

TRIAL
OF
TIMOTHY BROWN

(A SHOEMAKER),

For Treason Felony,

BEFORE

JUDGE SO ————— HELP ME GOD!



A Poem,

CONTAINING THE JUDGE'S CHARGE TO THE JURY,
AND THE PRISONER'S SPEECH FROM THE DOCK.

BY "VOLUNTEER."

"Place a whip in every honest hand, to lash the rascal naked thro' the world."—*Shakspeare.*

DUBLIN :

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AND SOLD BY ALL BOOKSELLERS AND NEWS AGENTS IN THE KINGDOM.

1867.

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Houses of the Oireachtas

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TRIAL

TIMOTHY BROWN

(A BROTHER)

IN THE COURT OF COMMONS

JUDGE S. J. ... HELP ME GOD!



A ...

CONTAINING THE ...

AND THE ...

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1867

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Houses of the Oireachtas

PREFACE.

BELIEVING, with many of my countrymen, that the recent State Trials, and Suspensions of the *Habeas Corpus*, have done more to further the cause of Irish Nationality than all the Speeches, Petitions, and Demonstrations of the whole tribe of Stump Orators and Agitators, both in and out of the British Parliament, from the first Session of the Union, down to the latest attempt in Dublin to cajole the Irish People from the only path to Freedom, I trust it will not be out of place to offer the following Poem for perusal to Irishmen, at home and abroad.

If I have given a faithful report of the Trial, and if the spirit and bearing of the accused in the dock, but serve to stimulate those of my countrymen who may be inclined to flag in their duty, to renewed exertion, I will feel proud to say that I have done something for Ireland, which is the principal aim of

The Author.

DUBLIN, DECEMBER, 1867.

Houses Of the Oireachtas

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TRIAL OF TIMOTHY BROWN.

Canto the First.

ARRAIGNMENT.

'Twas ten by the clock
When the Judges sat down,
And placed in the Dock
Was poor TIMOTHY BROWN;
Unlucky his fate,
Which soon will be seen,
To be charged by the State
With deposing the Queen;
Or leagueing himself,
With the felon intent,
For vengeance or pelf,
With others so bent;
And, what made it worse,
Was the fact that the boy
Had on him the curse
Of being out of employ,
And offending the Crown,
At an earlier date,
By stalking thro' town,
With a soldierly gait—
And for this, it appears,
He was clapp'd into jail.
'Till citizen Griers
Released him, on bail.

Scarce loose was the tether,
When th' idler, instead
Of fashioning leather,
Went modelling lead.

Now, this was the cause
Which made them suppose
That he wouldn't pause
A Queen to depose.
At a beck, from the Crown,
The Clerk, on the spot,
Said "Timothy Brown,
"Are you guilty, or not?"
The reply being "No,"
The lawyers, in fury,
To wrangle they go
To empannel a jury,
Who'll toss up, or debate, or
In other ways, try
If Brown is a Traitor—
How so, and for why.
And the General Lawyer
Stands up, straight and prim,
Assuming top-sawyer,
While eyeing poor Tim,
And straightway proceeds
To have twelve of them *swore*,
And now Tim must needs
To challenge his score.

The first who was called
Was a Robert Maguire,
Who, for Erin enthralled,
Had often stood fire.

Poor Tim remained mute
 When the juror replied—
 But the Crown, being cute,
 They said "Stand aside."
 The next I will mention,
 Mister Monarchy Goreman,
 Received, with attention,
 The office of Foreman—
 With a smirk, takes his seat,
 To wait for another,
 And turns to greet
 The Judge and his Brother.
 The junior one there
 I wish to pourtray—
 He's the one of the pair
 Who suggested my lay ;
 But, to sing of his youth
 Is not my desire,
 As I wish to state truth,
 And avoid being a liar.
 Of him nought I knew,
 'Till the great *Tenant League*

Made him first of the crew
 Who led that intrigue.
 He preached tenant right,
 And he bluster'd, and swore
 For it he would fight,
 And be true, to the core.
 Persuasive the tongue
 Of this eloquent Gael,
 And often it rung
 O'er hill and o'er vale,
 Harang'ing a crowd
 Of clamouring slaves,
 Who felt very proud
 Of these promising knaves,
 Who speech'd and who spouted,
 In prose and in song,
 And, with confidence, shouted
 They'd right every wrong.
 Unpitied the slave,
 And accurs'd should he be,
 Who would thus blind the brave,
 When they *seek* to be free !

Canto the Second.

HOW TO BECOME A JUDGE.

THE sun is just tipping
 The hills with his beams,
 And lambkins are skipping
 By meadowy streams ;
 Dew-drops are lolling
 On rose-leaf and thorn,
 The lark is carolling
 His song to the morn ;
 Small birds, thro' the bushes,
 Chase other in play,
 While the masterly thrush is
 Heard tuning his lay.

Yet, no creature's astir
 In the town of Athlone,
 Save some night-walking cur,
 Seeming cautiously prone
 To a sly expedition
 Of an amorous kind,
 Tho' it looks like a mission
 Some offal to find.
 But, if one takes a peep
 Thro' yonder inn door,
 He'll see, on their keep,
 Nineteen or a score

As good men, I trow,
 As ever were known,
 Who've come to back SO—
 For the town of Athlone,
 And show, by their actions,
 That day, at the poll,
 They're proof against factions,
 And true to the soul.

Discussing his merits
 As leader, they say
 He's one who inherits
 The orator's sway ;
 " In fact," spoke a sage,
 Who followed brave Dan,
 While Repeal was the rage,
 " William So— is the man
 To baffle the Tories,
 And gain tenant right ;
 If pitted 'gainst four, he's
 Their match in a fight ;
 Besides, Father O'Grady,
 Whom we can't say agin,
 Says, to vote for Millady
 Is a rank mortal sin ;
 And if we do aught
 'Gainst what he has plann'd,
 It won't be his fault
 If we don't be damm'd.*
 Tho' this resolution
 May bring desolation,
 We must brave persecution,
 For the good of the nation ;
 In the end we'll succeed,
 And leave to our heirs,
 Inheritance freed
 From Bigotry's snares."
 A wild lengthen'd shout
 Now breaks on the ear,

As the leaguers without
 Have begun to appear.
 And shortly this moral force
 Strife will begin—
 A great day, of course,
 For the land, if they win.
 And yonder's a bard,
 In the midst of the throng,
 Declaiming a yard
 Of bombastic song,
 Saying, " Let us unite—
 Then onward we'll go,
 To gain tenant right,
 With Sadleir and So—."
 His hearers, who listen,
 With eyes that oft seem
 With pleasure to glisten
 At bars in his theme,
 Are rous'd when he mentions
 The great demagogue,
 And renew their intentions
 To pledge him in grog.
 And yonder's a mob,
 With cudgels of ash,
 Prepar'd for the job,
 For a bounty in cash,
 Of supporting this chief
 Of land legislators,
 'Gainst all whose belief
 Is in Tory debaters.
 They're employed to protect
 And escort the electors,
 Lest the opposite sect
 Should make them defectors.
 And they are persuaded
 They will sure be forgiven
 For their conduct degraded,
 In the service of Heaven.
 The bullying tinker,
 The lazy, the idle,

* See Dr. Moriarty's Sermon, preached in Killarney.

The town-loafing slinker,
 Their passions unbridle ;
 The toper and sot
 Expect a carouse,
 O'er their favorite pot,
 In So—'s open house.

As the morning advances,
 The forces increase,
 And soldiers, with lances,
 Back'd up by police,
 Patrol thro' each street,
 In gorgeous array,
 To quell, if they meet
 With a moral affray ;
 For, oft, in the course
 Of the voting, there might
 Be a faction, to force
 On another a fight.
 A shout for Repeal,
 Or a grimace for So—,
 Might make one O'Neill
 Deal another a blow ;
 Then would the *cle-alpeens*
 Be wielded in style,
 Against the vile spalpeens
 Who'd freedom beguile ;
 And blood would be spilt,
 'Till a dozen, at least,
 Would be murther'd or kilt,
 Without seeing the Priest ;
 And the name of O'Connell,
 Back'd up with hurroo,
 A whoop for O'Donnell
 Or Brian Boru,
 Would cause such a quarrel
 That at length in its course,
 They'd forget all the moral
 For physical force.

But, it happens, this time,
 The league is so strong,

'Twould be counted a crime,
 And deem'd very wrong
 To give the vile Tories
 The chance of appeal
 'Gainst fairly-won glories,
 "The crown of our zeal."
 So the struggle was quiet,
 And nothing was seen,
 In the shape of a riot,
 'Twixt orange and green ;
 And at length they began,
 In the face of high heaven,
 The chance of each man
 To polling was given.
 This liberal borough
 Was canvass'd before,
 And men, true and thorough,
 Now eagerly pour
 In, to the support
 Of the tenant-right side—
 No need to resort
 To bribe or to chide.
 When the state of the poll
 At noon was read out,
 And writ on a scroll
 To be carried about,
 It requir'd no magician
 To tell who'd be chosen,
 The Tories' ambition
 Was short by two dozen ;
 And as ev'ning wears on,
 The majority swells,
 'Till all chance is gone,
 As the referee tells,
 About four afternoon,
 When clos'd is the struggle,
 Which the *Soggarth aroon*
 Repeats with a chuckle,
 As he pass'd and re-pass'd,
 Making known to the crowd
 That the Tories are cast,
 Which makes them quite proud.

Hark ! hark to that cheer
 Swelling high on the air,
 Now, another more clear,
 While approaching yon Square,
 Is a carriage, but lo !
 No horses are there ;
 But what makes it go ?
 Faith, the mob, I declare.

'Tis "*his Honor*," they cry,
 Then suddenly stop,
 To mount him up high
 On the carriage's top.
 Uncovering his head,
 Now he bows to the throng ;
 But, we'll give what he said,
 In the following

SONG.

Patriot brothers ! friends so true,
 While I my former thanks renew,
 And from the bottom of my heart,
 Acknowledge that you've done your part,
 In electing me, despite the craft, or
 Cunning of wee Tories (Laughter).
 I beg to say, 'twas what I thought
 Would be the issue, when I sought
 Your voices sweet, on that bright day
 I pledg'd my faith at Ballybay ;
 When from a group of gifted men,
 Who aid our cause by voice and pen,
 You chose me, that I might present
 And lay before the Parliament
 Your wishes, grievances, and pray'rs,
 Your toils and troubles, hopes and cares,
 Your loyalty and peaceful mien,
 Your worship of our gracious Queen,
 And *beg* her Sovereign Majesty,
 To whom we bend the suppliant knee,
 To grant us that for which we fight,
 The glorious cause of *tenant right* ;
 For which, she'll find, in after years,
 That we'll be very grateful (Cheers).
 But, while devotion we proclaim
 To England's throne and England's fame,
 We most emphatic'ly declare
 That we her priv'leges must share.
 How oft have ye to cry for bread,
 Tho' Providence his bounties spread
 Throughout our isle, with plenteous hand,
 To feed the people of our land—
 Enough, and more than we could use,
 And yet base Ministers refuse
 To hearken to the peasant's groan ;
 If bread he asks, they reach a stone.
 All these things, my countrymen,
 Are sad to look on—sad to ken.

But—yet take heart—with me unite,
 And stand together in the fight.
 Elect no man who will not swear
 To die, or represent you fair,
 And bravely fight the People's cause
 'Gainst Whig or Tory (Loud applause).
 I mention this, that all may know
 That there are men so base, that though
 Their brave supporters earn the threats
 Of grasping agents—Tory pets,
 Whose vengeance falls so swift and sure
 On him whose vote they can't secure
 To th' int'rest of some titled knave,
 Who'd treat the voter like a slave ;
 Yet they will coldly turn away
 Whene'er the dark and evil day
 Upon their poor supporters come,
 And leave them to their wretched doom.
 Yes, yes, my friends, I will repeat,
 The man who asks you for a seat
 Without a pledge, to bind his acts
 In sequence with his wordy facts,
 Is worse than he whose class expects
 To ride to place on people's necks ;
 When sordid lucre looms in view,
 That moment he will prove untrue,
 And basely sell, despite your moans,
 Your cause for office (Hisses, groans).
 Therefore, my countrymen, I swear,
 When I to Parliament repair,
 Were they to make me knight or lord,
 [A Voice—"Don't swear, we'll take your word."]
 Nay—but I will, and that by heaven !
 Were I to death or exile driven,
 They shall not purchase, by reward,
 My silence, tho' 'twould make me lord,
 Belted knight, or duke, or earl,
 So let them tempt me at their peril ;
 I'll struggle for my native sod,
 Nor take a place—So HELP ME GOD !!!
 Nor have I any poor relation
 For whom I'd ask a situation.
 No matter, then, which faction rules,
 We'll not be any longer fools ;
 An *Independent Opposition*
 Shall watch your cause in ev'ry Session ;
 So, man the bark, which I am steering—
 We're sure to win (Tremendous cheering).

At which even Tim
 Might twirl his stick,
 When a warrior so grim
 Swore the Saxon to trick.

Thus, eloquence won him
 The seat for Athlone,
 And people who'd shun him
 Before, are now grown
 Very anxious to go
 With him, and declare
 That brave William So—
 Is the man who'll repair
 The vile feudal law
 By his speeches so fluent.
 Heavens! how they did jaw,
 When they found him a truant.
 They call'd him a rogue
 And a vile agitator,
 For his country to *pogue*,
 Like Iscariot the traitor;
 And Bishop and Priest
 Both made a great noise,
 At thus being fleec'd
 Of reward for the boys
 Who fought at the poll
 With polls in their fists,
 And many a whole
 Day twirling their wrists
 At tenant-right meetings,
 And speeches, and lectures,

And dinners and greetings,
 Where they were protectors.
 And such was the glory
 That Irishmen sought—
 One would fight for the Tory,
 While t'other was bought
 By Whigs, who'd be chaffing
 The Tories, when out;
 Who, when in, would be laughing
 At Pat and his shout.

But he wasn't to blame—
 This lawyer, I wot—
 'Twas a nice little game
 He play'd for and got.
 Our rulers he stung
 So oft when they'd budge,
 To silence his tongue,
 They made him a Judge,
 Which name brings me back
 Mid Reporters of papers,
 But for whom we might lack
 The news of such capers.

And I gaze upon Tim,
 Who is standing arraign'd,
 'Fore the Judge, who looks prim
 In the robes that he gain'd
 By seditious appealing,
 Arousing the *bakers*.
 Or exciting the feelings
 Of *nasty shoemakers*.

Canto the Third.

THE CONVICTION AND SENTENCE.

We left our friend Tim,
 With but one juror sworn,
 When the Court took a whim
 For lunch to adjourn;

After which, a whole hour
 Elaps'd ere the twelve
 Were given the pow'r
 To send him to delve,

For a limited time,
 In prison or colony,
 If guilty the crime
 They call *treason felony*.

But little Tim thought
 Of the law or its pranks—
 Or how jurors are bought
 By *custom* or thanks ;
 Or else he would be
 More inclin'd to recant
 Than he seems now to me,
 As I view him askant,
 While the last of the jury
 Is taking his place,
 And the counsel, with fury,
 Declaims on the case.
 Which was, that Tim Brown,
 With fellows, call'd Fenians,
 Was leagued 'gainst the Crown
 In its Irish dominions,
 To make war, and pillage
 Each town and each city,
 To burn each village,
 And murder *sans* pity.
 But the grand overt act,
 To prove the sedition,
 Was the terrible fact
 Of the lead ammunition.
 When question'd, he said
 He intended some sport
 (*By modelling lead*
A stone's throw from the Court)
 While improving his shot
 At the range on the Strand,
 And that in the plot
 He had never a hand.

Here informers were called
 To prove the conspiracy,
 Which, if rightly o'erhaul'd,
 Meant nothing but piracy,

Murder, rapine, and war,
 Which they'd wish to insist
 Would be carried so far
 As to spare not a priest.
 Inspector Jemtwestle
 Identified Tim,
 Who presented a pistol
 Or revolver at him ;
 And then, going further,
 'Twas pos'tively sworn
 That there would be murder
 But for Constable Doran,
 Who arrived at the time
 The revolver was aim'd,
 And prevented the crime
 By the pris'ner being lam'd
 With a stroke on the knee
 From his (Doran's) baton,
 When the officers three,
 Himself, Doran, and Hatton,
 The rebels secur'd,
 Brown one of the twain,
 And left them immur'd
 In Chancery Lane,
 Until the next day,
 When a grenadier guard
 Did the rebels convey
 To Lower Castle Yard,
 Where they were arraign'd
 Before Magistrate St——ng,
 Who had them detain'd,
 And then sent them along
 To prison, till brought
 To quote his decision,
 T' account for their fault
 At the Special Commission ;
 To remark he thought meet,
 That a rescue he fear'd,
 Whilst they travers'd the street,
 The people so cheer'd,
 And pelted the guard
 With stones and with mud,

Which they scarcely could ward,
As they march'd on, while blood
Was nigh spilt on the way,
In support of the laws.

He thought he might say
That Brown was the cause.

Here the Court interposed,
And bid him go down ;

Thus the evidence closed
On behalf of the Crown.

Mr. Butt then arose,
And began the defence,
While his eloquence flows,
In which logic and sense

Were blent with a warm
And patriot zeal

That cast round a charm
On all who could feel

The proud aspiration
Of FREEDOM and RIGHT ;

But, as his oration
Was RIGHT against MIGHT,

Which last was the God
Of the jurymen there,
They bowed to So—'s nod,
And sent Tim to despair.

After which he sat down,
When the top-sawyer rose,
And replied for the Crown,
In language morose.

He dwelt at some length
On the Fenian Society,
Numerated its strength

With happy propriety,
And spoke for an hour
In fustion and rant.

Coming down with a show'r
Of fudge and of cant ;

And sometimes he'd barge
And go into a fury ;

But, now for the Charge
Of the Judge to the Jury.

I think there is no need for me to ask from all of you
Attention, while I state the law, and th' evidence review ;
But, first and foremost, I will say a word or two in season,
That you may know you've got to try a felony, call'd treason.

The crime, of which the pris'ner's charg'd, is grievous in its kind,
And which the Counsel for the Crown so well and true defin'd,
That I need not recal those scenes of massacre and pillage
Which always follows civil war through ev'ry town and village.

The pris'ner, 'tis alleged, is leagued with robbers, who propose
To trample law and order, and wickedly depose
Our gracious Queen, who reigns supreme, from off her rightful
throne,

Which is rank treason—felony—as in other cases shown.
But, here, I'll say it seems absurd that people in their senses
Would think to overthrow the Crown, for frivolous pretences—
And, least of all, the class of men who are the instigators
Of this outrageous plot, upheld by foreigners and traitors.

The pris'ner Brown, who might be used for peaceful agitation,
Was found, it seems by all accounts, plotting 'gainst the nation ;
If you believe the evidence of Constable Jemtwestle,
Who swears he saw him aiming at his loyal head a pistol,

But, gentlemen, I trust you'll be collected and serene,
 And view the case impartially, *as servants of the Queen*.
 The law requires of you to find a verdict pure, without
 Or fear or prejudice, besides conviction free from doubt.
 Therefore, most careful you will be in giving your opinion,
 Which must be—pris'ner is or not a *bona fide* Fenian.
 If doubt you have, you can't convict, therefore you'll set him free;
 But if you have no doubt at all, then he must guilty be.
 But, lest you might in either case be led a bit astray,
 I'll just review the evidence which sworn was to-day.
 The statement of Jemtwhistle shows that Brown, led by sedition,
 Was in a neighbouring kitchen found fabricating ammunition.
 And when he found himself betray'd (for, by private information,
 Jemtwhistle to the scene was led to watch his occupation),
 He had the hardihood, it seems, lest Fenians should discard him,
 T'attempt to shoot an officer who'd only *wood* to guard him.
 Therefore, gentlemen, if you believe the evidence before you,
 You'll find the pris'ner guilty—but, be careful, I implore you.
 Retire now, and study well, then give us your opinion,
 Which will decide—if prisoner is a loyal man, or Fenian.
 But, one remark there yet remains, by which I will detain you,
 Suffer no maudlin sentiment of pity to restrain you;
 As men of property and sense, I'm sure you will remember
 What would result, if they'd succeed all order to dismember.

But there was no need
 To put them under locks,
 As they quickly agreed,
 Without leaving the box.
 "He's guilty, you say,"
 Spoke the Clerk of the Crown;
 The Foreman said 'Yea;'
 "On Timothy Brown,
 "Sentence I pray,"
 Quoth Gen'ral-Attorney,
 "Without much delay,
 As I want to try Gurney."
 Then, the Clerk of the Crown,
 In the following way,
 Said—"Timothy Brown,
 What have you to say,
 Why sentence should not
 Be pass'd on you now,
 Since you're deep in the plot,
 As the jury avow."

Now, the general gaze
 Was bent upon Tim;
 But nor fear nor amaze
 Was pictured in him;
 He glanced round the room—
 Friendly faces he saw—
 He thought on his doom,
 And the foreigner's law.
 But, his spirit rose up
 When he thought on the men
 Who had drunk of the cup
 In the foul prison pen,
 And the glow of the soul
 That rushed to his cheek,
 Though beyond his control,
 No terror did speak;
 And, with spirit and pride,
 Addressing the lords,
 He calmly replied
 In the following words, "

THE PRISONER'S SPEECH FROM THE DOCK.

Since manhood graced my humble
 brow,
 I've sighed for liberty,
 Therefore, my lords, I tell you now
 I'd set my country free ;
 And for this end I won't deny
 I joined the Fenian men ;
 So, to your question I reply
 I'd do the same again ;
 In consequence of which, I'll not
 Now occupy your time,
 Denying aught about the plot
 Your laws pronounce a crime,
 But state my motives, and review
 My labours in the cause,
 With men whose principles I knew
 Condemned your foreign laws.
 We found the land by tyrants trod,
 The faithful nigh persuaded
 To leave the cause alone to God,
 So many had betrayed it.
 We rais'd the cry for freedom then,
 And o'er the isle 'twas borne
 From mouth to mouth, by voice
 and pen,
 A needy hope forlorn.
 Beset by bigots every side,
 And servile agitators,
 Whose aims were always to divide,
 And play the part of traitors.
 Our first grand objects were to heal
 Religious feuds existing,
 Ere we could make our people feel
 Their will was all-insisting.

We advocated self-respect
 And noble self-reliance,
 That we our country might protect,
 And bid her foes defiance.
 'Twas thus we sought to promulgate
 Free, independent notions,
 While howls of hate, from men
 ingrate,
 But strengthen'd our devotions.
 And while our pastors yet delay'd
 To call us unbelievers,
 The venal pen of every grade
 Proclaimed us base deceivers.
 To prove we hated treach'rous
 games,
 Nor dreamt of aught unholy,
 I've but to mention such bright
 names
 As BURKE and faithful CROWLEY.
 And tho' I'm doom'd to join the men
 Whose sterling, true devotion
 Has gain'd for them a prison pen
 Across the briny ocean ;
 No act of mine will I regret,
 But brave what fate decreed 'em,
 As I believe such ills beset
 The glorious path to freedom.
 I want no whining sympathy
 From this or that beholder,
 For he who fights for liberty
 Must be a thorough soldier.
 I'm ready, then, my doom to hear
 But spare me all commenting—
 I join'd the ranks a Volunteer,
 And stand here unrepenting !

The prisoner now stood
 His sentence to hear ;
 But the chance was too good
 For the Judge to forbear—
 He lectured and scolded,
 And spent all his bile,
 While, with arms tight folded,
 Tim stood with a smile.
 The Judge frowned and hemm'd,
 And appeared in a swither,
 And loudly condemned
 Unemployed men of leather,
 And the ragged *canaille*
 Who would raise revolution,
 And madly assail
 Our blest Constitution,
 "The envy"—and soforth—
 Which leaves us quite free
 To starve or to go forth
 Across the wide sea—
 A system to which
 No aid we should grudge,
 As it favoured the rich,
 And made *him* a judge;

And the man who'd rebel
 'Gainst that system—his doom
 Should be ten years to dwell
 Among England' base scum—
 With the ruffian—the knave—
 The gross sensual swine—
 He must toil as a slave,
 Or in solitude pine,
 'Neath his labours to strain,
 'Till his sweat and his blood
 Should water, like rain,
 The spot where he stood—
 With no shield from the cold,
 And no shade from the sun,
 If life should still hold
 'Till his ten years were run.
 All this Tim understood,
 Whether spoken or not,
 As a valiant man should,
 Calmly bows to his lot.
 In his eye there's a light,
 Which, with hope, seems to say,
 THE DARK HOUR OF NIGHT
 IS THE HOUR BEFORE DAY.

THE END.

Houses of the Oireachtas