

ANECDOTES OF DAN O'CONNELL.

BY THE AUTHOR OF 'LIVES OF THE LORD CHANCELLORS OF IRELAND.'

(From Chambers's Journal, 1875.)

Now that the centenary of O'Connell's birth has been celebrated, so many recollections of

That wonderful man,

Called *par excellence* 'Counsellor'—playfully Dan,

have been stirred, I desire to add a very few of mine to the number. I was acquainted with him personally; we were members of the same profession—the Bar; and our creed and politics were identical. It is not my intention, in these Circuit Recollections, to dwell upon his career as a politician—that is more the province of the party newspaper or the political treatise, and has already been a theme for many pens. I prefer to dwell more upon his fame as a barrister. I often wished the sayings and doings of our distinguished advocates were better preserved. There has always appeared to my mind much in common between actors and advocates; both come upon the stage, and play their parts, representing, with all the ability in their power, the character for whom they appear. The sorrows of the injured plaintiff, the innocence of the accused prisoner, are powerfully proclaimed; and, after a trial of considerable length, in which wit and wisdom, drollery and profound learning, are alike displayed, the auditor leaves the court impressed with much the same notion of the powers of the advocate as he feels when leaving the theatre after witnessing the representation of a first-rate actor. But while the theatrical critic records the actor's fame, the personal characteristics of the barrister are too often lost. Few in court have time or inclination to note his points, his humorous sallies, his ready and often felicitous jokes, his dramatic by-play. Let me endeavour to rescue the names of some of my brethren on circuit from oblivion. They were men of high personal and intellectual worth, and when I mention that mine was the Munster Circuit, I have said enough to recall the name and fame of the greatest advocates in Ireland.

Here, in former days, flashed the wit of Curran, the intrepid oratory of FitzGibbon (afterwards Earl of Clare), the drollery of Harry Deane Grady, the quaint pleadings of Recorder Waggett, the wonderful versatility of O'Connell. Here, in later years, were heard the dulcet voice of Pigot (afterwards Lord Chief Baron of the Exchequer); the astute arguments of Stephen Collins, the Chitty of the Irish Bar; the rapid utterance of Harry Cooper; the stately and powerful eloquence of Jonathan Henn; the close and pointed statements of T. D. FitzGerald; the clear and logical reasoning of Deasy; the masterly speeches of Sullivan (now Master of the Rolls of Ireland); and here to-day the fame and renown of the great Munster Bar are worthily sustained by Heron, Gerald FitzGibbon, Murphy, Exham, and several other barristers of transcendent ability. O'Connell had a wonderful knack of what was termed *insinuating a speech to the jury*, prior to the Act which gave prisoners the benefit of counsel. Indeed, he acquired the knack of insinuating not one but half-a-dozen speeches to the jury in any case. His mode was this: when cross-examining, he asked some question which he knew would be objected to. When the witness was told: 'Don't answer that question,' O'Connell gained his opportunity. He would say: 'You see, my lord, I have every right to ask that question, for if the witness answers in the affirmative, it is plain my client's innocence is proved, because,' &c. He possessed an extraordinary knowledge of his fellow-countrymen—the real cunning concealed by a stolid demeanour, the tact and cleverness covered by apparent simplicity. He often hazarded a guess at their thoughts, and seldom failed to hit off his point. Thus, when defending a man for a homicide, the principal witness for the prosecution was said to have been drinking with the prisoner before the affray. O'Connell sought to shew he had drunk too much whiskey to be able to give a satisfactory account of the affair. Yet the man swore he only took his share of a pint of whiskey. 'You only took your share,' repeated O'Connell with emphasis. 'Now, on your oath, was it not all *but the pewler*?' The witness admitted the fact, and the astute counsel obtained the acquittal of the prisoner.

O'Connell defended a man tried at the Cork assizes for murder. The case for the prosecution was exceedingly strong. The principal witness had picked up the hat of the man on trial, near the body of the murdered man. The prisoner's name was Pat Hogan. The hat was produced in court. O'Connell asked to see it, and it was handed to him. 'Now,' said O'Connell to the witness, 'you are quite sure this is the hat you found?'

'Yes, your honor, counsellor.'

'And the hat is in the same state now it was then?'

'O yes; just the same.'

O'Connell looked inside, and spelled PAT HOGAN. 'Do you mean to say the name was in the hat when you found it?'

'I do—on my oath, said the witness confidently.'

'You are certain of that?'

'Quite sartin.'

'Now you may go down,' cried O'Connell.—'My lord,' he said, 'there must be an acquittal: *there is no name at all in the hat*. The jury at once, under the judge's direction, found the prisoner 'Not Guilty.'

O'Connell was counsel for an heir-at-law whose rights were threatened by a will found, it was alleged, in a desk of the late owner. The genuineness of the will was disputed; but the witnesses swore point blank to the signature of the testator as having been affixed when 'life was in him.' The recurrence of this phrase, 'when life

was in him,' struck O'Connell. When cross-examining, he said: 'Now, witness, answer my question as you shall have to answer before the judgment-seat of God! Was not there a fly in the dead man's mouth when his hand was held to this paper?' Confused and trembling, the witness replied: 'There was.'

O'Connell's drollery was often displayed during the assizes. When stating the injury done to a client who brought an action against the Earl of Bandon for diverting a water-course, the defendant's attorney's face was a good index to his devotion to Bacchus. His name was O'Flaherty, and O'Connell said: 'So completely was the stream diverted from the plaintiff's mill, there was not sufficient water left as would make *grog* for O'Flaherty.'

When applying to change the venue of a case from Dublin to Tralee, the motion was resisted by a very unprepossessing-looking barrister, whose politics were adverse to Kerry-men in general, and O'Connell's in particular. This gentleman contended 'there was no necessity to send the case to Kerry—a county very remote—where he had never been, and was very inconvenient.'

'I can promise my learned friend,' replied O'Connell, 'a hearty welcome; and we'll shew him the lovely Lakes of Killarney.'

'Ay,' growled Mr. H.—; the bottom of them.'

'O no,' replied O'Connell. 'I would not frighten the fish.'

His practice on circuit was so great, he was usually retained in all important records; and when required to defend prisoners in the criminal court, while the records were trying in the next court, not having the ubiquity of Sir Boyle Roche's bird, could not be in both places at once. When engaged in defending a notorious White-boy named Lucey, he was often sent for to attend in the Record Court, where a very important case in which he held a brief was at hearing. He refused to leave the Crown Court while his client's life was in jeopardy; but when the jury returned their verdict, 'Not Guilty,' O'Connell appeared in the civil case.

'Where were you all day?' asked Sergeant Jackson.

'You were badly wanted here.'

'I could not leave the Crown Court; I was defending Lucey,' replied O'Connell.

'What was the verdict?'

'Not guilty.'

'Then you have acquitted a wretch,' said Sergeant Jackson—'a wretch unfit to live.'

'I am sure, my dear Jackson,' responded O'Connell, 'you will allow, if Lucey be unfit to live, he is still more unfit to die.'

When judges in Ireland are unable from illness, or other cause, to go circuit, a sergeant is usually sent instead. The sergeants in Ireland are only three in number, and take rank after the Attorney and Solicitor General; but as these law officers direct the prosecutions, and on great occasions personally appear for the crown, they are therefore disqualified while holding office, from presiding on the bench. Mr. Sergeant Lefroy was known to take great interest in religious matters, and the recent biography, written by his son, shews what a truly pious man he was. Fresh from taking part in a meeting for the conversion of the Jews, Sergeant Lefroy went as judge on the Munster Circuit. A man was tried before him at Cork, indicted for stealing a number of valuable coins. Several were from the Holy Land, others of the time of Caesar. O'Connell, who was defending the prisoner, heard the judge ask for the coins; when he instantly came out with a joke saying: 'Give his lordship the *Jewish* ones, but hand me the *Roman*.'

Having acquitted a man indicted for cow-stealing, O'Connell was visited that night by his client, who was considerably the worse for his potatoes. They were alone in O'Connell's lodgings, in Cork, and O'Connell had no desire for such companionship. He said he had so much to do, that he could dispense with the man's company.

'Well, counsellor, jewel, don't be angry with me; but before I give you my blessing, I want to give you an *advise*.'

'What is that?' asked O'Connell.

'When you go for to steal a cow, don't take any that are by the ditch—they're lean, hungry craturs; but take the outside one—she's shure to have the most mate.' So saying, the grateful client took his departure.

THE CITY OF GLASGOW BANK.

A general meeting of the Assets Company (Limited), which was incorporated on the 24th of May for the purpose of expediting the winding up of the City of Glasgow Bank, was held in Glasgow yesterday.—The Chairman (Mr. James King, of Levernholme) stated that the meeting was compulsory and purely formal, and that it was unnecessary to submit any accounts. When the list was closed on the 9th June it was found that for the 100,000 shares applications to the extent of 141,954 shares had been received, and of these the application for 102,070 shares, representing 510,285*l.*, more than the whole capital of the Company came from the solvent contributors. So strictly were the conditions of allotment adhered to that even those directors who, like himself, had been invited to join the Board, received letters of regret, and were only qualified by the renunciations of obliging friends who had been City Bank shareholders. As regarded the Assets property, the bulk of which was connected with Australia and New Zealand, no circumstance had come to their knowledge which was calculated to diminish their confidence in an important ultimate surplus. With respect to the actual position of the company, the share capital amounted to 500,000*l.*, and debentures were issued to the amount of

580,000*l.*, making altogether 1,080,000*l.* They had already paid in cash to the liquidators 557,000*l.*, and they had on hand in cash 30,500*l.* Of the call due on the 21st inst. the nominal amount was 150,000*l.*, but, part having been paid in advance, the exact sum to be received was 111,791*l.* Debentures have been taken by the banks or issued to the public amounting to 378,311*l.*, thus forming a total of 1,077,600*l.*, sufficiently closely approximating to the total of 1,080,000*l.*, the share capital of the Company. The liabilities of the City of Glasgow Bank had now been paid in full with the exception of those due to the Scottish Banks, and a not unimportant advantage had been secured in the settlement with the liquidators of their claims for a sum of 25,000*l.*, while 50,000*l.* had been provided for the expenses of the liquidators.—A vote of thanks to the Chairman closed the meeting.—*London Standard*, Sept. 19.

SAVINGS BANKS.

'Hermit' of the *Troy Times* discourses as follows on the importance of savings banks:—

In Franklin's autobiography we find the remark: 'I now began to think of laying by some money.' This was written by a young printer just 'out of his time,' and it indicates that spirit of thrift which marked his whole character. Franklin's example has many followers, as we learn by the fact that the savings banks in this city have 566,163 depositors. These banks are twenty-four in number, and the aggregate deposits are \$220,000,000. The oldest of these institutions is the Bank for Savings, which has 103,254 depositors, who have saved more than \$36,000,000. Next comes the Bowers, which has 95,708 depositors, with an aggregate of \$39,000,000. The Seamen's has 59,972 depositors and \$26,000,000. It is an interesting spectacle to see the crowd of depositors, whose varied character indicates every variety of humble life. A very large portion is house servants, while mechanics and clerks also are represented. The proportion of laborers is small, as this class can hardly earn a living, and it is rare to find any of the theatrical community, as they are proverbially improvident. Some of the largest fortunes ever made in this city were begun in savings banks. Peter Gilsey, for instance, when he worked at piano making while his wife kept a cheap cigar store, was a depositor, and in this manner laid the foundation of his wealth. The 'Bank for Savings' has been in operation sixty-three years, and a large number of its depositors have become rich men. Reader, never despise the day of small things.

A GREAT GAS PROJECT.

The fact that Bradford, Wellsville, Richburg, Bolivar, and all the towns and hamlets on the northern and middle oil fields are not only lighted, but heated by gas, the machine shops, boilers, and hotels being supplied with the same fuel, has attracted the attention of capitalists, and, according to a correspondent of the *Philadelphia Press*, a syndicate is forming to still further utilize the natural gas of the northern belt, which extends from Lake Erie east 200 miles, and from Bloomfield, Ontario county, N. Y., south to near Pittsburg; in other words, nearly 400 miles square. As an evidence that this gas is practically inexhaustible, the fact is stated that one well at Sheffield, Warren county, has been flowing steadily for fifteen years, and another in Westmoreland county nearly as long, and the gas from either would light and heat the city of Philadelphia. It is stated that the gentlemen who are interested in the enterprise are all large capitalists, and are confident of ultimate success in supplying the great cities of the Union with gas, for light and fuel, at much less rates than even electricity can be furnished.

A NEW PASS THROUGH THE ROCKIES.

The Walla Walla *Statesman* of the 9th inst., in speaking of the new pass through the Selkirk range of mountains says:—The border land of her British Majesty's dominions, across the 49th parallel, is now assuming unusual importance, owing to the discovery of a new pass in the Selkirk range, where one was never before supposed to exist. Major Rogers, of the Canadian Pacific railway, is the discoverer of this important pass, which is henceforth to be known as the Rogers' pass. The discovery cannot be over estimated, for it will give an impetus to the building of the road it never before had, as it saves the length of the road around Upper Columbia Big Bend, and will make the Canadian Pacific 500 miles shorter than any line now, or being built. Good practical judges, men who are not led away with enthusiasm, predict that by the new road Canada will have through connection by rail with British Columbia in four years. Heretofore it was considered almost impossible to find a pass through the rough and rugged Selkirk range, but after two years' explorations, undaunted by difficulties that would have defeated men less experienced and persevering, Major Rogers has accomplished his mission, and the new pass, though of heavy grade, is entirely practicable. The Kootenay country already feels the boom, and settlers are coming into that rich agricultural, timber, and mining country by scores. Kootenay district is famous as being a gold producing region for a number of years. In fact some of the richest placer diggings in the whole Columbia basin have existed there, and from appearances it is destined to loom up as a greater gold producer than ever. Capital and experienced men are now there working hard prospecting the country, with every chance that they will reap a rich harvest for their trouble and enterprise.

A TRAFALGAR VETERAN.—John Crawford, one of the last of the Trafalgar heroes, has just died at Easthaven, near Dundee, in the ninety-fifth year of his age. He joined the navy when a boy, and was present at the battle of Trafalgar, where he lost one of his arms, which incapacitated him for future service, and he returned to Dundee. He was for many years station master at Easthaven, on the Dundee and Arbroath Railway.