

Mr. Butt.—Then, my lords, may I ask you to look at one authority? Though I do not mean to argue any question, I beg your lordships to refer to a note of Serjeant Hawkins, bearing on the point as to the necessity of naming the principal in the indictment where the treason charged is accessorial. It is under the title 'Accessory,' 2nd Hawkins, p. 234.

The judges took a note of the passages in the authority in question.

The three prisoners advanced to the front of the dock; they were attired with evident attention to their appearance. Each of them comported himself with a resolute air. McManus seemed as self-composed as he was on his trial. O'Donohoe looked pale, but collected, while Meagher exhibited perhaps a little ostentatious display in his attitude.

The Clerk of the Crown having read over the indictments, and in the usual manner read the record of the arraignments, the pleas of the prisoners and their convictions, asked each of them what he had to say why sentence of death should not be passed upon him.

The first prisoner whom he addressed was Mr. McManus.

Clerk of the Crown.—Terence Bellew McManus, what have you to say why sentence of death should not be passed upon you?

SPEECH OF MR. McMANUS.

Mr. McManus said—My lords, I trust I am enough of a christian and enough of a man, to understand the awful responsibility of the question that has been put to me. My lords, standing in this my native soil—standing in an Irish court of justice, and before the Irish nation—I have much to say why sentence of death or the sentence of the law should not be passed upon me; but, my lords, on entering this court, I placed my life—and, what is of much more importance to me, my honour—in the hands of two advocates; and, my lords, if I had ten thousand lives and ten thousand honours I would be content to place them under the watchful and glorious genius of the one, and the high legal ability of the other. My lords, I am content in that regard. But I have something to say which no advocate, however anxious, can utter for me. I have this to say, my lords, that whatever part I may have taken in any struggle for my country's independence—whatever part I may have acted in that short career—I stand before your lordships now with a free heart and a light conscience, ready to abide the issue of your sentence. And now, my lords, perhaps this is the fittest time that I might put one sentiment on record, and it is this—standing as I do between the dock and the scaffold—it may be now or tomorrow, or it may be never; but whatever the result may be, I have this sentiment to put on record, that in any part I have taken, I have not been actuated by animosity to England, for I have spent some of the happiest and most prosperous days of my life there, and in no part of my career have I been actuated by enmity to Englishmen, however much I may have felt the injustice of English rule in this island. My lords, I have nothing more to say. It is not for having loved England less but for having loved Ireland more that I stand now before you.

Clerk of the Crown—What have you to say, Patrick O'Donohoe, why sentence of death shall not be passed upon you.

MR. O'DONOHOE'S SPEECH.

Mr. O'Donohoe said—My Lords, I have written out a few remarks, which, with your lordships' permission, I will read.

The Court having assented, Mr. O'Donohoe said—My lords, I beg to say that the Attorney and Solicitor-General have conducted the case against me fairly but strictly, and I find no fault with them nor with the evidence given against me, so far as it was acted on by the jury. My lords, I do complain that in such a county the jurors summoned to try me, a stranger, for a political offence, were exclusively political opponents, and with such a panel, I regret, that your lordships did not, as my counsel requested, allow my jury to have been called from those who had not served, or been rejected, on a former trial. My jury, thus selected, could not overcome all bias, and I believe they found a most mistaken verdict. Mr. Justice Moore in his direction told the jury that if I assisted Mr. O'Brien whilst engaged in a treasonable design, I was guilty of treason, although I might not know of his intent, and from their recommendation it appears that they found me guilty on that direction. To one unlearned in the law, and supposing that treason depends on intention, it seems contrary to common sense that I can participate in a treasonable design of the existence of which I am ignorant. I do not, however, presume to dispute the law as your lordship has stated it, but no earthly judge is infallible; and as the doctrine is so startling, and being one stamped with the authority of Mr. Moore's high constitutional character, would form a precedent dangerous to the lives and liberties of the best men, I humbly request your lordships to reserve the point for the consideration of the judges. If your lordships be in error that error ought to be corrected—if not, it will be a protection to every one to know that the law so laid down has been confirmed. It is not fit on this solemn occasion to defend my opinions or conduct—I will therefore only say that those opinions have always been tolerant, sincere, and consistent. I am grateful to my eminent counsel, Mr. Butt, for his eloquent and truly able defence, the more so because that defence was generously given without

fee or reward, and given, too, to his political antagonist. I cannot express my admiration of the ingenuity and great talent shown by my junior counsel, Mr. Francis Meagher, and his zeal for my defence. I also beg to thank my solicitor, Mr. Laffan, for the ability with which he conducted my case, and the general exertions made by him on my behalf.

The Clerk of the Crown then asked Mr. Meagher what had he to say why the sentence of the law should not be passed upon him.

MR. MEAGHER'S SPEECH.

Mr. Meagher.—My lords, it is my intention to say a few words only. I desire that the last act of a proceeding which has occupied so much time should be of short duration; nor have I the indelicate wish to close the dreary ceremony of a state prosecution with a vain display of words. Did I fear that hereafter, when I shall be no more, the country I have tried to serve would think ill of me, I might indeed avail myself of this solemn moment to vindicate my sentiments and my conduct; but I have no such fear. The country will judge of those sentiments and that conduct in a light far different from that in which the jury by which I have been tried and convicted have received them, and by the country the sentence which you, my lords, are about to pronounce will be remembered only as the severe and solemn attestation of my rectitude and truth. Whatever be the language in which my sentence be spoken, I know that my fate will meet with sympathy and my memory will be honoured. In speaking thus accuse me not, my lords, of an indecorous presumption. To the efforts I have made in the just and noble cause I ascribe no vain importance, nor do I claim for those efforts any high reward; but it so happens and it will ever happen so, that they who have tried to serve their country, no matter how weak their efforts may have been, are sure to receive the thanks and blessings of its people. With my countrymen I leave my memory, my sentiments, my acts,—proudly feeling that they require no vindication from me this day. A jury of my countrymen, it is true, have found me guilty of the crime of which I stood indicted. For this I bear no animosity or resentment towards them. Influenced as they must have been by the charge of the Lord Chief Justice, perhaps they could have found no other verdict. But, what of this charge? Any strong observations upon it, I feel sincerely, would ill befit the solemnity of this scene; but I would earnestly beseech of you, my lord,—you, who preside on that bench,—when the passions and prejudices of this hour shall have passed away, that you will appeal to your own conscience, and ask if it were a charge as it ought to have been, impartial and indifferent between the subject and the crown. My lords, you may deem this language unbecoming in me, and perhaps it may seal my fate, but I am here to speak the truth, whatever it may cost. I am here to regret nothing I have ever done—to retract nothing I have ever spoken—I am here to crave with no lying lips the life I consecrate to the liberty of my country. Far from it. Even here, where the thief, the libertine, and the murderer have left their footprints in the dust—here, on this spot, where the shadows of death surround me, and from which I see my early grave in an unconsecrated soil is opened to receive me—even here, encircled by those terrors, the hope which beckoned me on to embark upon the perilous sea upon which I have been wrecked still consoles, animates, enraptures, me. No, I do not despair of my poor old country. I do not despair of her peace, her liberty, her glory. For that country I can do no more than bid her hope. To lift up this isle; to make her a benefactor of humanity, instead of being what she is—the meanest beggar in the world—to restore her ancient constitution and her native powers—this has been my ambition, and this ambition has been my crime. Judged by the law of England, I know that this crime entails on me the penalty of death, but the history of Ireland explains this crime and justifies it. Judged by that history I am no criminal; you (turning and addressing Mr. McManus) are no criminal. You (turning again to Mr. O'Donohoe) are no criminal; and we deserve no punishment. Judged by that history, the treason of which I stand convicted loses all guilt, has been sanctified as a duty, and will be ennobled as a sacrifice. With these sentiments I await the sentence of the court. Having done what I conceive to be my duty—having spoken now, as I did on every occasion during my career, what I felt to be the truth,—I now bid farewell to the country of my birth, of my passion, and of my death; the country whose misfortunes have invoked my sympathies, whose factions I have sought to quell, whose intellect I have prompted to lofty aims, whose freedom has been my fatal dream. To that country I now offer as a pledge of the love I bore her, and as a proof of the sincerity with which I thought, and spoke, and struggled for her freedom, the life of a young heart, and with that life all the hopes, the honours, the endearments of a happy and an honourable home. Pronounce then, my lords, the sentence the law directs, and I shall be prepared to meet its execution. I hope I shall be able, with a light heart and a clear conscience, to appear before a higher tribunal—a tribunal where a judge of infinite goodness as well as infinite justice will preside, and where, my lords, many, many of the judgments of this world will be reversed.

Many were moved by the prisoner's words to tears. Sentence of death was then passed upon the three prisoners, and shortly after the Court closed.

The rescript from Rome, on the Irish College question, has been received. It reiterates a portion of the former rescript, which was considered adverse to the new colleges. Since that time the new statutes have been drawn up, with a view of meeting all difficulties. Those statutes were recently published, with a letter from the Lord-Lieutenant, who transmitted them to Archbishop Murray. The present rescript, as we are informed, disapproves of those new statutes, and consequently of the system on which the colleges are to be conducted, even in the modified form. The Pope suggests to the Irish Roman Catholic Bishops, the necessity of establishing a Catholic University in Ireland—entirely unconnected with the Government Colleges.—Finally, his Holiness earnestly recommends a thorough and cordial union amongst the Roman Catholic prelates of Ireland.

The *Dublin Gazette* of Tuesday evening, contains a list of one hundred and thirty-two insolvents for the counties of Donegal, Tyrone, Enniskillen, Queen's County, Kilkenny, Limerick, Tipperary, Waterford, and Wicklow, of which no less than seventy-three are set down as "farmers."

FRANCE.

No event of striking importance has occurred in France, since our previous advices.

Lamartine has left Paris, on a tour through the Provinces. At Macon he gave 3000 fs. to be distributed among the poor. Lamartine's visit to the Provinces is set down to a desire to win popularity, with a view to the Presidency.

The ultra-democrats of all shades are making a desperate effort to produce a unanimity among their partisans as to the candidature for the presidency. The friends of M. Raspail are urgently solicited to support M. Ledru Rollin. This, however, will be a difficult matter, the prevailing opinion being that M. Raspail would have a greater number of suffrages.

The election of the President of the Republic is to come off on the 10th December.

AUSTRIA.

Our latest accounts from Vienna are not favourable to the movement party. The Emperor is at Olmutz, concentrating a large army with the view of assailing his insurrectionary subjects, and making them obedient to his wishes. The Viennese Assembly on the other hand, have allowed their Hungarian friends to return to their own Country, instead of retaining their services, and inviting them to make common cause with the people.

While the Diet was hesitating and doubting whether the aid of the Hungarians should be invoked, the Austrian Generals have been steadily increasing their forces, and strengthening their position. It is true that the Viennese have a powerful and determined force within the walls, but then they have only about three weeks provisions, and if not slaughtered by the sword, they must soon be subdued by famine, if diversion in their favour is effected by friends from without.

Several deputations had waited upon the Emperor, with the view of affecting a compromise. At first these overtures were treated evasively, but His Majesty finding that the Hungarians had returned to their homes now speaks out plainly. The Emperor had issued a Proclamation, from which it is apparent that he is determined to put down the movement party with a strong hand, as will appear by the subjoined extract:

Since my accession to the throne, the welfare of my people has been the mission of my life. The history of government, the history in particular for the last seven months, will furnish the proofs. But I should be untrue to the obligations imposed on me by Providence, were I any longer to allow of a state of things which is calculated to bring the throne and the monarch to the very edge of the precipice, and to replace the constitutional freedom, which I have guaranteed by the unlimited domination of brute force. Mindful of those duties, but with a bleeding heart, I find I am compelled to encounter, by the force of arms, the insurrection which is shamelessly raising its head in my capital, or wherever it may show itself, and to combat it until it be finally defeated—order, peace, and law, re-established, and the murderers of my faithful servants, Counts Lamberg and Latour, delivered over to the avenging arm of justice (*dem richenden Abme der Gerechtigkeit*). In order to attain that end I send, from various parts of the monarchy, warlike forces against Vienna, the seat of the insurrection.

The *Leipsic Gazette* of the 20th Oct. has a letter dated Vienna, Oct. 20, which states:

"The city is this day formally beleaguered and all succour cut off from it; yet the people display no symptoms of a wish to yield.

The Isle of Loban, in the Danube (near Vienna) is held by the imperial troops. The Vienna Journals announce from time to time the arrivals of deserters from the imperial army.

ITALY.

The Piedmontese army is 150,000 men strong, well clothed, instructed, organised, and animated with the best spirit. Brofferio having proposed that the cabinet should not wait for the issue of the mediation to recommence the war, the Minister Pinelli answered that the cabinet had taken energetic measures to force Austria