

**CIHM
Microfiche
Series
(Monographs)**

**ICMH
Collection de
microfiches
(monographies)**



Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques

© 1996

Technical and Bibliographic Notes / Notes technique et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments / Commentaires supplémentaires:

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modifications dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below /
Ce document est filmé au taux de réduction indiqué ci-dessous.

	10X		14X		18X		22X		26X		30X	
	12X		16X		20X		<input checked="" type="checkbox"/>		24X		28X	32X

The copy filmed here has been reproduced thanks to the generosity of:

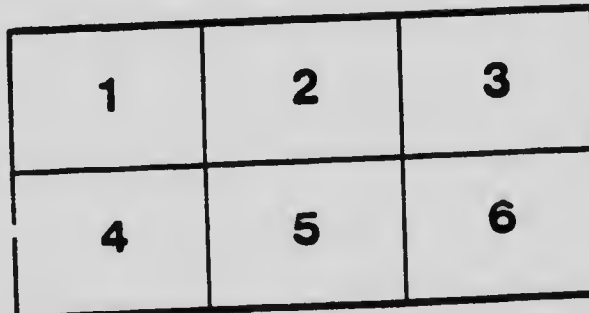
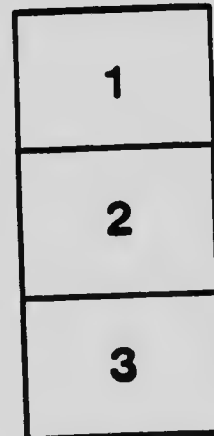
National Library of Canada

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol \rightarrow (meaning "CONTINUED"), or the symbol ∇ (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemplaire filmé fut reproduit grâce à la générosité de:

Bibliothèque nationale du Canada

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

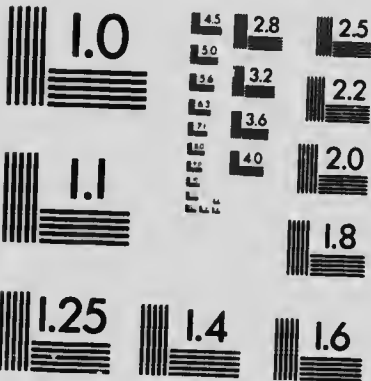
Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole \rightarrow signifie "A SUIVRE", le symbole ∇ signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.

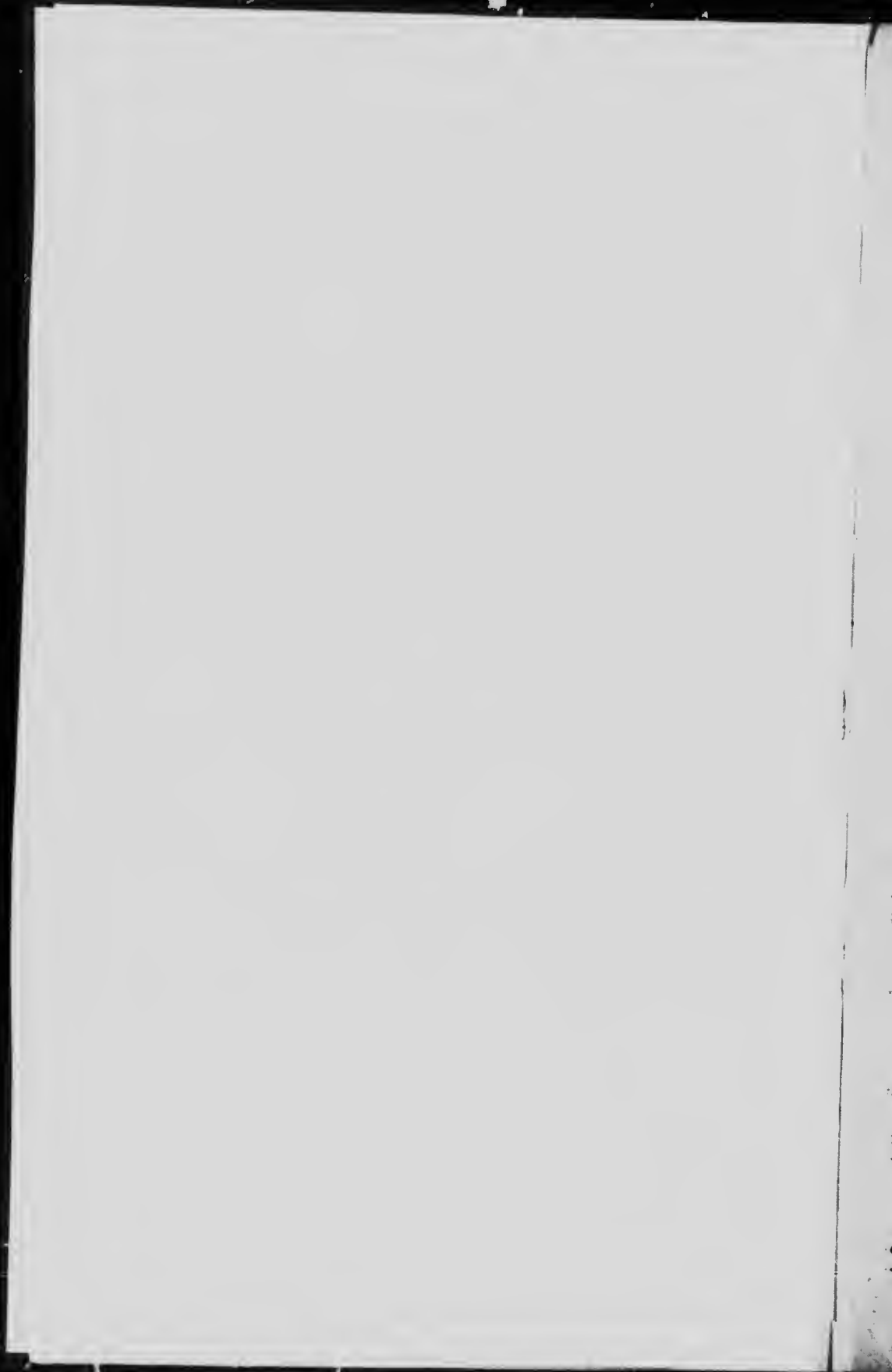
MICROCOPY RESOLUTION TEST CHART

(ANSI and ISO TEST CHART No. 2)



APPLIED IMAGE Inc

1653 East Main Street
Rochester, New York 14609 USA
(716) 482 - 0300 - Phone
(716) 288 - 5989 - Fax



THE CASE FOR IRELAND STATED.

Speech delivered by Hon. EDWARD BLAKE, M.P.,
in Washington, U.S.A., on Dec. 7th, 1902.

At the desire of Mr. Davitt, I reluctantly precede him this evening but I shall not abuse my position by elaborating some great topics which obviously are for the delegate of the League himself; such as the object, work and claims of the organization, and the vital subject of the land. On that, who else should speak in the presence of the father of the Land League? But I may perhaps venture as an Irishman, American born, whose highest ambition is to be a marching soldier in the army of freedom and progress, to say something, even here, on one great aspect of the national cause. Now, Ireland has by slow degrees, after long agitation and dreadful suffering, wrung from Britain's unwilling hands, during the last hundred years, several great alleviations of injustice. But there yet remain in the category of specific wrongs unredressed, some capital items, notably those touching land, taxation and higher education. On these topics, however, I repeat, I shall say but a few words.

EDUCATION.

The lack of provision for university education, available on a liberal and equal basis to such of the children of the majority as can profit by it, is a great grievance, the redress of which is essential to the intellectual, moral, literary, industrial and political advancement of the nation. But there is no relief.

OVER-TAXATION.

The two other questions touch directly our material existence. The over-taxation is second only to the land. Ireland is yearly drained of a wholly undue proportion of her taxable resources. Though the wrong is

London, 1902.

not so open and palpable in form, and does not so obviously strike each individual as the land wrong, yet it is plain, as has been established; and both the terms of the union and the justice of the case demand early redress. But again there is no relief, rather an aggravation.

THE LAND QUESTION.

As to the land, I just name the questions of labourers and town tenants, as urgently requiring attention, and turn to the overwhelming topic of the agricultural holdings. This is the subject of widest national interest, coming home most directly to the whole population. Its speedy solution is essential to the continued life of the nation. Great things indeed have been done upon it, which I leave to Mr. Lavitt. But after all, its present state is agreed to be intolerable. Its remedy is universally agreed to be the conversion of the occupying tenancy into a proprietary right; coupled, in congested districts, with consolidation of some holdings and migration to others. This consummation will, at best, take long. All the more need to begin soon, for while the rulers tarry the nation dies. The people are convinced that, short of a measure for compulsory sale, no effective progress can be made, and this is their demand. On this, even the majority of the Unionist constituencies in the North agree; about nine-tenths of Ireland is agreed. But England refuses. The Minister declares that "no government can settle the Irish land question—it must be settled by the parties interested." The Minister offers, so far, only legislation including impossible and omitting essential provisions, which would, on the whole, leave the tenants much worse off than they are. Meantime, though the former abominable system has been enormously modified, yet imperfections in the reform, and evil administration, have left some old and developed some new evils. The tenant's interest is in peril on each revaluation; there is no proper security for the fruits of industry; sale is declined; excessive rents are levied; more and more the country is depopulated and turned into cattle ranches, instead of homes for men; coercion is in full swing; once again Ireland is being taught in the new century "the lesson of the last, the fateful lesson that reason, argument and the judgment and will of the nation avail not, and that agitation, trouble and necessity are the only levers to move England to action.

The question I have thus sketched summarises and illustrates in a concrete form the real nature of the Irish difficulty and its one solution.

I rejoice, however, to add that within a brief space some hope has sprung up in Ireland herself. True, the landlord organization has been acting in the old and haughty spirit of the garron; insisting on strong coercion by Government and Parliament; raising half a million with which to crush under the engines of the law Irish leaders, organizers and recalcitrant tenants; contemptuously refusing (like some coal barons lately in the United States) to accept the proposal, though made from their own ranks, of a conference with the tenants' representatives; laying down an

impossible ultimatum, and reiterating their insuperable objection to the principle of compulsion.

But wiser views seem at last to have dawned upon a number of the landlords; these do not insist on the ultimatum; they favor a conference. And thus there open, unexpectedly, great possibilities of good. But, in my judgment, which I cannot too emphatically state to-night, any prospect of their realization depends on the continued firmness, determination, and activity of the Irish at home and abroad.

AMERICA AND IRELAND.

I speak of education, taxation, and land no more to-night. Vital though each is, and sound as are the tactics which at this time bring the land to the front, and concentrate upon it popular attention, yet it is on something greater even than these—something, the acquisition of which would involve all these, but the want of which would leave Ireland, though all else were won, still poor, degraded, deprived of the one thing needful; it is on the absolute lack and the imperative need of Irish self-government that I would speak. Were I given the choice of a place and of listeners for such a topic, out of all the world I would choose Washington for the place, and this gathering for the audience. Why? Because this is the political capital of a mighty republic, embracing half the area and fourteen-fifteenths of the population of the Northern Continent. Because, of that population many millions are of Irish descent, and their hearts beat high for Ireland. Because, among those who cannot claim Irish blood, many millions more are yet warm in sympathy with our cause, and unable to discern any reason why the Irish should be deprived of those rights of government at home which they so freely exercise over themselves (and some say over everybody else) in all other countries where they are found. Because this Continent, through whose wide expanse, from Atlantic to Pacific, from Pole to Gulf, the very winds of heaven seem to waft the breath of freedom; whose people have, in each of the great divisions—yours and mine—so abundantly proved their right and title to self-government, so thoroughly applied the principles of State rights and Federal relations: this Continent is, naturally, that which should be most responsive to the claims of others for liberty and justice.

And, lastly, because this country is, again, of all the countries in the world, that whose clear and settled opinion on the Irish question ought most to weigh with England.

THE NATIONAL QUESTION.

Now, my effort will be limited to bringing before your minds one point, mainly, the real condition of things as to freedom in Ireland under the existing union. I say nothing of her more ancient story; I recount no details of her historical claims. You know that she has never freely

surrendered her right to a national existence; that the union which she suffers to-day was accomplished by the basest means of con- intrigue; that it has never been truly accepted by the nation, and can have no moral sanction for its continuance. You know that under the Union the strong partner has grown stronger, the weak partner weaker, the rich richer, the poor poorer; that the population of Ireland, which was one-third of the whole, is now but one-eighth; having actually decreased one-half, while that of Britain has increased near twenty-five millions; that Irish manufactures and capital have declined, while British have immeasurably multiplied; that the incomes of Irish wage-earners average little more than half of those of British; that the scale of living of the masses in Ireland is far lower, and the margin so narrow that in great areas a single bad crop tends to famine, requiring State aid; while in Britain there is a steady improvement in the standard of living, and in the reserve for emergencies. You know that emigration has drained Ireland of those in the prime of life, and the relatively inferior conditions of the people have produced painful results; for example, the proportion of deaf mutes is near one-third larger than in England; of blind, two-fifths larger; of lunatics, one-third larger. You know that in this gloomy situation there is only one other relative increase; the taxes on commodities were, per head, in Ireland, in 1820, 11s.; in 1894, 22s.; they were doubled. In Britain in 1820, they were 48s.; in 1894, 24s.; they were halved. So that, resources considered, Britain is the lightest, while Ireland is the heaviest taxed country in Europe.

THE RESULTS OF THE UNION.

But notwithstanding these results, which seem to me of themselves to condemn the system of government under which they could occur, those who are less familiar with its actual working are sometimes puzzled, and even deceived, by the claim that, after all, the union is an arrangement possessing the elements of fairness and freedom.

Now, to Irishmen on the ground, and to political students everywhere, and accordingly to many of those whom I address, part of what I am going to say is quite. But I own I want to include such American citizens as have not had time or inclination for detailed study of the Irish question. I want rather to talk to the man of open mind not yet convinced, than to preach to the converted. I shall attempt no rhetoric; I must deal with some dry details; I have not time to enliven and enforce abstract reasoning by anecdote or example, or even adequately to sketch, still less to fill in, the details of the argument. But I wish to give you some reasons at any rate for the faith that is in me. So may I best hope to create or confirm that same faith in you. Some are caught by the statement that Ireland has a full, or, with her depleted population, even an excessive, representation in the British Parliament; and thus obtains her adequate share of control both legislative and administrative, in the local as well as the imperial

concerns of which that Parliament disposes. And this, at first blush, may look all right.

You remember the old couplet :

“ For forms of government let fools contest ;
What is best administered is best.”

I do not agree ; because I think forms, especially in the direction of securities for freedom, are often absolutely vital. But it is true that forms, however excellent they may be, are often evaded or perverted ; that the working of a system, or the administration of a law, may make it either beneficial or intolerable ; that a seeming show of freedom, either in legislation or in administration, may be so managed as to result in slavery. And this we say is, both legislatively and executively, the case in Ireland. The truth is, that Ireland lives under a pretended, but not a real, system of liberty and equal rights ; and the Union under a common Parliament lacks the essential securities of freedom. For how does it work ? It gives to England, the predominant partner, the power, habitually used, of imposing her legislative and executive pleasure on the weaker island, and of governing her in all local matters as a subject people. What, after all, is the essential element of political freedom ? It is this ; that a people should be ruled under laws which are made by their own elected representatives, and administered by their own chosen officers ; both Legislature and Executive being effectively responsible to the people whom they rule. But the Parliament which legislates for Ireland has for generations systematically refused to listen to argument, and has in the end been forced, not through conviction of its soundness, but only from fear of the consequences of longer refusal, to concede legislation for which four-fifths of the Irish people pressed, while it has imposed on her legislation to which four-fifths objected. We are eighty out of a hundred representatives of Ireland ; but there are 570 representatives of Britain. They do with us what they will ; and the voice of the twenty Irish anti-Nationalist members is with them more powerful than that of the eighty Nationalists.

REFORMS WON ONLY BY FORCE.

As to the making of laws, judge by the course of events. It took a generation, a tremendous agitation, and the imminence of civil war, to obtain Catholic emancipation ; and then it was accompanied by an extensive measure of disenfranchisement. It took near two generations, great violence, and a tithe war to remedy the abuse under which the Catholic majority were forced, out of their poverty, to pay for the luxurious support of the church of the minority, itself rich in all save congregations. It took over two generations, with the same accompaniments—and with dynamite and Fenianism—to disestablish and partly disendow the church of the minority. It took near three generations, with the most tragic national history in the world—with a sad, but yet not surprising record of violence

and crime, to accomplish a great, but only partial and unsatisfactory redress of the killing land system. It took nearer four generations, with all the dreadful accompaniments to which I have alluded, to convince a great man (who, after all, failed to convert the whole of his political party) of the fundamental justice and indestructible vitality of the Irish claim for self-government. And even now, after his heroic efforts, great and lasting as have been their effect, a majority in Britain as yet remains unconvinced, and pronounces against the allowance of that claim. I have told you how we stand legislatively as to higher education, taxation, and the land. Where, then, upon this survey of a long century, where in the legislative department, does there shine one ray of real freedom, of that freedom which engenders loyalty to the constitution as it stands, which should justify the abandonment of our claim for Home Rule?

There shines no such ray! On the contrary, the brightest gleam of hope from legislative action springs out of the great movement of Parnell and Gladstone, which gave us two governments and one House of Commons favorable to Home Rule; and a by-product of which was the grant of county and rural government to Ireland, a tremendous gain, the reluctant result of pledges made by the Tories to avert that worse thing, national government.

That splendid gleam lightens still the vista which those leaders cleared: it reveals a great and cheering element of sympathy, acknowledgment and resolution at last evoked in the mind of a large proportion of the British democracy; and it makes plain the true direction of our Parliamentary efforts, encouraging us, so long as we are firmly backed by the Irish people, in whom is our strength, to continue our exposure of misgovernment and our demand for freedom.

I believe that, though for a while overcast that gleam is brightening now, and will in due time shine more and more unto the perfect day.

ADMINISTRATION OF THE LAW.

I have dealt so far with the making of the laws; and now what as to their administration? The whole Executive system in Ireland is excessively centralised, and worked without any responsibility to Ireland, by the Chief Secretary, acting through his office, and through various boards, and largely by the agency of the Royal Irish Constabulary, an army in the guise of a police force, playing an arbitrary part, and exercising a despotic authority over Ireland, wholly inconsistent with the dignity and freedom of the people. Too often the constable's baton is the only law for the peasant. I add that the laws, made as I have described, have been administered in the spirit of their makers by officers of those English statesmen who impose them—officers mainly drawn from the ranks of the Irish minority.

Now, in a country truly free, where the laws are the expression of the

settled popular will, their enforcement is generally a safe and easy operation. The people aid in the administration of the laws they themselves have made. They are the ready executors of their own will. But, even in these happy conditions, so great is the danger of executive oppression, so imminent the risk of the individual suffering when at issue with the State, so grave the need of securing justice in the administration of those laws to which the people have assented, and of preventing their perversion to tyrannical uses, that these points have long been primary objects of free governments. In England herself, at any rate for herself, in this great Republic, in the Dominion of Canada, in the Commonwealth of Australia, constitutional securities have accordingly been established. And these securities are maintained against a constantly present danger inherent in human nature, and demanding even to-day continued vigilance against aggression. Let no man say that the risk exists no longer, or that the old securities may be now abandoned. Do not in the heyday of freedom vacate the old fortresses of liberty your fathers built!

SECURITIES FOR FREEDOM.

Now let me summarise some main elements of the securities for freedom. There is the invaluable writ of Habeas Corpus. There is the protection of a great, free, and independent Bar. And there is the security of the recognised function, as a minister of justice, of the prosecutor for the State, whose duty it is to see that the accused gets fair play. Other leading features are these:—First, there must be a clear, plain and precise written charge, disclosing the alleged offence. Next, chiefly, the question of guilt or innocence, upon the facts, must be decided by a fairly impanelled jury of the people. Lastly, and only second to the trial by jury, the trial must take place under high-class, independent and impartial judges permanently engaged in the general administration of the law. But all these securities, sacred in England for England, are by England almost habitually wrested from Ireland.

THE IRISH BAR.

First, as to the condition, even under the ordinary law, while that is allowed to prevail. Instead of an independent Bar, which may cherish honourable aspirations to the Bench of Justice, to be realised by the proof of capacity and public spirit, and by the acquisition of public confidence, you find a system under which the Bar is bribed by the establishment of a scandalously overpaid and overstuffed Judiciary, offering to the profession dignity, light work, secure tenure, and large pensions. Now, barristers anywhere in the rest of the world, would, of course, and do, for dignity, security, ease and pension, gladly accept a much lower income than their precarious earnings at the Bar, the fruit of great exertion, and which

illness or loss of fashion might any day destroy. But in Ireland all these things are given, and to them is added a salary which is, I believe, generally double or treble their earnings at the Bar!

And the road to these great positions has been, with the rarest exception, one road alone. It is not the National road.

The result is substantial proscription of the Nationalist element, and a practical choice of almost the entire bench out of the ranks of the anti-Nationalists. This necessarily has a grave effect on the condition of things at the Bar and on the Bench. How different is the condition from the days when the overwhelming majority of the whole Irish Bar, headed by its greatest leaders, protested against the Union! Do not misunderstand me. There are, thank God, able and brilliant Nationalists at the Irish Bar, but they are practically under a ban. There are just and well-intentioned judges on the Irish High Court Bench; but they are, as a rule, of one political complexion, and that the anti-National complexion; and they live, move and have their being in that element alone. Everyone must see, without more words, the injurious results of the system I have described, on Bar and Bench and prosecuting officers alike.

JURY PACKING.

But the greatest interference, under the ordinary law, with the fair administration of justice consists in the packing of the jury. This practice, which public opinion would not allow to be pursued for a day in England, is in agrarian and such like cases systematically adopted by England in Ireland. The jury panel is struck. Let us presume it is fairly struck. Take the case of a county in which, as often happens, there is a great majority—running sometimes to ninety per cent. or more—of Catholics. Naturally, a fair panel will contain a vast preponderance of Catholics. The names in each case tried are drawn by lot. As each man is called, the Crown claims the right to say "Stand by," without cause shown or reason given. Thereupon the man is set aside and another name drawn. This goes on till twelve names suitable in the view of the Crown are drawn, and these twelve form the jury. And (not, of course, by design, oh no! they say they never inquire and do not know the religion), by some miraculous chance it turns out that the fifty or sixty men set aside were Catholics, and the twelve men left are Protestants. So the jury is struck; so the prisoner is tried; and so convictions are obtained. So justice is administered; and Englishmen wonder that the masses of the Irish people have a profound distrust, a deep contempt, a burning hatred of such administration.

PERPETUAL COERCION.

But this is not enough. **More, much more, has to be done in order to accomplish the purposes of the English Government.** There is, even so,

an occasional mistake on the part of the Crown; an occasional admission to the jury-box of a person they deem unsuitable; an occasional disagreement of the jury. How are these evils, in the view of England, to be remedied? This is her way. During the greater part of the last hundred years Ireland has been governed, not even under the form of freedom, but by means of Coercion Acts, Acts suspending the Habeas Corpus, and such-like devices. There are, I believe, eighty-seven such monuments to freedom recorded in the statute books, an average of one a year. But latterly, in the year 1887, a permanent law, the "Crimes Act," was passed, which enables the Executive, by proclamation, to suspend whenever and wherever it pleases the operation of the cardinal provisions of the ordinary law: which provides (even when a jury trial is allowed) that it shall, at the instance of the Crown, be at a place selected by the Crown, and by a special jury, meaning, in Ireland, a jury of the minority party; which creates also some new crimes, and provides for the trial and punishment of these and other crimes under a very summary procedure without any jury at all, and by specially chosen magistrates alone. There is a further provision which, of itself, at once and without proclamation, has permanently deprived all Ireland of the ordinary securities, and applied these obnoxious provisions in charges of unlawful assembly or riot; charges, I need not tell this audience, which may touch closest the most fundamental popular rights of free and public meeting, speech and resolve. It is by a review of the actual working of this system that one can learn most clearly the hollowness of the pretence that Ireland is free any more in administration than in legislation, and realise the sad truth that the main securities for justice are abolished.

WHAT COERCION MEANS.

What, then, is the system under which, in matters pertaining to public justice, Ireland is, at the will of the Executive, being ruled to-day? For two years past frequent use has been made of the permanent section—that is, the standing Coercion clause; and scores of summary prosecutions have taken place under its arbitrary provisions. Under the powers of the same Act great districts, comprising nearly half of Ireland, have been recently proclaimed. Thus the constitutional protections of the subject in vital matters have ceased; and new crimes have been created. Thus it is no longer necessary that there should be a clearly framed charge against the accused. The proceeding being summary, it is decided that a charge lacking the distinctness necessary for a good indictment is yet good enough to convict the accused under the Crimes Act. Thus no longer is the question of guilt or innocence to be decided on the evidence by a jury of fellow citizens. Packing is not a sufficient weapon for the Crown.

THE REMOVABLES.

The people, it is said, will not convict. And what is to follow on the refusal to convict? A remedy of the grievance? Reluctance to prosecute

meanwhile? Adequate reform of the law? No! But take away the right of trial by jury, and commit to the hands of one or two magistrates both facts and law, the whole question of guilt and innocence; and so fix the fate of the accused! To the hands of what manner of magistrates? To those of judges of the rank, learning, and independence of tenure which, with whatever drawbacks, yet relatively mark the high courts of the land? No! To the hands of inferior men, called resident magistrates, not generally chosen from the ranks of the Bar, mainly taken from that very constabulary on whose practices and evidence they are called to decide, and from the military and naval services—with about the very worst kinds of training for just conclusions on such issues! What is their tenure of office? They are absolutely dependent. They are removable at the will of the Executive on payment of three months' salary, and they are besides liable to punishment and amenable to reward by transfer at pleasure to less or more eligible districts. And how do they come to take charge of any particular case? Not on a general plan or rota in discharge of their usual duty. But the Executive in each case in which it directs a Crimes Act prosecution, chooses and sends down the particular magistrate it thinks most suitable for the work in hand. And so this ex-constable, thus chosen, takes the evidence, often that of constables, mayhap of old comrades in the force, and decides the facts and the law, and gives the sentence; he is judge and jury rolled into one. And this is a country where the police are practically a military force, drilled to arms, and accustomed to arbitrary action and the free use of violence towards the people—in a country in which we know, from sad experience, that there is such a thing as police-manufactured crime and perjury, culminating in the conviction of the innocent. Now, what kinds of issues are these which are to be so decided? Are they police-court questions? Questions of a petty debt, or a common trespass, or an ordinary contract? No. They involve points of fact and law, at once of the greatest difficulty, and of the highest importance to a free people; the right of public meeting; the right of free speech; the right of a free press; most delicate points as to motive and intent, as to malice, as to the nature of admissible evidence, as to lawful or unlawful assembly, as to lawful or unlawful combination, as to criminal conspiracy; as to the limits permissible in political agitation, the point at which words or conduct transgress the permissible line, cease to be political and become criminal, the point at which one man's rights becomes another's wrongs. All these are to be decided on the facts and the law by these gentry. I say there is no class of cases which, in the interest of the State and of the individual, more urgently require than these the maintenance of those very securities which have been abolished. They suggest that there may be an appeal. We are entitled to a fair and constitutional trial, not such a trial as this, even were the finding subject to appeal. But such appeal as exists is taken, not to the High Court, but only to an inferior judiciary, far less satisfactory, in the conditions of the country, than would be the High Court. Nor does the right exist in all cases. On sentences up to a month there is no appeal.

PERSECUTION OF POLITICAL OPPONENTS.

And then, a system of torture is now applied, under which sentences of six or twelve months or more may be added. How is this managed? There is an old law of King Edward III., directed against rogues and vagabonds and such disorderly persons, which authorises a magistrate to order such persons to give bail to be of good behaviour for a term, and, in default, to be imprisoned. This antiquated law, introduced into Ireland by Poyning's Act, is now being brought into play for uses undreamed of when it was passed. Even if the main charge fails, the magistrates frequently use this law to inflict this penalty. And when they convict on the main charge they may sometimes give a short unappealable sentence for the crime, to which they tack on this further penalty for a longer term. And all this is a matter so far in the discretion of the magistrates as to be practically almost final. By this device there may be a sentence of a month, unappealable, and a second sentence of six or twelve months more, also unappealable. And, after having managed, by executive action, to provide that sentence of hard labour shall disqualify for five years for all municipal offices, these magistrates are using this other engine by giving hard labour sentences to some of the most respected leaders of municipal life in Ireland, and so turning them and keeping them for five years out of office. I wish I had time to give you some examples of the administration of law and order in Ireland of late date. They would make you laugh; they might sometimes even make you weep. But I must press on to a close.

INDICTING A NATION.

All these things are going on to-day. Many of the most trusted men in Ireland are suffering these penalties. Tremendous issues—national, political, and social—are being tried. A supreme struggle is being made by a subjugated people, who, while absolutely refraining from those crimes of violence and outrage which have marked some former agitations, are yet endeavouring, by combined and concerted action, to make manifest and effective the popular decision and to convince the English people of the need of concession. Now, much can be done in this direction without transcending the real limits of the laws, and their interpretations, new and old—sometimes perplexing and obscure—which are invoked, if there were only a just and equitable application of those laws to present conditions. Those limits are in some cases vague and indistinct. They may well be—sometimes unintentionally and sometimes intentionally—overpassed in the struggle for the people's life which is now going on in Ireland. It may not be the case that everything which has been done in every instance in the course of, that struggle is justifiable under the imperfect and antiquated man-made English laws, or even accords with every notion of abstract justice or of the higher law. That is not at all the question. The question is how and in what spirit the matter shall be

determined. It is not for you or me to judge of particular cases to-night. It is not for a resident magistrate, such as I have described, to be judge and jury on them. If an indictment is to be brought practically against a whole people, by hundreds of prosecutions all over the land, then the gravity and exceptional character of the situation call, not for less, but for added solemnity and safeguards in the attempt. But it is admitted that even with the ordinary safeguards the attempt would fail; and this, as I have told you, is the deliberate excuse for breaking down the safeguards and applying the Crimes Act! This is no just excuse. Dealing with the Irish people, whom they thus keep in unwilling subjection, the English ought not to be too nice in laying down the limits of political agitation, or, in condemning great assemblies, vigorous speeches, strong resolutions, newspaper reports and articles, determinations on the part of those who suffer to have no dealings with those by whom, or by the aid of whom, they are suffering. These sticklers for "law and order" should remember that there was law-breaking agitation, there were threats and violence, in England, before the English attained that general representation of the people in Parliament which gave them real self-government. The English ought, at any rate, to leave us the protection of the English law, such as it is. The truth is, that such conditions as exist in Ireland are symptoms of some great wrong in the body politic, to be cured, not simply by a stern use of repression and punishment under ordinary law, still less by such exceptional means as I have described, but rather by the passage of reforming laws remedying the grievances which give rise to the symptoms. The sad truth is that these things spring directly from the determination of England to govern Ireland by force. Meantime, under such conditions as exist, conflicts will ensue and suffering will be inflicted. But if the abuse of power in repression, while it is not used for redress, is met by firmness and resolution at home, and by support, sympathy, and encouragement abroad, the end is certain. Sooner or later this attempt of one people to govern against their will another people determined to be free, must fail. The remedy for England's difficulty is simple, and sure, and complete. It is also the only remedy. It is to concede to the Irish the management of Irish affairs. On that basis, as, sixteen years ago, Gladstone and Parnell agreed, a treaty can yet be made, under which, justice once done and freedom granted, discontent and dissatisfaction may at no distant day be replaced by concord and mutual respect. God speed that day!

93

4926X4 C

ght.
udge
st a
the
t for
that
as I
ards
n the
glish
a, or,
tions.
who
id of
d re-
s and
enta-
ment
nglish
eland
l, not
y law,
by the
to the
n the
under
dicted.
ress, is
y, and
mpt of
to be
sure,
ish the
Glad-
justice
at no
d that



