

evidence to strengthen his denial as regards one of the dates alleged, whereas Mrs. Coningham's entire story was virtually uncorroborated. Failing any correction of dates, or any attempt to shake the co-respondent's witness, it had to be admitted that an alibi was made out by Dr O'Haran as regards June 29. Whether that success should have wrecked the respondent's credibility altogether was a point on which the jury seemed in doubt. Various minor points were open to the jury to draw adverse conclusions from if they chose, but an impartial study of the evidence must have convinced most persons that it was out of the question to return a verdict meaning ignominy and irretrievable ruin to the co-respondent upon the case presented.

THE 'AGE.'

The other great Melbourne daily, the *Age*, says in its issue of December 17: "Looking at the two principal actors in the case, it must be said that there is more in the character of the accused man than of the accusing woman to justify the theory that truth is to be found on his side. The "divinity that doth hedge a king" is not a thing to be reckoned upon by a democracy, and the celibate vows of a priest are not a guarantee against temptation. But the office does carry respect with it, and the man in this instance had apparently lived a life worthy of the office. At any rate, no taint or charge could be brought against him, and in a matter of oath against oath that fact must be set down in his favor. On the other hand, Mrs. Coningham was less favorably situated. Neither her past life nor her demeanor in the witness-box was quite that of one whose word would at once be taken against that of hostile witnesses. Something has been said about the unfairness of dragging out the respondent's past; but it is impossible to stick very closely to sentiment when the reputations of two people are vitally at stake. As far as can be gathered from the reports of the evidence, Mrs. Coningham was excessively glib, precise, and accurate in points of detail. It was rather too much like a rehearsed performance. It suggested that she had been over the ground before. Speaking the truth she may have been, but if so it was truth embellished by art—the kind of art that appreciates a dramatic situation, and, in favorable circumstances, produces a *Sign of the Cross* or a *Robert Elmer*. . . . It appeared that Dr. O'Haran established what was virtually a complete alibi with regard to his suggested wrongdoing on 29th June. Seven or eight independent witnesses swore positively that Dr. O'Haran was not where Mrs. Coningham said he was on that particular night. The fact that condonation took place between the husband and the self-accusing wife may be a circumstance on which it is possible to lay too much stress, but there is no question as to the direction in which it points. It may not be altogether convincing evidence of collusion between husband and wife, but it is at least consistent with that view. As far as the presiding judge was concerned, he seems to have taken up an attitude that, while it may not have affected the issue, was at least peculiar in regard to one or two matters. What sane man, for instance, would imagine that the most elaborate theorizing over the law of absolution could determine the question of a priest's moral rectitude or depravity? A man who would betray his Church and degrade his Order would not be troubled much by wire-drawn theories of absolution. In adopting an aggressive tone towards Cardinal Moran, the judge did something that was unnecessary and rather unbecoming. In referring to a recent controversy, in which Archbishop Redwood figured on the Roman Catholic side, the judge was practically inviting a renewal of a strife that had died out. . . . As regards the individuals implicated, it can only be said that the verdict of the jury will not alienate from Dr. O'Haran the faith of those who believed in him from the outset, and for the rest it must be a matter between his conscience and himself."

THE 'SOUTH AUSTRALIAN REGISTER'

has the following editorial remarks in its issue of December 15: "This is a keenly critical world. While regarding celibacy of the priesthood as an admirable contrivance for securing ecclesiastical permanency, some people are only too ready to assume every charge proved against a priest even before any evidence has been heard which could justify such a conclusion. Dr. O'Haran is an Irish priest, ministering to Irish Roman Catholics, a fact which is in itself the significance of the trial, for to no other nation or section of the Catholic Church is immorality more repulsive than to Irish Roman Catholics. . . . From the beginning respondent's story was tainted. . . . Where the defendant not only denies the charge, but is able to refute it by *alibi* after *alibi* on the testimony of numerous respectable witnesses, that Church would be lacking in the consideration which even a pagan might claim if she did not befriend him in the hour of trouble and trial. Nor is the Catholic Church alone in such a case. Protestants will not forget the sensational case of the Rev. Henry Ward Beecher, whose innocence was only proved years after his death. The Catholic Church's doctrine of absolution, so much discussed in the Sydney Court, does not materially differ from that of orthodox Protestants, unless objection be taken to the employment of a human agent to pronounce absolution, an objection which also applies to influential interpreters of the Anglican prayerbook. A powerful passage from Cardinal Newman's writings shows that the highest Catholic authorities make no terms whatever with immorality. "The Church holds that it were better for sun and moon to drop from heaven, for the earth to fail, and for all the many millions who are upon it to die of starvation in extreme agony, so far as temporal affliction goes, than that one soul, I will not say should not be lost, but should commit one single venial sin, should tell one wilful untruth, though it harmed none, or stole one poor farthing." . . . To set aside the *alibi* proved on behalf of Dr. O'Haran one must assume the existence of a widespread conspiracy to commit perjury in spite of teaching of this decisive character."

THE MELBOURNE 'LEADER'

of December 22 says: "Dr. O'Haran's defence was one of absolute denial, and so by implication he accused those who brought the

charge of lying and collusion. There was, indeed, another explanation. Cases are not unknown in medical science where women under the influence of a diseased imagination, exercise a dangerous inventiveness, and make charges of this kind which have no foundation. In the present instance this suggestion was not raised, and Dr. O'Haran's counsel did not hesitate to ascribe the action as one of conspiracy and blackmail. . . . There was no supporting evidence brought against Dr. O'Haran. On his side there was an array of witnesses, who supplied a convincing *alibi* concerning one of the most important dates. . . . A commonsense inference might be drawn that the people who swore Dr. O'Haran was at Wimbledon at a birthday feast on the day and hour which Mrs. Coningham had selected for an event of a very different kind at Sydney, St. Mary's Cathedral, was that her story could not be true. . . . A curious feature of the proceedings was the wonderful interpretation put by petitioner on the theological doctrine of absolution. He seemed to be under the impression that Roman Catholics enjoyed an absolute freedom in lying. It should be hardly necessary to say that this preposterous doctrine is not held by the Roman Catholic Church or by any other community of reasonable beings. Absolution claims no more than that true penitence may wipe away the sin as between the sinner and God. . . . The petitioner was apparently prompted by some fanatical opponents of Roman Catholicism."

THE MELBOURNE 'OUTPOST'

of the same date (December 22) says:—"There is nothing inordinately secret or mysterious about the Roman Catholic Church. Its doings and institutions are open to inspection, irrespective of the faith of inquirers, and it is held in high respect by all intelligent members of other churches or of no church at all. To those who hold the Roman Catholic Church in high esteem, the circumstance that Cardinal Moran expressed his unshaken faith in Dr. O'Haran was sufficient evidence of the Doctor's innocence. To such persons it would be inconceivable that a Prince of the Church could exert himself to cloak a gross offender against the Church's most rigid laws. From the point of view of policy alone, such an authoritative attitude towards a publicly accused priest would be foolish in the highest degree, unless the Cardinal were convinced beyond all possible shadow of a doubt that the priest were absolutely innocent."

THE 'STANDARD'

(Ipswich, Queensland) says: "Trial by jury is becoming a farce in Sydney. Those who are behind the scenes know that there are certain men who make a profession of squaring jurors, either to return a verdict for their side or sit for a disagreement, so that practically justice and law are of no account in the trial of important cases. A much better way would be to have important cases tried by a bench of say five judges. This would kill the occupation of the jury-squarer, and lessen the danger arising from such practice. Any prominent politician can be charged with a crime of which he is innocent and, although he may not be found guilty, the suspicion can attach itself to him by fiscal believers on the side causing a disagreement in face of the evidence adduced."

MELBOURNE 'HERALD.'

'Sydney Snapshots' in the evening paper, the *Melbourne Herald*, had the following regarding the extraordinary attitude adopted by Judge Simpson, before whom the case was tried:—

"In some respects it is a pity that the Chief Justice could not have presided over the trial, and that counsel could not have been provided for the petitioner. Mr. Justice Simpson apparently finds it necessary to do more for Coningham than seems to be fair or reasonable, and Mr. "Jack" Want has been heard to say that if it were not for the grave character of the case he would have thrown down his brief on the second day. His Honor has a habit of cutting into cross-examination in a manner that would lead to very strong protest by members of the Victorian bar, and every now and then he stops the proceedings, while he gives a kind of interim summing-up to the jury."

BRISBANE 'AGE'

of December 29 has the following editorial remarks on the trial:— "If there is to be a new trial it should, in all justice, come soon, for the co-respondent is being practically tried for his life. He labors under the terrible disadvantage of having had those incendiary religious questions, over which the world has wrangled for hundreds of years, mixed up with the question of fact, which question would have been regarded as a comparatively simple one had he happened to be not a priest, but, say, a soft-goodman named Smith, and had the *locus in quo* been not a Cathedral but the office of a warehouse. Should a second trial take place, it is to be hoped that it will be conducted before a judge who will steer clear of pagoda-talk and remember that the only deterrent to perjury is fear of statutory penalty. The ordinary man-and-woman trial is quite tough enough without the interposition of the religious question."

THE 'AUSTRAL LIGHT'

says in its issue for January:—

"A feature of this extraordinary case is that the respondent came into court, not to defend herself, but to prove her husband's case. The judge himself remarked that he had never seen a similar instance during his legal career. This woman, who had alleged herself to be in love with Dr. O'Haran, and, at first, to have been an unwilling witness, threw herself into the prosecution with a zeal calculated to provoke the most cynical reflections on the understanding existing between herself and her husband. It was this circumstance, joined to the conflicting oaths of the parties, that led the *Age* to draw the argument from character in favor of Dr. O'Haran. That anyone should have the hardihood to bring such a case on such evidence is remarkable—the uncorroborated tale of a woman of bad antecedents. That the case resulted in a disagreement of the jury is even more remarkable, until we come to consider the attitude of the judge. That Mr. Justice Simpson's