

LIBEL ON THE BISHOP OF CLOYNE

A COMPLETE VINDICATION

In the Court of Session at Edinburgh on March 8, before Lord Hunter and a jury, evidence was laid in the action against the proprietors of the *Dundee Courier* newspaper by Bishop Browne, Catholic diocese of Cloyne; Rev. Thomas Madigan, Castletownroche, Cork; Rev. Cornelius Corbett, Newmarket, Cork; Rev. Denis O'Connor, Queenstown, Cork; Rev. John O'Donoghue, Queenstown; Rev. David Kent, Queenstown; and Rev. Wm. Francis Browne, Queenstown. Plaintiffs, who were sole persons who exercised religious authority on behalf of the Catholic Church in Queenstown in 1909, sued for damages in respect of alleged slander, the Bishop for £2000, and others for £500 each. Defendants denied having slandered plaintiffs. The statements complained of appeared in an article entitled 'Sinister Sidelights on Home Rule,' published in August last, 'By One Who Has Lived in Ireland,' and from it the following is an extract:—

'Religion makes all the difference in everything in Ireland. This incident will show what it can do, and has done. Two years ago, in Queenstown, County Cork, instructions were issued by the Roman Catholic religious authorities that all Protestant shop assistants were to be discharged. One shopkeeper, a Roman Catholic, refused to discharge an assistant he had had for a number of years. The consequence was that his shop was proclaimed, and in three months he had to close and clear out, his stock being sold for next to nothing. He and his family left for Britain, where, as he said, he would employ an atheist if he liked.'

The question submitted to the jury was whether the statements falsely and calumniously charged the plaintiffs with abusing their religious influence over the Catholic laity to procure the indiscriminate dismissal of all Protestant shop assistants in employment of Catholics in Queenstown and with ruining the business of a Catholic shopkeeper who had refused to discharge a Protestant employee.

Mr. T. B. Morison, K.C., who appeared with Mr. Alexander Ure, K.C., the Lord Advocate, for the plaintiffs, said in his opening statement to the jury that there was not a syllable of truth in the statements complained of. It was an absolute fabrication and a concoction of lies involving a serious and grave accusation against the plaintiffs.

The Bishop's Evidence.

His Lordship Dr. Browne, examined by the Lord Advocate, said he had been prominently associated for many years with both Protestants and Catholics on public boards in Queenstown and Cork. The article complained of was reproduced in the *Cork Examiner*, and he read it there. He regarded it as a serious slander on himself and his clergy. It imputed to him and them very shameful, dishonorable, uncharitable, and unjust conduct for which there was not one shred of foundation. The imputations did him most serious injury. He held his honor dear as a citizen, and with all humility he asked the jury to believe that he was prominently and widely known throughout Ireland. He had for twenty years been associated with the National College in Dublin, and was president for nine years. The articles brought him before the public as a shameful, double-dealing hypocrite, with one face for the public and on other occasions with a black heart that would stab a man because he was a Protestant. He held that to be a shocking thing to be laid to his charge as a public man, but it was infinitely graver against him as a Bishop; for was there anyone to whom his professional reputation was so essential as to a teacher of religion?

Cross-examined by Mr. C. D. Murray, K.C., the Bishop said he certainly did not regard the article as having merely a political significance.

Counsel asked the Bishop if he regarded it as a meritorious thing to advance the temporal interests of those who professed his faith.

Witness.—By lawful means, certainly.

Counsel.—And, if possible, that employment should be given to those who professed the Catholic Faith in preference to Protestants, other things being equal?

Witness.—I don't put them in competition. I only ask for fair play and no favor. I have assisted Protestants into employment against Catholics.

Counsel.—When you thought the Protestant was better suited for the post?

Witness.—Yes.

Questioned concerning his claim for £2000 as damages, the Bishop said that, of course, his pocket had not been hurt, but his honor and reputation were dearer to him than his pocket. The article injured him in the eyes of Protestants with whom he associated; in the eyes of his own people, who would be scandalised if he had been guilty of such conduct; and in the minds of the clergy and his own brother-Bishops, who would look at him with amazement, that he should be accused of such a crime. He desired to vindicate his character, and to properly punish by damages the man who did all he could to ruin his character. It was reparation he wanted, and if he could repair his character without money, the defendant could keep his money, but he could not.

The Rev. Thomas Madigan, another of the plaintiffs, was the next witness. He said he was in Queenstown when the alleged libel was published, and he regarded it as an atrocious charge against his character, imputing base and dishonorable conduct.

Evidence to a similar effect was given by the other plaintiffs.

Mr. A. H. Allan, Queenstown, solicitor to the Bishop, said that no communication reached him from the *Dundee Courier*, stating that the article did not refer to his clients. Cross-examined.—In your letter to the *Courier* you refer to the article as being abominable—the article 'Sinister Sidelights on Home Rule.' At the time did you regard it as having a political meaning?—I was more concerned in the part of it that referred to my clients. I may tell you that I myself am a Unionist and a Protestant. Further questioned, witness said he did not trouble much about the political bearing of the article. The impression that he formed at the time was that it was done for political and trade purposes.

Apart from the evidence given by Mr. Stephen Gwynn and Captain Donelan, Protestant members of the Irish Party, the following Protestant witnesses were examined:—

Mr. Richard Jones, J.P., Phibsboro', and a member of the Diocesan Synod of the Church of Ireland, said he was personally acquainted with the Bishop of Cloyne. He read the extract from the *Dundee Courier* in the *Freeman's Journal*. The article referred to the Roman Catholic religious authorities. He took these to be the Bishop and clergy. He considered the article brought a grave and serious charge against the clergy. Witness could not believe the charge against the Bishop. It was very specific, however, but some members of his own board said to him that there could not be smoke without some fire.

Mr. George Lord, Queenstown, said he was a Protestant, and a member of the Urban District Council in Queenstown. He considered the article as referring to the Bishop and clergy. He didn't believe the article, for he knew the plaintiffs. Witness was in Belfast, his native place, recently, where he had many friends, and his friends asked him about the charge.

Mr. Robert G. Parkhill said he was manager of a large store in Cork. He was a Protestant, and a native of Belfast. He saw the article in the *Cork Examiner*, and thought that it applied to the Bishop and priests of Queenstown. He looked on the charge as a gross libel. It could only mean that a mandate had gone forth from the Bishop and priests that Protestant employees should be dismissed from Catholic houses, and if they were not dismissed that the shop should be boycotted.

Mr. Charles Cummins, organiser of the Pembroke Technical School, said he was a Protestant and a native of Queenstown. He read the article, and applied it more to the Bishop than the clergy of Queenstown. The charge he considered to be as serious a charge as could be made against a clergyman.