly 50 per cent., and that this advance has been since (now fully three months) not only steadily maintained, but according to appearance this day, is likely to be for a time, at least, still further increased. Now, this is an extraordinary state of things under our free trade system, which has completely put an end to the manœuvring and gambling by which corn speculators and capitalists used to create fictitious prices. That the continental harvest has been deficient, and that the same may be said as regards wheat in England, we believe there can be little doubt; but to what extent is another question, as we receive with caution the figures fixing the deficiency, at a certain given per centage. So early in the season all calculation of the kind must be conjectural. However, let the causes be what they may, it is certain that to the industrious and hamper classes the present price of human food must be felt as enormous, seeing that in some departments the wages of labor are greatly curtailed, and in none is employment so brisk as it was. It is, then, with very great earnestness that we suggest to the classes referred to frugality and extreme care."

The Londonderry and Enniskillen Railway is completed the length of Dromore, 12 miles from Enniskillen. They are fitting up the electric telegraph along the line.

The guardians of the union of Dunshaughlin, county Meath, in Ireland, have made a "religious question" of a proposition to dispense with the Protestant chaplain, inasmuch as he has no duties to perform, and is not likely to have. The opposition contend that there may be Protestants hereafter, and that there has been one—who, however, is, it is said, about to emigrate.

REMITTANCES FROM AMERICA.—A monetary "reaction," it seems, has begun to set in. A Ballinasloe paper (the *Star*) states, that remittances to the peasantry from friends across the Atlantic have of late declined to a great extent. In the town of Gort alone three shupkeepers were in the habit of cashing bank checks for the people of the neighborhood to the weekly amount of £150. Lately, however, the letters of credit had become less numerous, and, in fact, have now almost ceased. The foregoing is not a solitary instance of the "reaction." The registered letters by the American and Australian mails passing through the General Post Office, Dublin, no longer present the formidable bulk which they exhibited in the early part of the year.

"SEVEN HAD HER TO WIFE."—A woman is at present an inmate at Ballyneighly workhouse, who has been married to her seventh husband, and, what is still more remarkable they were all weavers, and worked at the same loom, which is still in operation in her former house. She is in full possession of her mental faculties.—*Munster News.*

GREAT BRITAIN.

ADDRESS OF THE BISHOPS AND CLERGY OF LIVERPOOL TO HIS GRACE THE ARCHBISHOP OF FREIBOURG AND TO HIS FAITHFUL CLERGY.

"Blessed of the God and Father of our Lord Jesus Christ, that He hath set His seal of love on you, the elect, to suffer persecution for justice sake." Home onward by the full tide of admiration which swells our breast as we contemplate the noble spectacle of a Prelate claiming for God's people a right of free passage towards the promised land; his Chapter supporting his aged arms as Hur and Aaron uplifted those of Moses; his Clergy faithfully and dauntlessly under his leadership waging the battle of the Lord; we hasten, one and all who stand assembled in this first Diocesan Synod of Liverpool, to transmit to you venerable brother and well beloved fellow-priests, this testimony of the joy with which your heroic constancy has filled us; we proclaim aloud our union of mind and soul with you in this struggle; we condole with you in the sufferings and indignities to which you are subjected.

Like our own glorious St. Thomas, you blend with an even hand and in just measure, submission in the sphere of temporals and independence in the region of spirituals. You have done all homage and fealty to your earthly lord; to Caesar you have ungrudgingly paid obedience in the domain of Cæsar; nay, there are among you, those whose decorations testify their unshaken fidelity to the throne when an electric shock thrilled the Continent of Europe. At the same time you witness to the truth, that there is a domain, the Lordship of which is Christ's; that the spiritual kingdom "to which Christ was born, and for which Christ came into the world," is an *inalienable inheritance*; that weak old age in its guardianship, and lamb-like submission to violence, perfects the power of God in man's infirmity; that the blessed cause of justice can never be lost, which when its defenders suffer, advances when they fall, triumphs. This is the hope laid up in your bosoms, and we hold it; that is your faith, and we teach it; this will be your victory, and by the union of our hearts with yours, we shall claim it for our own; in the Catholic Church there is but one pulse, its action pervading every member.

All honor, then, be to you from man; and from above, the gift of constant fidelity, till the breath of the Omnipotent chase the lowering tempest from your sky. In this season of Grace, we will be ever mindful of you in the Most Holy Sacrifice; and will still further cement the union of our hearts in prayers with yours, that we may gain fresh courage, and Heaven grant that we may be found worthy, if God and Holy Church require it of us, to emulate your generous self-sacrifice.

Accept, Most Rev. Lord and Rev. Brothers in Jesus Christ, from the depths of our hearts this expression of our affectionate sympathy and unqualified admiration.

Signed on behalf of the Synod,
GEORGE BROWN, Bishop of Liverpool.

CANT EXPOSED; OR, A WORD TO THE "TIMES" NEWSPAPER,

AND TO ALL WHO BOAST OF GREAT BRITAIN, AS SO SUPERIOR TO CATHOLIC COUNTRIES IN TOLERATION, CHARITY, RELIGION AND MORALITY.

Amongst nations calling themselves civilised and Protestant,

1. What country, save Protestant England alone, obliges its rulers to swear that one-third of its Christian subjects are damnable idolaters?
2. What country elsewhere has still so many tests and oaths imposed by law to exclude men from posts of honor and emolument merely on religious grounds, as boasting England? So much for the superior toleration!
3. What country, save Protestant England, punishes and brands poverty, by name, by imprisonment, and by separation of man and wife? So much for superior charity!
4. What country, save Protestant England, presents such scenes of drunkenness and debauchery on Sundays and holidays?
5. What Christian country, save Protestant England, can furnish forth its hundreds of grow-up and hard-working men and women who know not even the name of their Redeemer? So much for superior religion!!!
6. What country, save England, can exhibit such brutality on occasion of all public executions?
7. What country, save England, ever produced men to burk others for the value of their dead bodies?—or mothers to murder their own offspring for the sake of the burial fees!
8. What country, save Protestant England (except, perhaps, Protestant Sweden), deluges the streets of its capital with eighty thousand prostitutes?—and the streets of all its other towns in relative proportion?
9. In what country, save England, is contumacy

and morality publicly and universally treated as an impossibility in the young and the unmarried?

10. What country, save Great Britain, treats of drunkenness and immorality as innocent and laughable pastimes, in the men in its employ, provided they are off duty?

11. What country produces so many suicides?

12. What country ever put forth such a stock of fanatics,—as, for example, Joanna Southcote, the Piousites, &c. &c.?

13. What country ever employed its press to a like degree, in the production of lewd and wicked publications, under the pretence of religious controversy?

So much for superior morality!!!—*Correspondent of Catholic Standard.*

CONVERSION.—Paul R. Shordiche, Esq, of Ickenham Hall, Middlesex, nephew of Admiral Sir Robert Crown, late *charge d'affaires* to the Court of Russia, was received into the Catholic Church on last Christmas eve, by the Rev James Danaher, St Joseph's, Glasgow.—*Glasgow Free Press.*

On the feast of St. Thomas the Apostle, the Rev. W. H. Anderdon, formerly Protestant minister of Leicester, who has lately been ordained Priest by the Bishop of Birmingham (having received the other orders from the Cardinal Archbishop), said his first Mass in the chapel of the Birmingham Oratory.

GOLD MINE IN ENGLAND.—A discovery of gold is reported at East Wheal Russell, near Tavistock. It is said that a series of experiments have proved that the gossan contains from one to two ounces of gold per ton, and as the lode is a very large one (about 35 feet wide), and the gossan holds down to the present bottom of the shaft (72 fathoms) the length of the sett being also several hundred fathoms, an enormous quantity of the auriferous mineral is said to exist at the mine. It is calculated that 630,000 tons of the gossan are already discovered, or laid open, which, at an average of only half an ounce per ton, would give 315,000 ounces, or £1,260,000, and the expenses being taken at £1 per ton, although, it is said, they will not exceed 15s., the clear profit would appear to be £630,000.

At a meeting of the Edinburgh Town-Council, on Tuesday, it was resolved, in compliance with a request from the Association for the Vindication of Scottish Rights, to petition the Queen, "to appoint a Secretary of State for Scotland; who, during the Parliamentary recess, should reside for a considerable portion of the time in Scotland, and should also have an office in Edinburgh." There was only one dissident—Mr. Maitland Heriot.

CHOLERA IN GLASGOW.—The disease seems to have obtained a footing in the west, particularly in Glasgow. On the 16th ult., 20 cases were reported, and on Sunday 17, with a proportionate number of deaths. The *Herald* says that the cases have almost all occurred among the very humblest ranks of society.

The last number of the *Ecclesiastical Gazette* contains announcements of twenty-six church livings for sale, of an aggregate annual value of £14,145, and ten livings wanted to purchase of an aggregate annual value of £4,000, and for exchange twenty-one livings of annual value in the whole of £7,470.

A correspondent of the *Press* writes—"Not having seen the subject alluded to in the public papers, I beg to acquaint you that, when in the Isle of Wight last week, I learnt from a gentleman, who had it from the coast-guard, that the Russian deserters who were delivered up at Portsmouth were hanged soon after they sailed, and some of their bodies were seen by them in the channel floating with the rope round their necks. Comment is superfluous."

Two "Breech-Loading" Cannon, the invention of Dr. Church, have been finally tried at Birmingham, preparatory to their being sent for experimental trial at Woolwich. They were fixed, says the *Birmingham Journal*, fifty times with heavy charges of powder and ball with perfect success. No defect in any respect could be pointed out by the best judges. Upon this plan heavy ship-guns can be loaded and fired and brought into position by two men five times in a minute, and a field-piece eight times in a minute. The gun heats very little.

The *London Times* gives the following graphic description of "Protestant Charitable Societies":—

"There must be a secretary on so liberal a scale of remuneration that he can keep up Polyannus-cottage, St. John's-wood, in a condition of suitable splendor, and his wife has a weakness for charitable tea-parties, which involve a considerable outlay in sponge-cakes. Then there must be a Board-room, and expenses for firing, printing, &c. Above all, the True Samaritans must have their annual whitebait dinner at Greenwich, while, without the usual ball at the *Byre Arms*, the Charitable Twaddlers' Association would fall to the ground."

GERMAN INFLUENCE AT THE COURT.—Under this head the *Morning Advertiser* has the following. We give it a place without expressing any opinion, and merely that our readers may be put in possession of what is said on a very important subject:—"The foreign influences which are at work in high places will not long be able to withstand the exposures of the press. To-day we are in a position to state another 'great fact,' as confirming all that we have said of the confidential, and favored position which the leading German parties resident in London occupy, both at the court and in the cabinet. It will be remembered that not a whisper relative to Lord Palmerston's resignation had been heard until the appearance of the *Times*, on Friday morning, containing the announcement. Now, we have in our possession the means of proving that the fact of the noble lord's secession from the government was known both in Vienna and Berlin early on Thursday. And not only do we state the fact, but it may be as well to add, that Chevalier Bunsen, the Prussian Ambassador, telegraphed the important intelligence to his government. It must sound very odd to English ears that early on Thursday the courts of Vienna and Berlin should have given expression to the exuberance of their joy at the resignation of Lord Palmerston, while no one in London, beyond the confines of the Cabinet Council room, had the slightest idea of what had taken place. Chevalier Bunsen, we can further state, is one of the most favored of those German agents through whom German objects are carried out, both at the court and in the cabinet. It is an important fact, and one that wears and wily aspect, that the Prussian Ambassador has been several times with Lord Aberdeen within the last eight days. It is not constitutional for a foreign ambassador to hold official intercourse with the Premier. All his official intercourse ought to be with the Secretary for the Foreign Department. But of this more hereafter."