

not in the world so hideously penal a code of laws, as that which appertains to the civil and religious rights of our unfortunate Roman Catholic countrymen. It is not that this code is fierce, inhuman, unchristian, barbarous, and Draconic, and conceived in a spirit of blood—because it might be all this, and yet, through the liberality and benevolence of those into whose hands it ought to be intrusted for administration, much of its dreadful principles might be mitigated. And I am bound to say that a large and important class of the Protestant community look upon such a code nearly with as much horror as the Catholics themselves. Unfortunately, however, in every state of society and of law analogous to ours, a certain class of men, say rather of monsters, is sure to spring up, as it were, from hell, their throats still parched and heated with that insatiable thirst which the guilty glutton felt before them and which they now are determined to slake with blood. For some of these men the apology of selfishness and anxiety to raise themselves out of the struggles of genteel poverty, and a wolfish wish to earn the wages of oppression, might be pleaded; although Heaven knows it is at best but a desperate and cowardly apology. On the other hand, there are men, not merely independent, but wealthy, who, imbued with a fierce and unreasoning bigotry, and stained by a black and unscrupulous ambition, start up into the first rank of persecution, and carry fire, and death, and murder as they go along, and all this for the sake of adding to their reprobate names a title—a title earned by the shedding of innocent blood—a title earned by the oppression and persecution of their unresisting fellow subjects—a title, perhaps that of a *baronet*: if I am mistaken in this, the individual who stands before you in that dock could, for he might, set me right.

"In fact, who are those who have lent themselves with such delight to the execution of bad laws? of laws that, for the sake of religion and Christianity, never ought to have been enacted? are they men of moral and Christian lives? men whose walk has been edifying in the sight of their fellows? are they men to whom society could look up as examples of private virtue and the decorous influence of religion? are they men who, on the Sabbath of God, repair with their wives and families, to His holy worship? Alas! no. These heroic persecutors, who hunt and punish a set of unarmed men, are, in point of fact, not only a disgrace to that religion in whose name they are persecutors, and on whose merciful precepts they trample, but to all religion, in whatever light true religion is contemplated. Vicious, ignorant, profligate, licentious, but cunning, cruel, bigoted, and selfish, they make the spirit of oppressive laws, and the miserable state of the country the harvest of their gain. Look more closely at the picture, gentlemen of the jury, and make, as I am sure you will, the dismal and terrible circumstances which I will lay before you, your own. Imagine for a moment that those who are now, or at least have been, the objects of hot and blood-scenting persecution had, by some political revolution, got the power of the State and the laws into their own hands; suppose, for it is easily supposed, that they had stripped you of your property, deprived you of your civil rights, disarmed you of the means of self-defence, persecuted yourselves and proscribed your religion, or, *vice versa*, proscribed yourselves and persecuted your religion, or, to come at once to the truth, proscribed and persecuted both: suppose your churches shut up, your pious clergy banished, and that when on the bed of sickness or of death some of your family, hearing your cries for the consolations of religion, ventured out, under the clouds of the night, pale with sorrow and trembling with apprehension to *steal* for you, at the risk of life, that comfort which none but a minister of God can effectually bestow upon the parting spirit; suppose this, and suppose that your house is instantly surrounded by some cruel and plausible Sir Robert Whitecraft, or some drunken and ruffianly Captain Smellpriest, who surrounded and supported by armed ruffians, not only breaks open

that house, but violates the awful sancity of the death-bed itself, drags out the minister of Christ from his work of mercy, and leaves him a bloody corpse at your threshold. I say, change places, gentlemen of the jury, and suppose in your own imaginations that all those monstrous persecutions, all those murderous and flagitious outrages, had been inflicted upon yourselves, with others of an equally nefarious character; suppose all this, and you may easily do so, for you have seen it all perpetrated in the name of God and the law, that is to say, in the blasphemous union of money and murder; suppose all this, and you will feel what such men as he who stands in the dock deserves from humanity and natural justice; for, alas! I cannot say, from the laws of his country, under the protection of which, and in the name of which, he and those who resemble him have deluged that country with innocent blood, laid waste the cabin of the widow and the orphan, and carried death and desolation wherever they went. But, gentlemen, I shall stop here, as I do not wish to inflict unnecessary pain upon you, even by this mitigated view of atrocities which have taken place before you own eyes; yet I cannot close this portion of my address without referring to so large a number of our fellow-Protestants with pride, as I am sure their Roman Catholic friends do with gratitude. Who were those who, among the Protestant party threw the shield of their name and influence over their Catholic neighbors and friends? Who need I ask? The pious, the humane, the charitable, the liberal, the benevolent, and the enlightened. Those were they, who, overlooking the mere theological distinctions of particular doctrines, united in a great and universal creed of charity, held by them as a common principle on which they might meet and understand and love each other. And indeed, gentlemen of the jury, there cannot be a greater proof of the oppressive spirit which animated this penal and inhuman code than the fact, that so many of these, for whose benefit it was enacted, resisted its influence on behalf of their Catholic fellow-subjects, as far as they could, and left nothing undone to support the laws of humanity against those of injustice and oppression. When the persecuted Catholic could not invest his capital in the purchase of property, the generous Protestant came forward, purchased the property in his own name, became the *bona fide* proprietor, and then transferred its use and advantages to his Catholic friend. And again, under what roof did the hunted Catholic priest first take refuge from those blood-hounds of persecution? In most cases under that of his charitable and Christian brother, the Protestant clergyman. Gentlemen, could there be a bitterer libel upon the penal laws than the notorious facts which I have the honor of stating to you?

"The facts which have placed the prisoner at the bar before you are these, and in detailing them I feel myself placed in circumstances of great difficulty, and also of peculiar delicacy. The discharge, however, of a public duty, which devolves upon me as leading law officer of the Crown, forces me into a course which I cannot avoid, unless I should shrink from promoting and accomplishing the ends of public justice. In my position, and in the discharge of my solemn duties here to-day I can recognise no man's rank, no man's wealth, nor the prestige of any man's name. So long as he stands at that bar, charged with great and heinous crimes, I feel it my duty to strip him of all the advantages of his birth and rank, and consider him a mere subject of the realm.

"In order to show you, gentlemen of the jury, the *animus* under which the prisoner at the bar acted, in the case before us, I must go back a little—a period of some months. At that time, a highly respectable gentleman, of an ancient and honored family in this country, was one evening on his way home from this town, attended, as usual, by his servant. At a lonely place on a remote and antiquated road, which they took as a short cut home, it so happened, that in consequence of a sudden mist peculiar to those wild moors, they lost their way, and found themselves in circumstances of

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