

GREAT SPEECH

OF

Daniel O'Connell, Esq.,

ON THE

REPEAL OF THE UNION,

*Delivered in the Court of King's Bench, on Wednesday, the 26th of
November, 1833,*

ON THE

TRIAL OF RICHARD BARRETT, ESQ.,**Proprietor of the Pilot,**

**FOR PUBLISHING MR. O'CONNELL'S LETTER TO THE
PEOPLE OF IRELAND,**

ON THE 8TH OF APRIL, 1833.

WATERFORD :**PRINTED AT THE CHRONICLE OFFICE.****1833.****PRICE SIX PENCE.**

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TRIAL OF RICHARD BARRETT, ESQ.

Proprietor of the Pilot.

Tuesday having been appointed for the trial of the prosecution instituted by the Crown against Richard Barrett, Esq., Proprietor of the *Pilot*, the court was crowded at an early hour, and the utmost interest was manifested to witness the proceedings at this "trial at bar." In the county jury-box and other parts of the court several fashionably-attired ladies were in attendance from the commencement of the trial.

About a quarter before eleven o'clock the Attorney-General entered the court, accompanied by the Crown Solicitors, Messrs. Kemmis and Carmichael. As soon as the learned gentleman had taken his seat, Mr. Forde, solicitor for the traverser, told the crier to call Daniel O'Connell, Esq., and the other gentlemen retained as counsel to defend Mr. Barrett. The crier was engaged in calling these gentlemen, when the Solicitor-General, Mr. Sergeant Pennefather, Sir Thomas Staples, Mr. Greene, and Mr. Martley, appeared and took their places. Mr. Sergeant Perrin and Mr. Holmes, also engaged as counsel for the Crown, appeared in court for a short time during the day, but took no active part in the prosecution.

At eleven o'clock the Lord Chief Justice and the three other judges, came upon the bench. Mr. O'Connell, Mr. Sheil, Mr. Woulffe, Mr. Pigott, and Mr. O'Dwyer, counsel for the traverser, were at the time in court. Mr. Barrett appeared at the side bar, near his counsel.

The Clerk of the Crown proceeded to call over the panel. Ten of the jury only answered to their names, when the Chief Justice directed that they should be called upon a fine of £20. In a few minutes a sufficient number appeared in the box, when the following gentlemen were sworn as the jury:—

Wm. Long, Foreman,	Charles Hamilton,
George Halaban,	Francis Beggs,
Thomas Finlay,	Thomas Richardson,
James Ferrier,	Thomas Maxwell,
Isaac M. D'Olier,	W S Hamilton, and
H S Close,	Isaac Hinds, Esqrs.

The Clerk of the Crown—Is Mr. Barrett in court?

Mr. Barrett—I am here.

The Attorney-General—Oh, yes, he is in court.

Mr. Martley, jun., opened the pleadings; he said that Richard Barrett was indicted for a libel printed and published by him in a newspaper called the *Pilot*, of which he is the registered proprietor,

on the 8th of April last. The indictment contained two counts. The first count set out the libel with the inducements; the second count referred to the inducements and set out the libel.

The defendant pleaded not guilty.

The Attorney-General addressed the jury nearly as follows:—My Lords, and Gentlemen of the Jury, the defendant, Richard Barrett, is charged by this indictment with having, on the 8th of April last, published a seditious libel in a newspaper called the *Pilot*, of which he is the registered proprietor. The publication, which we say contains this libel, purports to be a letter addressed to the people of Ireland, by Mr. Daniel O'Connell. Gentlemen, on the present occasion, neither you nor I have to inquire whether Mr. O'Connell was the author of that libel or not. The defendant is responsible for its publication here, as the proprietor, legally registered, of the paper in which it was published, and, therefore, the question whether he is the author of it or not, or whether Mr. O'Connell be the author of it, is a matter with which you have nothing to do. The main subjects for your inquiry are these: First, whether the defendant is the publisher of this libel, and whether it be, in your estimation, such a libel as we charge by this indictment. And here, my lords and gentlemen of the jury, I cannot avoid expressing my deep satisfaction, that after unexampled difficulties, I am at last enabled to submit to that tribunal the question whether this be or not a libel. I have alluded, gentlemen, to the length of time, during which I have been endeavouring to have this question tried, and as that delay and length of time, though not a legitimate matter of defence, may be made an invidious topic of observation before you, I now beg leave to state, in the hearing of the public and in your presence, the circumstances which caused this delay, and they are these—that from the day on which the indictment was found by the grand jury, my exertions have been unceasing to have the case submitted to a jury of the country; there has not, I aver, been a day or hour lost on the part of the crown, and when I say so, I beg leave to follow up that assertion by simply detailing to you, what the course of proceeding has been, on which you will be satisfied that, so far as the power of the crown could prevail, this is the first instance in which I was able to bring the case before a jury. The bills were found in the last Easter term, and from the time at which the defendant pleaded, it was impossible to have a

trial sooner than Trinity term, and even if I had tried it as a case of *Nisi Prius*, I could not have tried it sooner than the 13th of June. But, gentlemen of the jury, I did, in concurrence with my learned friends who assist me on this prosecution, come to the conclusion, that it was a case fit and proper to be tried by the full court, at bar, and knowing how very urgent the business of the court was in Trinity term last, I did not think it right to avail myself of the prerogative which the crown possesses to have it tried in that term; but I did apply for a trial at bar, and I called upon the court to fix the earliest day that it could appoint for the trial out of term, which was the 13th June, and on that day I appeared in court to prosecute on behalf of the crown, and I need hardly tell you that it was not my fault that the trial did not take place on that day. There was not a sufficient attendance of jurors. Then, from the 13th of June to the 2d of November, I need scarcely tell you, being the long vacation, it was impossible for me to take one step, and having declined to call on the court to try the case in term, I did not fail, when Michaelmas term came on, to call on the court, as soon as I possibly could, to fix a day for the trial. I made that application, and in doing so, I called on the court to appoint the earliest day after term, which day is that on which I have the honour to address you. Therefore, if it should be urged by the counsel who shall defend the defendant that there was delay on the part of the crown, and if unworthy motives are assigned for that delay, I beg leave to present this detail of the facts and dates to you as a refutation of any such observations. Gentlemen of the jury, it is now right to call your attention to the publication in question—that publication, as I have already stated, took place on the 8th of April last, and it is contained in a letter purported to be written in London on the 4th of the same month; and it would appear to me that the immediate occasion of the writing of that letter was the passing of the act of parliament which is usually called the coercion bill, which received the royal assent on the 2d of April, and which was, therefore, the law of the land at the period when the letter was written. Gentlemen, the circumstances under which that act was passed are too recent in our recollection to be forgotten. It is a severe and unconstitutional act—it was proposed for the adoption of parliament by his Majesty's ministers, who did not deny the character of the bill; but who avowed the character of it, and rested its proposal for adoption by the legislature on the ground of the most absolute and imperative necessity—a necessity nothing short of this, a necessity for the protection of the lives and properties of a very large proportion of the King's subjects in Ireland. The character of the bill was never denied by any person who voted for it; but the vindication of it as a measure was rested, as I said before, on the paramount duty of those who had the prerogative and the power to protect the King's subjects; and when I speak of the necessity of this measure, I do not refer to matters outside of this record, for it is a most sin-

gular circumstance that in the composition which is the subject of the present indictment, we find that measure recommended in stronger language than I could use. Listen, gentlemen, to one paragraph of this publication. I shall read it.—“The first of these measures is the suppression of ‘Whitefeet’ outrages. I use the word ‘Whitefeet,’ because it is the last name assumed by the miscreant wretches who have, in so many shapes, and in so many years, plunged various parts of Ireland in horrible crimes against property, and stained our country with the turpitude, the atrocity, and the demoniacal repetition of murder—crimes demanding the vengeance of man, and, alas, bringing down the punishment of God.”—Now, gentlemen, you will be pleased to bear in your recollection the paragraph I have read to you. This paragraph, in which such atrocious crimes are denounced, calling for the vengeance of man, and the punishment of Heaven. And how could any man who has thus recorded his opinion protest against this measure, which is not, let me say, one of vengeance, but which, I admit, is an unconstitutional measure, but which acts as one of prevention, and has been, thank God, effectual. Keep in your minds this subject, that it is the vengeance of man the writer of this letter would call down on those who are guilty of those crimes which he has designated. Yet, my lords and gentlemen, the writer of this letter goes on in the very next paragraph to describe this act as one of unqualified despotism and tyranny, and having done so, he draws this conclusion, and inculcates this lesson—that the legislature, which was then capable of such an act of despotism, are sufficiently alien from the country as no longer to be trusted or confided in, and the people of Ireland are forbidden hereafter to place any reliance on the humanity or justice of the imperial legislature. And in order to prove to you that that lesson has been inculcated by the writer, I shall read to you more particularly the present libel, which appears to me to justify this repetition; but before I do that, gentlemen, let me advert to a portion of the composition which, I admit, is far from libellous. I have read to you, gentlemen of the jury, a passage from it, in which the author, in strong terms, denounces the commission of those outrages which was the occasion of the passing of that bill, and you will find many paragraphs in this same paper to the same effect. Gentlemen of the jury, it is unquestionably true, that in this composition there are paragraphs of doubtful meaning, and the party who has written it, or published it, has a right, in his address to you, to refer to other parts to show that it does not bear the libellous character that the indictment imputes to it, but how one passage of this composition can be used to defend the other I don't know, and when I find the principles and license of disaffection strongly inculcated in the leading paragraphs of this composition, I can give very little credit indeed to the writer who affects, in strong language, to condemn those outrages which are the necessary results of that disaffection which he

seeks to instil into the minds of the King's subjects. It may be, gentlemen, that the writer was anxious to prevent the commission of those crimes which made the individuals who committed them amenable to the justice of the country, and that, at the same time, he did endeavour to instil into the minds of the King's subjects those principles of disloyalty which he would govern and keep down, so as to prevent them from exploding in violence or criminal outrage. I will now, gentlemen of the jury, having said so much, call your attention to the words of this libel, and which warrant the imputation which the indictment charges. That indictment charges, that this libel was written for the purpose of creating hostility between the King's subjects in England and Ireland, causing it to be believed that the rights of the King's subjects in Ireland are neglected by the legislature, and they are oppressed and injured, so as to engage them in acts of insubordination, and by means of intimidation to carry into effect the repeal of the Union, and to frustrate the laws of the realm. This is the language of this indictment, but it is not necessary that you should find all the counts; it will be sufficient if any one or more of those imputations is found. I will now read some passages for you, which appear to me to be highly libellous. I will not go through the whole of the letter; and, as I said before, whoever defends the defendant can read it all if he wishes, for he has the right to go through the entire of it. [The right hon. gentleman here read several passages of the letter commenting on them as he proceeded.] If the language used in this letter, regarding the imperial parliament, were believed, and acted upon by those to whom it was addressed, they should necessarily look upon the legislature as a body actuated by national hostility—they should regard it in the light of a national enemy. If it should be said by the defendant that the object of this prosecution was to stifle the discussion of the question of Repeal, he was ready unequivocally to disavow any such purpose. If the letter did not contain other matters of a dangerous character, whatever was stated respecting the Union might have passed unheeded. The learned gentleman concluded by calling on the jury not to be influenced by any consideration but their own sound judgment. He felt that the jury would act like conscientious and honorable men, and he would, therefore, commit the case to them with entire confidence, and with satisfaction, at having at last brought the case before the tribunals of the country.

Mr. Vernon (registrar of newspapers in the stamp-office) was produced for the purpose of proving that the defendant was the registered proprietor of the *Pilot*.

Mr. O'Connell wished to know if he would be permitted to ask for what reason the gentleman was produced; because if it were to prove that Mr. Barrett was the proprietor of the *Pilot*, he (Mr. O'Connell) would save that trouble by at once and unequivocally admitting that his client was the proprietor; he was not looking for non-suit points.

The Solicitor-General said, there was another point on which he would wish to ask the witness one question, and it was this: Did the witness understand the "Anglesey Algerine Act" to mean the third of William the Fourth?

Mr. O'Connell—It means, gentlemen, that very act which the Attorney-General called unconstitutional.—(Laughter.)

Mr. O'Connell—Before the publication is read, I mean to call for the *postea* of the last trial, in order that we may have your lordship's opinion upon it.

Solicitor-General—There is no *postea*.

Mr. O'Connell—My learned friend is right; I said *postea*—there was no *postea*. I mean the record.

Solicitor-General—The record may be brought in.

Mr. O'Connell—No time will be lost by this—as in the mean time the publication may be read. I suppose the Attorney-General means to call for having it read, and I hope he will have some one who can read legibly. (Laughter.)

Solicitor-General—Let the officer read it.

Mr. Sheil—If you choose, I will read it. (Laughter.)

The officer then read the entire letter.

Mr. Pigott said, upon looking at the record, their lordships would find that it was defective—there was no continuance marked upon it.

The Solicitor-General said, on the making up the record continuances were entered. If it was objected that the *distringas* was not entered on the record, the *distringas* was in court, and never was on the record. The continuances being but matter of form, were put on the record on making it.

Mr. Pigott—The record was defective in the absence of the award. His friend was mistaken as to the *distringas*, for that was not the objection. The court told them the question was open on the record—there was nothing on the record for them to move an arrest of judgment upon. There must be something to connect the jury with the matter to be tried. This went to the very point, the substance of which had been argued the day before.

Chief Justice—There is no award of a *distringas* upon this record.

Mr. Pigott—None whatever. Yesterday it was argued that it was indispensable to have a writ of *octo tales*, and that a *distringas* should be issued. Here there was nothing to give the court authority.

Chief Justice—If this trial was in term, and that there was this objection made, could he (Mr. P.) now argue this point?

Mr. Pigott—He was prepared to answer only questions which were consistent to the facts of this case. On the record there was no reference to an order for the court now sitting out of term. This day was appointed for the trial of a perfect record, and it was impossible for them to try.

Solicitor-General—Supposing the court could entertain Mr. Pigott's objection, he had an answer to it—there was a *venire* ordering the attendance of a jury on the 13th June. There the record entered. They had not on the roll a record of the *distringas*; but it could not be made.

Chief Justice—We are at present satisfied with your answer to the objection.

Mr. O'Connell said it was a point of which the Court, perhaps, would not then give them the benefit. The cause ended on the 13th June, and there it ought to end. (Laughter.)

Chief Justice—The traverser can have the benefit of it hereafter.

Mr. O'Connell then rose to address the jury.—Gentlemen of the jury, said he, I never felt greater pleasure at my client not succeeding on a point of law, for there is much of the profession about me in other cases that I should have felt it; but his not succeeding here is gratifying to me. I am glad that the fact is to go to you. I own that I feel not a little anxiety about this trial. Perhaps it is from a recent want of habit in my profession, and I am, therefore, the less prepared to meet the result, should there be a disastrous result by your verdict against this publication; but I myself believe that the result will be anything but disastrous. It is a contest in which we are all struggling, and this trial is but a part of that contest. It is not a question of crime or offence; but it is part of the struggle which they are making who seek to turn Ireland from a province into a nation. A part of the controversy which leads to that end is carried on here. The administration feel, and I feel, that that part of the struggle now making for the regeneration of Ireland is to be decided here. Some of you have seen Ireland a province; you, too, have beheld her a nation, and I trust that you will see Ireland a nation again. This trial is but an attempt, on the part of the Whig ministry, to endeavour to prevent us peaceably, quietly, tranquilly, and, above all, by a combination with each other, to effect the regeneration of Ireland. In their attempt to do that, they think they can set off one class of Irishmen against the other. One time they insult the Orangemen of the North, and at another the Repealers of the South—that they can play off Catholic against Protestant—at one moment dismissing a magistrate, and at another pulling down the liberty of the press; and thus, by setting off outrage against outrage—both perpetrated against Irishmen, they can rule and domineer over the country. I have now the honor to address jurymen, eleven out of twelve of whom are Irishmen; and I ask them will they lend their countenance to any proceedings of this description? Unaffectedly I declare, that is the question here, and you have no other question to decide upon.—This is a cabinet prosecution; it originates with them, and they have all the glory of it. It is a Whig cabinet prosecution. As to the merits of the prosecution, the Attorney-General can have nought to do with them; as to its merits, he is perfectly free of them. It is not any selection of his; it is his act in his capacity of public prosecutor, for he must do his duty in that capacity, and, of course, he does it. He must, however, be regulated in his movements by those who must be responsible to the parliament and the country. It is their act, not his; his is a purely ministerial office, and he does his duty as such. It is evident that it must be so; for I recollect his strong

powers of mind, the acuteness of his intellect, the forcible, I may say, vivifying strength of his language, and yet from the manner in which he addressed the jury, it seemed to me, my Lords, as if his powers had failed him—those powers which he certainly has not lost; but which seemed to languish before the task that was imposed upon him. I admit that he did his duty; but he did not go beyond the strict letter of his duty. This is a cabinet prosecution. His Excellency the Marquis of Wellesley is now our chief governor; he is fond of prosecutions—he has tried them before, and they ended with no great renown—they terminated then in “a bottle of smoke.” (Laughter.)—That was the bottle treason. He is rising in dignity. It is not yet high treason to call for a repeal of the Union. Do you, however, but sanction this prosecution with the authority of your verdict, and it will be high treason before we are six months older. If you sanction with your verdict that the discussion of such a question is to be put down, because it is a little warm—if you sanction with your verdict, Protestant gentlemen, the suppression of the discussion of such a question, because it is a little warm, then woe be to yourselves. Do you look to favour from the Whigs? Do you think that those who oppress us will spare you? Think you, that if you sanction by your verdict the writing against an act, which the Attorney-General himself has called an unconstitutional act, that your turn will not come, and that soon a simple procession will be evidence of high treason, as the looking for having an Irish parliament again is now sought to be denounced as seditious. Is there a single man in that box who does not love his country? if there be, let him stand aside; for I address not myself to any man who does not love Ireland, but to him who loves his country I say, that Ireland never can expect again to rise to her dignity of a nation—never can her liberties be fully asserted, until all party feelings are forgotten. This is a state prosecution—this is a prosecution brought, because the document on which it is founded denounces the Whigs—because it accuses them of baseness and treachery. These, indeed, are not the pretences of the prosecution, but they constitute the reasons for it. Nothing is laid in the four long skins of parchment, that comprise the indictment, of intention to libel the Whigs, and yet the strongest passages contained in the alleged libel are those which censure the Whigs, and above all, the sting contained in it is, that there is no satisfying Lord Plunkett. And yet there is no attempt here made to turn upon the publisher and call for punishment on him, for libelling the Whigs. I wish they had done that directly. Gentlemen of the jury, here is a libel on the Whigs—those blessed Whigs, who have produced such glorious and admirable results to England and Ireland since they obtained the administration of affairs!—those admirable Whigs, who, when they were out of office, decried every thing as an abuse which they have sanctioned in practice since they came into office!—Find a verdict for the Whigs—oh, find a verdict against us here for presuming to libel those most exquisite Whigs!

It is not in terms a prosecution for libelling—it is directly charged here as a crime that they are abused; but there is not a man amongst you who must not perceive that it is intended as a revenge for the Whigs. They seek to attain vengeance by setting of one party against the other. They would first have satisfied what they consider their just resentment against any one who spoke ill of them, and with that to possess the double advantage of suffocating the question of the Repeal of the Union. But I tell them, and I tell you, that it will be impossible to put down that question. I hope I shall live to see, and I trust you all will live to see, when Irishmen will be combined and united together; that day will come as sure as tomorrow's sun will arise, and when it does, the act of Union is at once repealed. Your verdict, however, is now desirable to the Whigs. The post of yesterday told us of a change of administration; the news comes to us through more than one channel; how admirably convenient a verdict would now be to the Whig administration? How useful to a declining administration if they could point to your verdict, and say that it sanctioned their acts, and was a proof of how popular they are in Ireland—acting against each party, and independent of all? The verdict of a jury of the citizens of Dublin would be extremely useful to them at such a crisis as this. I know the talent of my learned friend, the Solicitor-General, and he will use that talent to obtain it. We all know that the Attorney-General wants a verdict. Much as it is necessary for him to feel anxiety in the office that he now holds, he has that anxiety; but he has left the triumph of gaining it, if it is to be gained, to the honorable gentleman who will follow me. The learned Solicitor-General will, I know, come before you with fervent zeal—he will come with no conscientious repugnance in supporting the Whigs in office, here or any where else. Philip of Macedon was nothing to him. (Laughter.)—He will address you at great length—he will show you his friends the Whigs are worthy of regard, and oh! how you ought to protect them! (Laughter.) But if you give him a triumph, to-morrow there will be a message from him to his dear friends the Whigs, that he has so much served at such a juncture, and if he does not supersede the gentleman at his side, it will only be the result of his own modesty and moderation. (Loud laughter.) It is a sad story, gentlemen, that of our unfortunate country. Some of us are too young to remember 1782. I was a child myself, like most of you, at that period. It was the first—and such recollections will come upon us—it was the first year that I put down in writing—the memory of it is still engraven on my mind. What a glorious scene it was—what a noble, what an exciting one, when the Irish people shook off the dependence that hung upon them—when the combined Irish people entered in a moment of virtue, (for I use language that was used before,) when they extorted that liberty which was their birthright, which they forfeited by no crime, and which was lost by no fault of theirs; but was taken from them by a horrible system of bribery, which was as

disgraceful to those who offered as to those who participated in it. It was a period of joy and of merriment, and would that such a period could, as I believe it can, again be revived. Could I indulge in the hope of seeing another opening of parliament in the city of Dublin, it would be the closing of your mendicancy shop—it would be giving wages to every one of those who are now unemployed—it would bring to their properties from sixty to eighty noblemen—it would cause two hundred of the highest of our gentry to have their habitations in Dublin, and their residences perpetually in Ireland—it would confide the care of our trade, manufactures, and commerce, not to the rival jealousy or local prejudices of hostile establishments, but it would place over them guardians such as you are, and men like you. Can we look to these advantages, or to any of them, and all I expect would follow, from the day that we would see a parliament in College-green, its opening attended by crowds, who would bless the connexion with England, for it would then be blessed, and who would then obtain from the fostering guardianship of a domestic legislature that protection which I never expect to see until we have our parliament in Ireland again. Gentlemen of the jury, are you prepared to stand between Ireland and those advantages? It is because such an object is sought for that this publication is prosecuted. Look to this publication—look to it from one end to the other, and see what are the leading topics. I do not call upon you to do that which the Attorney-General has done—to pick out a particular passage and view it by itself, nor to weigh a single phrase by itself. Look at the publication altogether. We are not, and ought not to weigh in scales of gold particular phrases when we are looking to make a great people a nation. Upon such a topic and with such an ennobling subject, he would be a poor critic, who would be offended by any but lady-like phrases. The Solicitor-General may tell you that there should be nothing but the strict rules of *temperance* observed. (Laughter.) He may only think of milk-and-water topics, and I do not even know whether he strengthens his water with milk. (Laughter.) But those who are looking for their rights cannot speak in cold-water terms; they must be animated with better spirit—not the spirit of intoxication, but the animating spirit consistent with the expression of the feelings of those who declare, that the sufferings of Ireland require, and her grievances demand, the restoration of a domestic legislature. The Attorney-General, in his address to you, has imputed motives—that was his duty. He has, too, ingeniously suggested intentions—that, too, was his duty, and I do not complain of it.—Let him not suppose that I am here to arraign this prosecution. He went into a most unnecessary vindication of himself, and I should not now say one word of it, but that he has suggested motives and supposed intentions which should not be ascribed. He has, indeed, in reading this document, quarrelled with the words *Algerine act*, and he has told you that there was great impropriety in applying such epithets to an act of par-

liament. Perhaps there is—perhaps it is not good taste, but did you ever hear of such a thing as, “the Russell purge?” Did you ever hear of the “Church robbery bill?” Will he call on you for a verdict against the man who uses such phrases? I will not say what he thinks of the bill, but this I am quite sure of, that he will not venture to prosecute before you any man who speaks of it as the “Church robbery bill.” Now, if in this country of revolutions and strange changes, it should by any chance occur that I were for any one moment filling the office which he now fills. (Laughter.) If that should so chance, and that I, with my feeble mind and very inadequate abilities, were discharging those duties which he now performs, and that there was in that box a jury exclusively of Roman Catholics, and I called upon you to find a verdict against a defendant, because he had been so monstrously audacious as to call that bill I have adverted to a “Church robbery bill”—is there one of you who listened to me on such an occasion, who would not bless the Whigs for having given you such an “Attorney-General?” (Loud laughter.) The term “Algerine bill” is complained of here. Why, that has been the description given of a bill with such powers since Lord Wellesley was here before. In parliament, if you may trust the newspaper reports, it was called nothing but an Algerine bill, and the phrase became so common, that its supporters did not call it by any other denomination. But his Majesty’s Attorney-General has decided that it ought not to be called an Algerine bill. What is an Algerine bill? It is a bill against constitutional liberty—it is a bill establishing absolute despotism—it is one that even his Majesty’s Attorney-General calls an unconstitutional bill, because it is an Algerine bill. It is an Algerine bill, for it takes away all protection from the subject; and those who are aggrieved by any law have, I consider, a right to call it by any name which may conduce to its being abolished.—This, however, is only one mode of coming at the thing—the real object is to retard the Repeal question. It is the object of the Whigs, by this prosecution, to prevent that question from extending, and because such an object is defeated in this letter, they wish to punish its publisher. There is the defendant, and the proceedings are against him—he has sought for no compromise, and the question is now, will you prevent, by your verdict, such publications as that for which he is now proceeded against? When the Attorney-General declared that he was not to blame for the trial not coming on sooner, I will say, that the publisher of this letter took no step to retard it. The Attorney-General is not to blame; but have you watched the proceedings in this case? On Saturday there appeared in the newspapers a requisition, with the signatures of fifty-two individuals, calling for a discussion on the repeal of the Union, and a petition to parliament on the subject. On the Monday morning following, the Attorney-General appears in court, and applies for a day to be fixed for this trial? Do you understand that? Is there one amongst you who does not understand those proceedings? In the North the Whigs strike a magistrate off the

roll, and they will not gratify a brother magistrate by telling why they did so. Why, what is this doing more than they do in Algiers? but with this difference, that they strike off the head, and if another asks the reason, they strike off his head also; while here they only strike one magistrate off the roll, and strike off another magistrate because he merely asks the reason. (Laughter.) Such is the mode of the Whigs proceeding in Ireland, and they must think us mad when they think they can get us to aid them. On Saturday there was an advertisement in the newspapers for a meeting to petition parliament for a repeal of the Union. There are many men opposed to Repeal; because they suppose that they would be worse as Protestants than they are as Irishmen by that measure being carried. There are many—I am delighted to say, who think otherwise, and amongst them were some of the requisitionists whose names appeared in the newspapers on Saturday. On the following Monday there was the order from the Castle to institute this prosecution. Can you now, then, tell the meaning of this prosecution? The real object is to suppress, if possible, all agitation on the subject of the Repeal of the Union. And I now ask you is it a crime to agitate that question? The Union is but an act of parliament—is it not right to discuss it? Is it a crime—should it be punishable as a crime, in one who believes that the Union has been injurious to Ireland, and that its repeal would give trade and occupation to the poorer class, benefit to all, and confer prosperity and happiness on the country? If a man believes this, is he not, in conscience, bound to agitate the subject; and if he proposes to do that by no other but legal and constitutional means, should he be punished for it, as if he were guilty of a crime, or some heinous offence? Before I sit down, I shall read for you the opinions of the leading characters in 1800 with respect to the Union, who prophesied the evil consequences that would ensue from it, and who did their utmost to prevent that degradation which the event has most unfortunately realized. I do put it to you, gentlemen, whether or not you consider those prophecies have been fulfilled—whether you believe or not the union has been beneficial, yet I ask you, will you say, for it is on you the experiment is first tried, that it is right that all discussion on the subject should be suppressed? Supposing you believe that Irishmen are not fit to govern themselves—supposing you think that we are an inferior race, and that Irishmen should bow their heads before the people of every other nation—you may even suppose that an increase of absenteeism tends to benefit a country; that the drain of the income of a country is beneficial to its shopkeepers; that those who are not acquainted with a country, are from abstract reasoning best suited for legislators. You may suppose—you may believe all this—you may be all anti-Repealers; yet, I am sure, you are all men of integrity, and as such as you cannot believe it consistent with honesty or justice to punish a man because he discusses the justice of repeal. Even if you be twelve anti-repealers, I appeal to you to pro-

fect the discussion of the measure—to leave it open for discussion, and recollect it was not discussion that brought about the Union. This I tell you, that if you prohibit discussion in one instance, the chance which you have prepared for another will, with its poisoned ingredients, be commended to your own lips. The publication which is prosecuted here is a long one, and I shall be obliged to trespass long upon your time in the reading of it. The Attorney-General has called upon you to listen with respect to the opinion of the Court. I call upon you to do so too—of course I do.—The Attorney-General could not conceal from you that the verdict which is to be given in this case is yours—yours only, and upon you will be its entire responsibility. The court may address you, if it feel it to be its duty to do so—or it may not, if such be the feeling of its duty; but whatever be the line the court may lay out for itself the law leaves the entire publication to you. It is your verdict that is to stamp the publication, and you are to rest upon your own consciences, and not upon that of any one else. The decision is to be yours—your sole and decision upon your oaths, and it is for you to determine whether the question of the Union is to be an open question, or one closed to please the administration—I would say to please any administration—even suppose it to be the best administration that ever ruled the affairs of a country—suppose that it was one which did good to every party in the country—suppose it was an administration which did not insult the Protestants one day, and the next persecute the Catholics—who did not at one time strike down the Orangemen of the North, and the next trample on the Catholics of the South. The Whigs, oh! the Whigs, as an administration, have done no such things. (Laughter.) Any one that would say that of them would libel them most foully. They have been the best of all possible ministers! Their only object is to serve Ireland, and to make her happy and prosperous! They come here boasting of their chivalry, and their devotion to the country—we hear of nothing but their love for Ireland! Three years have now elapsed since they came into office—for three years the same tune has been chanted in our ears; and yet, after all, what one good act have they done for Ireland? Not one; but then they *intend* to do it. But supposing now, gentlemen of the jury, that you should believe the Whig administration the best that possibly could be, still I would call upon you to leave the Repeal question open for discussion, and do not you permit yourselves to be the means to strike down every attempt at discussing it. I shall now, gentlemen, call your attention to the publication itself. The Attorney-General very skilfully confined himself to the reading for you a few passages, and what I believe never before occurred in a trial for libel, he admitted that there were some passages, which, taken by themselves, he highly approved of. I shall not confine myself to a few passages; but I shall give you the entire letter, and you can see whether the writer was not most anxious, zealously anxious, to procure the peace, and maintain obedience to

the laws, quietness, peace, and tranquillity in the country. You will, gentlemen, say, whether or not there are sentiments in it which will meet with your approbation, or are deserving of your censure. The letter commences with a quotation from Moore:

“Far dearer the grave or the prison,
“Illum’d by one patriot name,
“Than the trophies of all who have risen
“On liberty’s ruins to fame!

“London, 4th April, 1833.

“FELLOW-COUNTRYMEN.—This is the first of a series of letters which I intend to publish on the present state and future prospects of our country, including the best suggestions I can give for regulating your conduct in the manner most calculated to mitigate the evils of the one, and to insure the amelioration of the other.” In this passage there certainly can be found nothing which particularly demands censure. The next paragraph is—“Let it, however, be always recollected, that the entire scope and object of my political life now is, to advance and secure the repeal of the legislative Union between these countries—convinced, as I am, in the deepest recesses of my conscience, that it is impossible—utterly impossible—to do any permanent or valuable services to Ireland, until the restoration of her domestic parliament.” This is, certainly, my deep conviction. It is my wish to impress it upon your minds—it is my desire to do so; for when the minds of such men as you are impressed with the conviction that repeal is necessary, it will be as easily procured as to enter an unbarred door, or into an unprotected castle, and I give to my learned friend, the Solicitor-General, all the benefit of the last expression. “This conviction has long been floating on my mind, but it is now fixed unalterably and for ever. The manner in which the Anglesey Algerine bill was received by the British legislature—the foolish, as well as false, allegations by which it was supported—the enormous majorities by which it was ultimately carried—the shouts of domination and triumph by which the advocates of Irish liberty were insulted, and the unsuppressed spirit of national hostility which guided and animated our enemies, have taught me that it is worse than folly to imagine that the affairs of Ireland can be attended to with the requisite knowledge of facts, and cordial sincerity of intention, in any other than in an Irish parliament.” Shall I refer to the hostility which is here spoken of? There was, I assert, no necessity for the measure. In the month of August, in 1832, a committee of the House of Commons—one of whom was Mr. Stanley, the former Secretary for Ireland—reported, that special commissions, held under the authority of the judges of the land, and the repetition of those commissions were sufficient to suppress and put down the atrocious disturbances, such as have disgraced Clare in a far worse degree than they have other counties. It stated—and it was supported by the highest judicial authorities in the land—that the law of the land had only to be called into active and repeated exertion to punish miscreant crimes and midnight murders. It stated that these outrages could be suppressed without

calling for any unconstitutional act. The Ministry, the Whig ministry reported this in the month of August, and yet they say the very contrary of it in the following month of February; and all this without having tried the experiment which they themselves had recommended. Could such, I ask, have happened, except that we had a ministry careless of the wrongs of the country, and a legislatura ignorant of them? This could not have happened if we had an Irish Parliament, which would have addressed the Lord Lieutenant to send down a commission to a disturbed county to try criminals, and punish offences against the law. But then, it is complained of the manner in which the Parliament is spoken of. Heard you not, or have you not read in the newspapers, the reports of what have occurred in Parliament?—Did you not hear that the conduct exhibited there was such, that one of the members of that Parliament was treated in such a manner that he had to designate the shout raised against him, as “a ruffian shout,” and have you not read, that one of the most accomplished gentlemen that ever lived, the present Speaker of the House of Commons, one most anxious, and whose duty it would be to vindicate the dignity of that house, when appealed to as to the expression, declared, as he was bound to do, that the expression was disorderly, but that it was caused by the very disorderly interruption which had occurred? Was such conduct singular—were such interruptions confined to one member alone? No. I am well acquainted with a gentleman whose character you must all respect; he is one from whom I differ in religion and politics, but one that I am proud to call my friend—this gentleman is the *actual* member for the University, and not the *political* one. (Laughter.) I do not mean your Recorder, but the other member for the University. You all know his private character. I believe there does not live in the community one more respected, or who deserves to be so—he is a gentleman universally esteemed, and he is a lawyer of the first qualifications—he is in his deportment mild, mild even to meekness—he is not an adventurer, but he is really and truly a gentleman—he is one by station, by right, by hereditary fortune, and yet to look to the newspapers and see what an account the *Evening Mail* gives of his reception by the English House of Commons. It was on the discussion of the Church Temporalities’ Bill. I would not for fear of the Attorney-General call it the Church Robbery Bill. Do you think that the dominant anti-Irish party spirit, which is spoken of in the publication which is now prosecuted as a libel, is confined to one party alone? Believe it not, for read this in the *Evening Mail*. The publication is that of Friday evening, May 10th. Mr. O’Connell then read a passage which described Mr. Roche rising in the house, and that he would not be heard. This, observed Mr. O’Connell, was improper, for Mr. Roche was a banker of Limerick—he was the member for Limerick, and he was entitled to be heard. The honourable gentleman then proceeded to read from the *Evening Mail* the description of Mr. Lefroy’s reception from the

house, when all his attempts at discussing the question were received with loud cries of “oh! oh!” Good God! said Mr. O’Connell, why should Mr. Lefroy be thus received—they were legislating for the Protestant church—this gentleman was the representative of the Protestant church—his feelings were deeply interested in the question—his duty was involved in it, and he must have felt it to have been an awful duty; for if there be a man who is sincere in his religion, he is the man who will be believed to be so. And yet he was put down by loud cries of “oh! oh!” when he attempted to speak on this almost awfully important question to him. Who was his supporter on that occasion? Mr. O’Connell then proceeded to read from the *Evening Mail* a description of the reception of Lord Castlereagh in supporting Mr. Lefroy, and his telling the members of the House of Commons that such conduct would make Repealers of the Irish members, and that they did not know the feelings of the Protestants of Ireland. The Whig Cabinet, observed Mr. O’Connell upon this passage, do not know the feelings of the Protestants of Ireland. The newspaper then proceeded to describe the conduct of the members of the English House of Commons. Why had not the Attorney General prosecuted this as a libel? If he did, and that I were the humble advocate, I should not confine myself to the mere humble phrase in which I now address you. The *Evening Mail* asks, “what advantage has Ireland gained from the Union?” It is a very proper question, and never yet has been answered until this day. This prosecution is the answer. The advantage is, that it prevents Protestants and Catholics from uniting; that it puts down Mr. Lefroy, and if there be a member of the city of Dublin of the same name with myself, from speaking his sentiments. But I proceed with the publication:—“I need not dwell on this point. I cannot describe with any thing like accuracy the extent of the innate hatred of Ireland which I have witnessed in many men since my last return to this country. They hate us, and without avowing it, even to themselves, they fear us. We must have a domestic legislature, or we can never be safe in our properties, our lives, or our liberties.” So says my client, so say I. Our properties, our lives, and our liberties, never can be safe till they are under the guardianship of a domestic legislature, and over which there shall be the control of the public eye. “Nay, more—I am thoroughly persuaded, that the only way to prevent the final separation of the two countries is, to attach Ireland to the connexion, by giving her the protection from insult and injury, of a parliament of her own.” I believe that assertion to be perfectly correct—the desire for Repeal originates in no wish for separation. My opinion is, that to prevent separation is by Repeal, and that the only way to attach the connexion in the minds of the rising generation is by that measure. The connexion cannot—I will not say ought not—to continue, unless the Union be repealed. “It is, therefore, my sacred duty to exert every faculty of my mind to bring about that state of the public mind in

Ireland, in which every good man will be ready to join with me in the repeal of the Union; no matter what may be his party, his religion, his prejudices, or his resentments." Certainly the Union ought not to be repealed until this state of things is brought about. When every good man of every party combines for that purpose, it will be carried, and if it cannot be brought about in that manner, no good man will wish for Repeal; and accordingly you will find throughout this letter this idea incessantly impressed upon the reader, the necessity—the absolute necessity of combining every class and party of Irishmen together in seeking for a repeal of the Union. "The Anglesey-Algerine act—so much worse than the Wellington-Algerine law—has left us no alternative. It silences for ever those who bid us look to the justice and humanity of the British parliament; the day is gone by for cant and hypocrisy of that description. There does not live a knave so audacious as now to talk of the kindness and care of British legislators for Ireland; and if such a knave exists, there breathes not a single dolt so brutally stupid as to give one moment's credence to his assertions." Do you remember the state of trade in Ireland previous to the Union, can you know what it is now? I happened to be going along the banks of the Dodder a few days since with a friend who was engaged in the paper trade. He pointed out to me, on the banks of that river, the sites of thirteen different manufactories which existed in 1800; there are now but four of them. What is become of their proprietors? Some of them, who were then rolling in their carriages, their families might now be found in the 1826 mendicants who are collected in Moira House. What has happened to the remainder? Some are under the seizure of English revenue officers. But is there any other trade prosperous? I know not; for how is any trade to be prosperous, when the purchasers are taken out of the country? I want to go through this publication paragraph by paragraph; for it is the whole you are to judge of—it is upon the context of the entire you are to decide, and it is not by isolated paragraphs you are to pronounce an opinion upon the publication. "Argument and reasoning are over. The inevitable conclusion is arrived at. Before the repeal of the Union no good can be done for Ireland—until the repeal of the Union Ireland can reap but little benefit from British connexion. I repeat, that those who oppose the Repeal, are blindly and ignorantly, but not the less powerfully or certainly, driving towards separation. To us, who are not at present separatists, and never will be so if we can help it—to us, who honestly seek the restoration of Irish freedom and the establishment of Irish prosperity, but one duty—one great all-absorbing duty remains—it is, peaceably and legally to effectuate the restoration of the Irish Parliament." This, gentlemen of the jury, is a libel!—"peaceably and legally to effectuate the restoration of the Irish parliament," is a sentiment indicted as a libel, and you, upon your oaths, are called upon to decide so. "There is but one problem to be solved—that is, the mode

of legally and peaceably accomplishing our object." Will you believe it now, that you are asked upon your oaths to declare that it is by intimidation the repeal of the Union is sought for—that it is sought for by this publication to carry it by intimidation and force? That is the question which you have to try. Good Good! Is it not too bad? Does it not even exceed human belief, that there should be found in the sister country, persons who, as they are now imported Secretaries or Lord Lieutenants, would believe, that because we may be divided into factions amongst ourselves, they would yet be able to procure twelve honest men who would swear (for you have a vow registered in heaven) that the object of the writer of this letter was to carry the Union by intimidation and by force?—I cannot believe it; I will not believe that men so sworn could find such a verdict upon this letter.—The Attorney-General kept clear of pressing it.—He left it to the Solicitor-General to endeavor to prove that intimidation was sought for in this letter; for how other, I would ask, does the writer seek for Repeal but by peaceable and legal means? "All we want to know is, the manner of doing the thing. The thing itself is inevitable; so inevitable, indeed, that the "Anglesey Algerine Bill," instead of retarding the progress of the Repeal, has to a demonstration greatly promoted its ultimate and most satisfactory success. This demonstration I will take up a little later.—For the present I content myself with some preliminary topics. In the first place, it may be a matter of surprise to some that with all the madness of slavery upon me, I should write with so much of cool calmness." I enter into the feelings of the writer completely. What was the unconstitutional law that had been passed? It was one that had been passed by men who held office, because they announced themselves as the purifiers of the constitution—men who trampled down every thing that had the rust of antiquity upon it—rust which I certainly will not call venerable, but they were men who declared that in order to arrive at the principle of purifying, as they called, the constitution, no chartered rights were safe, and they beat down every thing of ancient practice. They rendered uncertain every property which was certain the day before. In England, where money commands everything—where, if it does not constitute a divinity, it at least "makes the man." In England, where Lord Monson had given £150,000 for the estates of Gatton, sold it, since the reform bill passed, for £30,000—suppose an individual was so injured, by this ministry, in what they called their desire for reform and their determination for change, what would you expect from them? Oh! they say we are models of perfection—we are models of everything that is extremely useful—we are the men who are desirous of doing away with every abuse, and yet, instead of acting up to their professions, they sanction the passing of an act, which they said but a few months before would be unnecessary, and that act one which takes from the subject the right of appealing to parliament! Surely such conduct could not but disgust men who entertain my opinions,

and when you think so, you cannot censure the writer for saying that he speaks in calmness when he alludes to an act of parliament, which the Attorney-General himself has called an unconstitutional act. Is that an act which is intended to be applied to one party alone? Not at all; it can be brought into operation as well in Armagh as in Kerry. That act is an outrage on the constitution, and you, as well as I, must denounce it as such. What was it King James did, and which drove him from the throne? We all admit he was deservedly banished from the throne. What was his principal crime? That of suppressing the right to petition. The very first ingredient in the bill of rights—the great principle involved in the revolution was the recognition of the right to petition—it is the sentiment implied in the well-known toast of “the glorious and immortal memory;” and yet, look to the act of parliament passed by the Whigs against Ireland—it tramples upon the right to petition. Suppose that you to-morrow were about to petition his Majesty against the insult offered to the member of one of the northern counties. I know that county member well—he and I differ much in politics, and before I knew him, I supposed him to be a man of the most sanguinary temperament. I have the happiness of knowing him now, and though he would not, perhaps, accept a compliment from me, I will say, that a more accomplished gentleman I am not acquainted with. That gentleman would not even receive a civil answer from the Whigs. Supposing you met to-morrow to petition upon this subject, perhaps you think you have a right to petition? You have not. The Lord Lieutenant has only to issue three lines of a proclamation, and if after that you presume to assemble, you go to gaol upon returning from a meeting so assembled; and would not your blood boil with indignation at the insult offered to you by the Whigs? And, yet, instead of the description of a writer’s feelings being treated with a sneer upon such a subject, should it not rather be taken as a proof of his honest sincerity? I proceed with the publication:—“To these persons I readily acknowledge that an offence has been committed against all the great principles of the constitution, and against the people of Ireland, too deep to be forgotten and too cruel to be ever forgiven. The rankling wound caused by national injustice and Whig despotism (oh, the ever odious Whigs!) is too excruciating ever to heal.” Is this a libel? Perhaps the man who shouts out to day that it is so will tomorrow be sent to gaol. I do not say the Whigs would do any such thing; if they did they would be too bad as a party to be worthy of the advocacy of my learned friend (Mr. Crampton) on the other side. (Laughter.) The publication proceeds:—“Yet I am cool, and quiet, and deliberate; no bursts of passion sway my soul; no fervent epithets of execration burn in my description of individual venality, profligacy or folly. No; I console myself, and I am consoled by the certainty that the great measure of national regeneration is advanced by the actions of our worst and most malignant enemies in every part of the British empire. Our friends, and the friends of liberty in Great Britain, are up, in heart, courage, and generous sympathy; and the very measure which was intended to crush the agitation of the Repeal, actually makes the Repeal irresistible.” That is true, perfectly true. With the exception of the allusion to Lord Anglesey and Lord Plunkett, there is no expression in the letter which can be called a personal libel, or it is not complained of as turning them into ridicule, in the imputing of bad motives. The indictment is free from anything of that kind.—The leading object in the writer’s mind occupied him too much to feel anything of anger, or resentment, or to indulge in anything like personal calumny. There was enough in the act that had passed to instigate the mind of any Irish member, and the only motive you perceive that seems to actuate the writer is, the restoration of the Irish Parliament. Of course there was no attempt made here to prosecute for a private libel. The letter says, that “our friends and the friends of liberty in Great Britain are up in heart, courage and generous sympathy,” and yet the intentions laid in the indictment by the Attorney General are, and you are to find the truth of them on your oaths, that this letter was meant to create ill-will and hatred between the King’s subjects in England and Ireland!—“Our friends and the friends of liberty in Great Britain are up in heart, courage, and generous sympathy.” Oh! says the Attorney General, you are exciting to hatred and ill-will between the King’s subjects! And this you must find by your verdict—it is not the only difficulty you have to encounter. “I return to the mode of procuring the Repeal—of procuring it peaceably and without violating any law. Attend to me, my countrymen—attend to me; you have often listened to my voice and taken my counsel. I can once again proudly, because truly, repeat, that no man ever was sorry for observing my advice on political affairs. My object now is to show how we are to repeal the Union. It seems to me that there are these two preliminary measures necessary, before we can arrive at that state of moral and political organization (under the now existing law) which is requisite in order to produce the Repeal in the only manner in which we seek it—that is, without crime and without blood.” This, recollect, is in the publication which you are to try as a libel. A man may pass a long eulogium upon himself, and yet it will not be a libel—he may praise himself, and what is worse, he may praise others; who do not deserve it, and yet it will not be a libel; he may do even this, and sycophant like he may fawn upon those in power and urge them on to prosecutions, and yet it will not be a libel. Again I read this passage for you—“to produce the repeal in the only manner in which we seek it—that is, without crime and without blood.” I feel pleasure in reading that passage twice, for the indictment charges that this publication was written with the intention of carrying the repeal question by intimidation and violence!

measures is the suppression of 'Whitefeet' outrages. I use the word 'Whitefeet,' because it is the last name assumed by the miscreant wretches who have, in so many shapes, and for so many years, plunged various parts of Ireland in horrible crimes against property, and stained our country with the turpitude, the atrocity, and the demoniacal repetition of murder; crimes demanding the vengeance of man, and, alas, bringing down the punishment of God. Long and long since would Ireland have shaken off the yoke of her worst grievances but that her friends are disheartened, disgusted, and almost silenced, by reason of the commission of 'Whitefeet' crimes, whilst every enemy of Ireland is strengthened and fortified by the natural and necessary consequences of that criminality. The present Anglesey gagging bill could never have been introduced—base and worthless as the Whigs are—yet they never could have introduced the present despotic bill, but for the color and pretext afforded them by the atrocious murders of the villainous 'Whitefeet.' Our first concern, therefore, is, to put down 'Whitefeet' outrages. In that sentiment every patriotic Irishman concurs. I will, in my future letters, develop that organization of the 'Volunteers,' which, without violating the existing 'Algerine' law, must enable us to contribute effectually to terminate the predial crimes now called 'Whitefeetism.' In the mean time, it is the duty of every honest Irishman to exert all his faculties and energies to put down 'Whitefeetism.' Wherever any of us have influence let it be directed to this object. Let each of us, in his own sphere, redouble all former exertions to this effect—and, above all, let us impress on the mind of everybody within our reach the impossibility of ever giving freedom to Ireland, whilst 'Whitefeet' crimes contaminate, degrade, and weaken our native land." I have read that entire passage for you. I now ask yourselves there one amongst you who would be ashamed of being the author of that passage? Is there a man amongst you who would not feel indignation if he had composed that passage, at any improper motive being assigned to him in writing it? What is manifestly the object of the writer? Is it not to put down 'Whitefeet' crimes, and every species of outrage? Is it not plain that he who wrote that passage was desirous to remove the great cause from which those crimes, these horrible crimes, find their origin—that he wishes to make an absenteeism more rare than even before the Union took place? Is it not manifest that he wishes to combine all repealers of the Union for that desirable object—the removing of the causes that lead to 'Whitefeet' outrages?—It is my opinion that the man who has an estate in Ireland should be bound to live on it. One of the old Irish statutes required residence upon property in this country, or they inflicted a penalty of 75 per cent. upon the absentee proprietor. Nine tenths of the estates in Ireland were, I can tell you, granted upon that condition.—The estates of the Earl of Wexford, now inherited by the Earl of Shrewsbury, were, in the reign of Henry the VIII, taken away from the former by the Crown, because the arrears of 75 per cent. as an absentee had become so large, as to render the estate no longer worth retaining by him who then possessed it. This is what we make a subject of discussion. This is all that is discussed in the matter that has been prosecuted—it seeks to put down 'Whitefeet' disturbances, and outrages of every kind—it seeks to do that by bringing back the landlords to Ireland, and thus establishing throughout the country the best of all local militias, a resident gentry, surrounded by a grateful tenantry, supporting them, and being supported by them; and thus giving the most efficient means of repressing crime, and, in fact, cutting off the springs of discontent and misery, from whence crimes and of-

fences flow. This is proposed to be done, while the wicked criminal shall suffer for the offences committed against the law. God forbid that the object of the writer should be to instigate to the committal of such crimes! How can such an object be imputed to him? Are they not spoken of with horror, and denounced with the strongest terms of execration? And yet this is called by the law officer of the crown, a seditious libel! I have read to you the entire of that passage; and see now what was the spirit of the writer. I have read to you the repeated desire he expresses, peaceably, legally, quietly, and constitutionally, to obtain Repeal. I have told you what the indictment charges that letter with attempting to do, and, after that, I ask you, is it not monstrous to attempt to prosecute such a publication? Oh! it was the insolence of the success of their bill—of their coercion bill—their Algerine bill, that they supposed they could suppress for ever even the name of any thing like constitutional agitation. Did you ever hear of a man who, when it suited his own purposes, called out, "Agitate, agitate, agitate?"—(Laughter.) I do not suppose that such a man ever lived; but if there ever were such a man, believe me that the very moment that constitutional agitation manifested an anxious desire that the ground should be taken from under the Whigs by the removal of 'Whitefeet' outrages and crimes—for recollect this, that if those crimes did not exist, there would be no pretence for their "unconstitutional bill;" there would be no pretence for having such a man in all the "pride, pomp, and circumstance" of a lord paramount to rule it over the land—it is, I repeat, such a man who would at one time call out, "Agitate, agitate, agitate"—that would call for a prosecution against the individual who attempted to interfere between him and that crop of crimes which brought such a man his harvest of power. I am sorry to trouble you at this length, but remember that it is my duty, and it is your's to give this case the most full attention. Gentlemen, this day is an important one—this day will be marked as most momentous in the sad story of our common country, and will be a bright and shining spot, illumining the page of Irish history—the first dawn of the opening day of light and heat, bringing with it the genuine glow of kindness, mutual attachment to each other, and general prosperity to this long-divided and unfortunate land. How does the fancy of realising such a scene cheer and animate me! I feel I am not gifted with any thing of poetical inspirations; but I am urged on by the ardent desire to see my country a nation. My heart feels and my tongue utters but the one sentiment. Some of us were born when Ireland was a nation, and I trust that I shall not go to my grave until I see Ireland a nation again. "The second preliminary is one of more easy attainment—it is to conciliate all classes and persuasions of Irishmen towards each other. I have the liveliest happiness in being able to state that the approximation of Irishmen (Protestants, Orangemen, and Catholics) towards each other is progressing with a rapidity which exceeds my expectations, and almost equals my ardent wishes for entire and universal conciliation." This, gentlemen, this is the language which the Attorney-General declares, and calls upon you to say, inspires hatred between different classes of his Majesty's subjects! The writer may too fondly anticipate that union and conciliation for which he here expresses so anxious a desire. His wish to conciliate may mislead his judgment as to the fact of being able to accomplish it; but I ask you—I appeal to you, gentlemen, is it not becoming in a Christian to desire that conciliation? It is our duty, as we each inculcate Christian charity, to practice mutual forbearance and forgiveness towards each other.—Blessed be God for it! in this country our differences are mere matters of speculative belief.—There is no sect amongst us that does not persuade its followers to mutual charity and benevolence.—No matter to what place of worship we may repair upon the Sunday, we all hear but the one doctrine taught—"Charity and forgiveness." With such feelings it is plain the writer was impressed when he dictated this letter.—Such are the doctrines he here seeks to enforce. It is in the name of our common Christianity he wishes all classes of his countrymen to combine for the attainment of a

most desirable object. The conciliation of all classes, their entertaining feelings of charity for each other, is that for which we are, as Christians, all bound most devoutly to desire, and most sincerely to pray for. It is this sentiment which runs through the entire composition, let it be taken altogether, and you will find that is the great end aimed at. It is not one particular phrase you are to found your verdict upon—it is upon the whole publication—look at it from the beginning to the end, and you will see that the inculcation of charity is the burden of the song, and is the spirit of the entire composition; “There are, to be sure, some who continue obdurate and prejudiced; but the number is daily diminishing, and, even in the North, the Orangemen are—many of them at least—beginning to perceive that, whilst as Protestants they have nothing to fear, they, as Irishmen, have everything to gain from the establishment of a domestic legislature in Ireland.” Yes, I proclaim, I announced it; I do so in the name of that God, in whose presence you have been sworn this day, that if I thought Protestants had anything to fear from the restoration of her parliament to Ireland, there breathes not a Protestant in Ireland who would more strongly or strenuously oppose repeal than I should. Let any man who thinks it would injure Protestants come out on me with arguments, and show me that it would do so, and I shall at once join with him in opposing the repeal of the Union. Let me ask you here, is it not plain that the object of the writer is not to injure any class, but to promote the good of all; to put an end to the discontent and to the despair which display themselves too frequently in the crimes of a most wretched and miserable peasantry. To put an end to the despair, to remove the discontent, and thus banish the committal of crime, are the objects of the writer.—Stand, then, between us, honest Protestant jurors—stand between us—stand between the people of Ireland and this Whig prosecution; let them obtain from you protection, and when the Whigs call upon you for a verdict, point to the North, the South, and the West, and ask them what compensation are they about to give for the sacrifice they ask of you this day. Remember, Protestant jurors, that if you make us the sacrifice to-day you will yourselves be sacrificed to-morrow, and the Whigs will ride lords paramount over this beautiful and too long oppressed country. “Fellow-countrymen—These are now your greatest and most paramount duties—First—To put down, now and for ever, Whitefeet crimes and outrages. Second—To reconcile to each other, and to bury in eternal oblivion, the dissension between Protestants, Catholics, and Orangemen, shewing to all that they have a general as well as individual, and an equal interest in the regeneration of our now unhappy, impoverished, and, alas, most grossly insulted and oppressed country.” These, gentlemen, are the two duties inculcated in this letter. There is a libel for you! Yes, a libel it must be; for it says the first duty of the people is to put down Whitefeet outrages! Who is that that will tell me—who will presume to tell me, that this is a libel? If any man will dare to tell me so, he must be an odious Whig—he must be one interested in the perpetration of crime, and whose advantage it is to see the country disturbed. No Irishman will, I am certain, so think—none will sanction such an opinion with their verdict. Those who now would crush us, will not spare you; and if you lend your weight to the machinery of the oppressor, although you may be the last to suffer, be certain that your turn of the wheel will certainly come round. The first duty, the writer says, that the people have to discharge, is, to put down Whitefeet outrages. What is the second? To conciliate all classes of Irishmen. Are Bible-battles for ever to be perpetuated? Are the phrases of dissension to be for ever continued—are they to be constantly hurled against each other? Is this charity? Is this, I ask, common sense? No—it is my wish to convert all—to prevent the Catholic from abusing the Protestant, and the Protestant from abusing the Catholic. It is not by abuse that either sect of Christians can convert the other—the sincere Christian, the man who firmly believes in the faith that he professes, never does so. Every man thinks that his own persuasion is true, and he never can be convinced it is otherwise by the unmeasured reviling of his

creed. It is our duty, as Christians, to conciliate each other; for until the battle is over—until the abuse and vilification ceases, “the still small voice” of reason is never heard, the ears of each are closed against it, and we are deaf as adders to its admonitions! What, then, is the duty inculcated here? To put down Whitefeet offences, and to conciliate all classes of Christians; and yet this publication, it is said, is intended to promote dissensions, and to carry a measure by intimidation and force, and you, you gentlemen of the jury, are called upon to swear that such were the intentions of the writer. I am mocking you when I say this. They were dreaming when they thought they could get you to do this. The imported Whigs and the exported Whigs, of every class, know us not when they suppose they could get you to do this. But, then, they look for your verdict. You will tell them by that verdict, we will not be made your instruments to-day, that we may be your victims to-morrow. They do not know you, gentlemen; but they will know by this trial, and your verdict, that the delusion is over; the scheme is at an end. Your consciences will answer the appeal that I am now making to you, and they will find, that in the attempt to make Irishmen enslaved, they will not be aided by Irishmen helping to crush each other. Those are now failing, and rest all upon your verdict to stay their fall; let your answer to them be, mind your own domestic concerns, and leave us to manage ours. I now come to the most interesting part of my subject—the mode of continuing, without any violation of the ‘Anglesey gagging bill,’ our national exertions to procure the Repeal. We must not violate the law.” Oh, what a libel that is! “We must keep within the strict bounds of the statute. But we can, within these bounds, continue and even extend our peaceable exertions for the Repeal. I know the spirit of Irish patriotism is still ‘unfading and warm,’ and so long as that spirit reigns paramount in the breasts of the honest men of Ireland I will take care that it shall not want the mode or the means of working out the political salvation of the ever-loved and lovely land of our birth.” Yes, my heart aspirates, my tongue pronounces such language as that; to the political salvation of my native country every wish of my heart, every exertion is devoted, and they shall be used to secure her independence. It is by the spirit of conciliation I wish to be guided. It is by Protestants and Catholics being conciliated—it is by uniting together that we shall become too strong for the oppressions of those who are our common enemy—This day will decide much, and your verdict will determine many things for your country. Give me but the assistance—give me but the honest support of your verdict, and it will enable me to do much for Ireland, while those who have heretofore used you as instruments, will be found counting you as friends, as they can no longer hope to make you their victims. There are here five or six passages in the publication which I should willingly pass over, as I presume they do not form the subject of the prosecution, and I would certainly omit them but that I am to be followed by the Solicitor-General, and he, in his candour, might aver that I had purposely omitted them. The paragraphs are these:—“The Volunteers can aid, but they shall not be the *only* legal body to advance the interests and the rights of Ireland. However, in order to understand fully the safety and security, as well as the utility of my plans for continuing wholesome agitation under the Algerine law, it is necessary that I should point out briefly some of the mischiefs which that law does not perpetrate. Let it be recollected that in this letter I am treating of the law in districts not proclaimed to be in a state of disturbance and outrage, that is, not Whitefeet districts.—In all other districts, save those contaminated by ‘Whitefeet,’ the Algerine bill, as it left the committee of the House of Commons, and was ultimately passed, has these circumstances of mitigation about it:—First—it gives no power to the magistracy over meetings of any kind.—Understand, the magistrates have no authority whatsoever given them under this act. A magistrate cannot prohibit or suppress any meeting under this act. He is just where he was before this law was passed. It is most important to observe this point, because it leaves all meet-

ings which are not prohibited by an express and notified proclamation of the Lord Lieutenant, precisely as legal as they have been hitherto. It is, indeed, comfortable, amidst the gloom of discontent naturally and necessarily created by this most unconstitutional law, to perceive this one gleam of consolation, that all parties in the house disclaimed the Irish magistracy as unfit to be intrusted with any additional powers. Except amongst the extreme Irish Tories this was the universal settlement of the house. Accordingly, no additional power whatever is given to these unlauded animals, the Irish magistrates.—Secondly—No meeting can be rendered illegal under this act until it has been proclaimed by the Lord Lieutenant, and that proclamation notified to the persons so meeting. There are, therefore, under this act, two ingredients—necessary to make a patriotic meeting illegal. The first is a proclamation by the Lord Lieutenant; the second is a notification of that proclamation to the persons intended to be affected by it. This is clearly a great improvement in this act over the ‘Wellington Algerine act,’ and I must claim the merit—because I believe it to be mine—of suggesting this improvement. It is, to be sure, melancholy and heart rending to think, that notwithstanding this amendment, yet the Lord Lieutenant may, under this most unconstitutional law, prohibit and render illegal, by his notified proclamation, the most useful, the most necessary, nay, the most charitable meeting of Irishmen. It is, indeed, deplorable beyond the powers of language to be obliged to confess that a pseudo reformed parliament should have given such a power as this to any Lord Lieutenant—for example, to so unwise a person as Lord Anglesey. It is a power which no lover of liberty would give to the wisest and best of mankind; but the parliament that gave it is—thank heaven!—sufficiently alien from Ireland. Thirdly—the power of the Lord Lieutenant is confined to rendering a meeting illegal—observe ‘a meeting.’ I say it emphatically. For example, the Lord Lieutenant may issue a proclamation to prohibit any meeting of ‘the Volunteers.’ After such proclamation, any meeting of the Volunteers would be illegal, and none such will take place whilst this gagging bill is law. But the association of the Volunteers would not, and cannot, thus be rendered illegal. It will be no offence to continue to be a Volunteer; I will continue to be a Volunteer, and so will every other member of that body who does not actually resign. Indeed, I will always boast of being and continuing a Volunteer, until I see that body restored to their pristine honor and dignity by act of parliament, and empowered by law to arm themselves, and become the unpaid police of Ireland.—I repeat, therefore, that the proclamation of the Lord Lieutenant will, of course, prevent the Volunteers from meeting; it will render a meeting of the Volunteers illegal; but it will leave the association of the Volunteers as legal as they were before the act; and although we do not meet in any assembly, we can co-operate as individuals; we can direct and regulate our conduct by correspondence, especially through the newspapers, for we have not, and never will have, any secrets.—Thus the Volunteers can, one and all, continue their exertions to elucidate the evils Ireland has incurred by and from the Union—to keep alive the genial glow of patriotic ardour for the repeal of that most disastrous and fatal measure, and at the same time to use their best exertions to put down all predial outrages and crimes; and, lastly, to conciliate and reconcile all classes of their fellow-countrymen by burying in a generous oblivion all party feuds and religious dissensions amongst Irishmen.” Let it be remembered that what is here said of the Volunteers is equally applicable to the Conservative Society. That society has not yet been proclaimed, and is still legal; but if the Lord Lieutenant chooses to proclaim it, he can, by the coercion bill, put it down. After this, there are other paragraphs which I shall pass over without comment. “Let my advice be attended to, and ‘the Volunteers’ will again shine forth in Irish history. Let them obey the law, and preserve themselves and their sacred cause for better times. To them is the deposit of Irish liberty especially commended. Let this be their watchword and their motto—‘*Durate et vosmet rebus servate secundis.*’ I will in this mode correspond with the Volunteers, and assist them to crush outrages and crimes, and

to promote such rational arbitrations amongst the people as may keep them away from the petty and general sessions. But these are no more than the outskirts of agitation. We must arrange under the new state of affairs our future plan for as general a combination as possible, to attain, by legal and constitutional means, a redress of Irish grievances. It will be my business to bring that plan before the public. I will, in these my public letters, in order to vindicate the confidence the Volunteers have reposed in me, point out the modes by which the people may be kept from despair, and the enemies of the people prevented from exasperating suffering millions into madness and insurrection. We must teach the people the paths of peace, which alone can conduct them to prosperity and liberty. I proceed to open my plan for the liberation of Ireland from her present thralldom, and for the restoration of her domestic legislature. The first element, and the LEADING principle of that plan is, THE PROPER USE OF THE ELECTIVE FRANCHISE.” This, gentlemen, is a libel! It is a libel to say that the first element to be employed is the proper use of the elective franchise. The people are told to put down Whitefeet outrages—to conciliate all classes of Christians, and next to make a proper use of the elective franchise. Who is it will say that it is not right to use this constitutional mode of carrying a great principle? Is it not the very thing which the constitution directs for obtaining the redress of grievances? And it is a libel to suggest the use of that! Do not suppose that I am joking—it is to be found in the words of the indictment. The proper use of the elective franchise is the very thing which the Whigs seek to extinguish. The letter then says:—“This is my first position. It is absolutely necessary that the people of Ireland should render the elective franchise as available as possible. The first step in the new agitation is to organise the elective franchise in every county, city, town, and borough in Ireland. This species of agitation has these two great recommendations. First—it is perfectly safe. Secondly—it must be eminently useful. It may be said that we are only in the beginning of a parliament, and, therefore, the advantages to be derived from the organization of the elective franchise are remote. This is not so. There never was a parliament so likely to be short as the present. In the first place, the age of the King, and the precarious state of his health—matters to be spoken of with respect and regret—enter as ingredients in our calculation of the duration of this parliament.—In the second place, the disconnected and heterogeneous materials of which the present ministry are composed, render it next to impossible that they should continue long in office. I anticipate the dissolution of the present ministry, even before the end of the present session.”—The writer, I admit, was wrong in his anticipation; but why was he wrong, because of mutual concessions amongst the Whigs themselves, and because he could not anticipate that they should have been able to drag the reformed parliament through the mire, because he could not anticipate that they who voted one way on Thursday, could be brought to vote the opposite way on the Monday following. These were things he could not suppose would possibly happen, and, therefore, was he so far wrong in his prophesy.—“In the next place, the total abandonment by the present ministry of their old principles; the trampling under foot of all those principles in the Irish despotism bill; their sacrifice of the trial by jury, the palladium of the safety and liberty of Englishmen.” Is not this the fact? We have no security in the trial by jury. Have they not, gentlemen, voted you out of that box? Are you there by right of the constitution? No; you are merely there by sufferance. Are your lordships sitting there by right of common law? Is the sacred ermine with which you are surrounded—that emblem of your security from all vulgar approach—are even you, my lords, there by right? No; you can be dismissed from that bench without the committal of any crime by you. There is, my lords, law for it. The Whig law officer can quote law for it. He can put you, gentlemen of the jury, out of that box, and he can drive you, my lords, from that bench, and for you he can substitute seven or eleven red-coated men, with sashes and swords, to decide whatever they please. Is there any appeal to

you from what they have done? No matter what they may choose to do your lordships can have no superintendence over it. All appeal to you from them is taken away, and you can give no relief to any one who may suffer from their decisions, no matter how unjust their decisions may be. And by whom has all this been done? I remember the denunciations, the thundering exclamations, to have been raised by those very men against the passing of the insurrection act. Night after night, they filled the public ear with what may be called mere declamations about public freedom, and yet that act, against which they exclaimed, did not turn the judges off the bench—it did not totally abolish trial by jury, and it gave some power to the gentry and the magistrates, who could take part in the proceedings of the courts established under it. Oh! these are the men—these are the declaimers about public liberty, who have annihilated trial by jury—who have superseded the bench—and these, too, are the very men who have the audacity here to call upon you for a conviction. It is not the guilt of the publication of this paper they are anxious to establish, they want to make you partners in their crime—they want to associate you with their criminal ministry—they want to make the Bible of God the dagger to your reputations. I call upon you, by the oath you have taken—I call upon you, as you value your reputation—I call upon you—I beseech you not to join in the conspiracy against Ireland. They think they can delude you—I warn you that there is a conspiracy against you, as well as against the country. Perhaps they have promised to uphold you. There is a man named Coulson; he is a government commissioner, and the editor of the *Globe* newspaper. Now, what think you has this Coulson recently discovered?—that you, that the Orangemen of Ireland, are a most proper, discreet class of men, and “one that any government might be proud of” When did he make this discovery? Just on the eye of the present prosecution. Now, I can tell you, and you may remember the fact, that some one of the ministry somewhere said that “the Orangemen were but the broken remnant of a contemptible faction.” But, then, the question was suddenly to be tried here, and then it was discovered by this Whig placeman, who is the conductor of a newspaper, that the Orangemen are the best men in the world. I have read somewhere of this phrase, I believe it was in an Orange newspaper, “very fine flummery.” (Laughter.) Is this like the conduct of honest men? I put it to you, Protestant gentlemen, what is the meaning of this phrase? Why should it be inserted now? We have heard a good deal to the contrary from the same quarter; but the moment this prosecution is recommenced, then it is that a government hireling discovers that “oh! the Orangemen are the sweetest people in the world.” (Laughter.) That was done for the occasion. The packet will come in to-morrow; let us see what it will say. The trial will then be over, and the Orangemen will be as black as ever in the columns of the *Globe*. You may from this perceive an example of the way in which the Whigs suppose they can manage this country. “Their sacrifice of the last resource of the wretched, the right to complain—their sweeping indemnity to the military, and subjecting them to no other punishment save by courts-martial—these, the leading features of the Irish despotism bill, sink deep into the minds of the thinking and reasoning part of the British community, and are silently but rapidly producing such sentiments of disgust and abhorrence of the present ministry in the public mind of this country, that it is not possible they should continue long in office. Add to this, that this ministry has done nothing—is doing nothing—promises nothing to the suffering and overburdened people of England, who were led to expect confidently great relief from the reform bill, and are getting none at all. But the faults of this ministry are not mere-

ly of a negative quality. They have committed actual errors, which the people of England call crimes—they have refused an inquiry into the distress of the people!!—they have refused an inquiry into the practicability of a plan to relieve productive industry from taxation, by placing taxation upon property alone!!!—they have determined to continue naval and military sinecures!!!—and, lastly, they have totally refused to abolish flogging in the army!!! These are the doings of a reforming ministry, in the first session of a reformed parliament. Well may the people of England ask, “if these things be done in the green wood, what will be done in the dry?” Believe me this ministry cannot stand.” I do repeat it. Believe me this ministry cannot stand—“They will shrink out of office amidst the shouts of indignation of all parties” This, gentlemen, is a libel! It must be a libel, and I will tell you why—because it is perfectly true. It was said once that the more true anything was, the more libellous. They have, however, reserved for another occasion, indicting us for this species of libel, “This ministry must soon be dissolved.” This, in the eye of a placeman, is a rank libel. The complacency of a placeman is offended at it, and the complacency of my learned friend, the Solicitor-General, arises, I suppose, from his former ferocity as a patriot. (Laughter.) He is, I assure you, a most admirable Repealer, and he wished very much to add to the number of Irish representatives (Laughter.) “This ministry must soon be dissolved.” It is impossible to go back to Toryism. We are one hundred years, as years reckon in political life, beyond the possible restoration of Toryism. Let us, then, be prepared for the event. The dissolution of this ministry necessarily leads to the dissolution of the parliament. Let us then, and from this moment prepare for the event. This is my first step in the new agitation.—I must be the prime agitator myself. Without cooperation it is, of course, that I should be powerless; but with the aid of a few honest and active men in each locality, the people shall and can be ready for a new election—to promote their friends, and to punish their enemies. I think I may pledge myself that I will openly, and in the face of the day, organize this “agitation,” without any infringement of the “Algerine act.” My second letter shall be devoted to the details of my plan; and I before-hand invite criticism and remark, friendly or unfriendly; I will weigh well every objection, and yield to those which appear to me to be supported with good reasons or incapable of being obviated. The conduct of the Irish members, during the discussions on the gagging bill, is fresh in every recollection. There has been a faithful band, true to their every engagement and pledge. There have been instances of violation of every duty which serve to degrade our very nature that there should have been found human beings capable of such conduct. All these we will weigh in our coolest moments, when irritation has gone by, and when we can calmly calculate the crime that has been committed, and the political punishment which ought to follow. My first step is,

therefore, to organize the means of serving and sustaining friends, and of flinging off enemies. Let us, then, begin the new agitation with the organization of the elective franchise. It will require from me minuteness of detail and great perseverance. I promise to bring both to the task. My next letter will develop those details. In the mean time, the patriotic men who intend to cooperate with me will commence by procuring an accurate knowledge of the state of the registry in their respective parishes and baronies. For the present, I say no more on this subject, save this, that I begin with a subject quite safe and most useful.—I am convinced I shall receive abundant assistance. I cannot conclude this my first letter to the people of Ireland, enslaved as they are by the first act of a reformed parliament, without making a passing remark on more recent events. It is true that we have got rid of Stanley, who was, at least, consistent in his opinions—but, then, we have got Hobhouse, who has been a ferocious patriot, and is now a complaisant placeman. I do not know that Ireland can have gained much by the change. Hobhouse, however, has one consolation, he cannot possibly be worse to Ireland than Stanley. I am induced to think the less favorably of Hobhouse from his speech at the hustings. It is attributed to him to have been guilty of the inconceivable absurdity of making these two assertions:—*First*—‘*That the Irish people would, within three months, discover, that this bill (meaning the despotism bill) was for their good.*’ There is a profound statesman for you—*for our good!!!* to deprive us of the very first principles of the constitution!!!—*FOR OUR GOOD!!!*—Poor man! what a wretched exhibition of that species of vulgar assumption of the superiority of English over Irish intellect does this assertion exhibit. Poor man! For our good!!!—aye, just as the slave-driver in the West Indies uses the lash on the bare back of the expiring negro—*for his good.* The second assertion was—‘*That within the same three months he would so redress Irish grievances as to be the most popular man in that country.*’ See what an adequate idea he has of his own powers on the one hand, and of the effects of seven centuries of misgovernment on the other!!! What a heaven-born statesman we have got amongst us—within three months, surrounded by Tories, Conservatives, monopolists, and the Attorney-General; having, in addition, Lord Anglesey to manage, and Lord Plunkett to satisfy, he is to work miracles of conciliation and kindness by the light of his sweet and gracious countenance. Well done, little Cam!!! as Cobbett calls him. Now, I have as good a right to become “Pastorini” as little Cam has, and I venture to prophesy that Ireland will not derive any one benefit, or date any one advantage from the secretaryship of Sir John Cam Hobhouse.” Certainly, the writer was not astray as far as respects Sir John Cam Hobhouse, and prophesied truly of him. The publication which is prosecuted, thus concludes:—“But when the interests of a great nation—its liberty and prosperity are at stake—when a generous and long-oppressed people, instead of relief, are afforded only Algerine acts and

gagging bills, it is unpardonable to consume time in commenting on the flies that are whirled round on the wheels of the state machine, although those flies should imagine that it was they that turned the wheel which merely carries them round. For the present, I conclude with the repetition of my oft-given advice to the people—no riot, no violence, no crime. But, above all things, no despair.—*WE ARE EIGHT MILLIONS.*” I congratulate you, gentlemen, that the letter is not longer; but I have read it all for you carefully, and I ask you has it not been wrongly described in the indictment?—The leading idea contained in it is the repeal of the Union. I do not want to say that you are repealers; but that it shall be an open question. That letter seeks the suppression of Whitefeet disturbances and outrages, and that there shall be no riot, no violence, no crime. I ask you, on your oaths, is not this a short description of the entire publication? I do not argue as to the taste or talent displayed in this letter; but I appeal to you, is not that, and that only, a correct abstract of the entire publication? If any man should follow me and attempt to weigh single words, or comment on particular phrases, I tell you that you are bound to take the entire. Was it unfair—was it improper to give the advice contained in this publication? Oh! I indignantly deny it, unless, indeed, it be guilt to put down outrages, which would be used for an increase to the power of the Whigs; for unless there were those crimes their power would be extinct. Let there be an end to the dissensions which have degraded us equally, and divided us from each other. Let us do that, and their domination is for ever at an end. Let them, I say, no longer delude us—let them no longer succeed by playing off one party against the other—let them not treat us as if we were madmen confined in a lunatic asylum—indulging one ward to-day, and treating with harshness another ward to-morrow. If we are not mad, we will not lend ourselves to such an insane system of government. We have a country—we had a country once, and we ought to have one. There is not a more lovely land on the face of the earth. There is none in which the annual profits taken from the soil is so great. God has blessed her with a soil teeming with uncounted millions—her fields are covered with plenty—in them the green stalk leans under its overloaded ear—the granaries are filled—the stores for corn are bursting their lofts—the land gives to man its choicest treasures, and yet, oh! yet, famine threatens with its blighting aspect to assail us—the wretched potato crop is one-third deficient. The miserable food on which the population depend is failing—the season has been plentiful, and still starvation is coming. Why is this?—Because the abundance of the land is of no avail to its people—the poor man yields it all up to the landlord, to be collected in rents, which are expended in England, France—in any other country but Ireland. Upon every parish door in the country it is proclaimed, it is proclaimed to the people the increase is not for you—as well for you, if there had been a blighted season, and as if the

vengeful hand of the Deity had mildewed every ear of corn, and blighted the land with sterility—famine, people of Ireland, famine is abroad. Why? Because Ireland is a province instead of being a nation. This is the language of the barrister that addresses you. There was another barrister, and his name will long live in the memory of his country. How did he speak of the Union. Is it in the feeble language? Is it in the humbleness of tone of him who asks, at least, that starvation should not be eternal—that the Irish peasant should not for ever depend upon a wretched vegetable. Oh! I ask, I entreat, that famine may not be perpetual and misery hereditary in the country. Another barrister speaks of the Union—mark what he says of it. “I see nothing in the Union but one question—will you give up the country? I forget for a moment the unprincipled means by which the Union has been prompted, and I look on it simply as England reclaiming in a moment of our weakness that dominion which we extorted from her in a moment of our virtue.” Who was it said that? The member for Callan—Charles Kendal Bushe. Oh! that I had his language, or that I could compare in power with that man. But what else does he say? “A dominion which she uniformly abused, which invariably oppressed and impoverished us, and from the assertion of which we date all our prosperity.” Why, here is authority for my saying that the independence on the Irish legislature was extorted from England—that the English dominion was always used to oppress, and it was by an exertion of our virtue that we obtained an independent legislature. Is it not the property of virtue to be eternal as the God it represents? If it was a “virtue” in 1782 to extort our independence—can it be a crime to argue about it now? Are Irishmen so depraved that they should consider mere argument upon such a subject improper?—but I will not do you the wrong of supposing that you think so. Recollect, we want not to extort Repeal—we are the sons of a more miserable race and we dare not think of any such thing—we are content pitifully to argue the question, and miserably to entreat.—We do not even attempt to follow the course which has been approved of by the member for Callan. Let it be for us humbly to beseech for our rights; but do not you, Protestant jurors, interpose yourselves between the regeneration of the country, and the blessings which Providence intended for her. Perhaps the contract of the Union was voluntary—perhaps it was one voluntarily agreed to, and which no man should dare to violate. But before I proceed to argue that, let me call your attention to the following passage:—“But you are to be improved into British manners and British customs! Idle talk; much as I admire Britain, I am not ready to give up the Irish character, or to make a sacrifice for the change. But is it by Englishmen coming here that the change is to be effected? I answer, how will the transporting our legislature, our men of fortune, and men of talents invite them? Will men come with a view of profit to settle in a country, at a moment when the principal customers, who may be in their

contemplation, are in the act of leaving that country and going to them?” Most truly indeed was it said here, that it was folly to expect from a Union with England that English capital would come here, when by that Union the customers by whom that capital would be circulated would be taken from us. The speaker then adds—“Mr. Pitt says, it will give to Ireland the common use of British capital, will identify Ireland with England, and so forth; those general, unsupported expressions have no meaning.” In another place he says, when speaking of the Union, “You talk of its restoring tranquillity—it is but talk. Will taking men of property out of the country do it—will a plan full of the seeds of jealousy and discontent effect it? Will depriving a nation of the liberty it has acquired, and to which it is devoted, ensure content? If religious jealousies disturb its quiet, are they to be allayed by a British parliament? No, Sir; leave our own concerns to our own parliament—we are equal to their management; and we will not yield in wisdom, liberality, patriotism or firmness to any parliament that can sit in Britain, formed on new speculations unknown to the constitution.” This is the language of John Foster, a man whose character is well known to you. In describing the Union, he says—“The Union seeks to take away our parliament, our freedom, and our prosperity. The Catholic is equally a native of Ireland, equally bound by duty, by inclination to his country; he sees with us the danger of the attack, and he joins with the Protestant to prevent its approach.” Blessed be God! I did join with the Protestant in preventing its approach, and proud I am to think that that was the first act of my political life. He proceeds, “The Catholic joins with the Protestant to prevent its approach, and save the constitution; he is wise in doing so—all differences are lost, they are asleep in the common cause; he joins heart to heart with his fellow subjects to oppose the common enemy.” This, recollect, is the language of John Foster; but he goes on to say of the Union: “This damnable, destructive, and I had almost said, deceitful measure; if I were to ransack every dictionary in the English language, I could not find words strong enough to express my abhorrence of the plan, or my dread of its fatal consequences.” Is such a passage as this permitted to be printed? It may perhaps be said, that the language here quoted was used in parliament. It certainly was; but then it was published afterwards, and could it not, I ask, have been met by an indictment? Recollect it was the measure that was so denounced that is alluded to in the publication upon which you have to determine. The result of the decision this day will determine whether we are to be at liberty even to discuss that question. Will you put yourselves between the people and that discussion? I shall read the opinion of another upon the Union:—“But it is the sincere conviction of my mind, that the proposed Union, the inflicting so deep a wound in our national pride, the death of our parliament the reducing a powerful, growing kingdom, to a

small and petty member of the empire, will multiply and invigorate the friends of the French connection, and dishearten, disgust, alienate and diminish the friends to the British interest. Who are they whose pride and consequence will be most humbled? the loyal and spirited yeomen and gentry, who have fought and bled in support of our constitution as it now stands. Who will leave the country, or swell the list of absentees, (a consequence which the advocate for Union admits,) the wretched, corrupted rabble, with the profligate conspirators—or the loyal and powerful nobility and gentry? Five and twenty of the principal nobility, eighty or ninety of the first gentlemen, necessarily withdrawn to attend parliament; add to these all who will be attracted by interest, or seduced by pleasure, or sickened at the deserted streets of Dublin." This is the opinion of a gentleman of the Irish bar—this is the opinion of a gentleman named Richard Jebb. This is the opinion of one who was afraid of the Union, and who truly prophesied that the death of our parliament would be the reducing of a powerful, growing kingdom, to a small and petty member of the empire. He also says, that "every one, in short, who could command, reclaim, or soothe a wretched peasantry will be lost to Ireland, and the kingdom will become one vast barrack, for military force will be the only one left to keep down our corrupted and licentious people." Why then was not the prophet listened to? And if his prophecy has been realised—if a powerful and growing kingdom has been transferred into a petty member of the empire—if it was patriotism and virtue to announce this, shall it be sedition and libel to struggle to do away with it. Surely the man who struggles to serve his country ought not to be denounced as seditious and a libeller, when his aim and his object is to give to the wretched peasant the protection of the gentry, to restore capital to Ireland, and before all, and above all, to make Ireland, instead of being a petty and a paltry province, a great and growing kingdom? Yes, we are too big to be a province—we have it in our power to be a nation—we are sufficiently strong to be so, and it is now in your hands whether that struggle should proceed as we would wish it, or whether you will, as far as you can, sacrifice it to the present administration. I hope the consummation of this trial will be the generous sinking of all differences amongst ourselves. There are some more passages which I shall read for you. The authority that I quote from stands so high that you cannot but respect it. He says, "You may make the Union binding as a law, but you cannot make it obligatory on conscience. It will be observed as long as England is strong; but resistance to it will be in the abstract a duty; and the exhibition of that resistance will be a mere question of prudence." *Non meus hic sermo.* It is not I who put forward such opinions. Recollect what is said, "You may make the Union binding as a law, but you cannot make it obligatory on conscience. It will be observed as long as England is strong; but resistance to it will be in the abstract a duty, and the exhibition of that resistance will be a mere question of

prudence." Who was it said that, gentlemen of the jury? Was he an ignorant, an unenlightened man? Was he a mere country gentleman? No; he was one of the first constitutional lawyers the country ever saw; and however I may differ from him on political subjects, no man is more willing to admit than I am his great legal knowledge and research. The gentleman who said this was the Right Honorable William Saurin. He is not a man of flippant character—he is not one of mercurial temperament; but he is one particularly distinguished for calculating good sense—he is a man who weighs his words and the even tenor of whose way could not be lightly shaken by circumstances. He is literally a steady man, and there is his opinion deliberately given—that the Union could not bind our consciences, and that resistance to it is a duty. Oh! I warn those who urge on this prosecution of the consequences of what they are doing. We speak not of resistance; we talk not of turning out in the field or of forming battalions. No; our only object is to concentrate the public sentiment, to embody the public mind, and to enforce our right by means of the elective franchise. We seek, too, to abolish religious feuds and to put an end to all dissensions. Why, then, my God! have our rulers been so mad as to bring on this prosecution? Their hope is in you; our protection is in the trial by jury, and I hope that those who calculate, they will be able to suppress the agitation of Repeal by means of you, will find themselves disappointed. If the verdict be against us here, the agitation for Repeal may assume a more angry form; but, I trust, that under the angel wing of trial by jury it will be protected, and that what was meant for the injury of Repeal will only lead to its advantage. I will now read one or two passages for you—"Take up any volume of your statutes upon that table, you will find the municipal acts of parliament in the proportion of more than forty to one to the imperial; what has within the memory of many men alive changed the face of your land? What has covered a country of pasture with tillage? What has intersected an impassable country with roads? What has nearly connected by inland navigation the eastern channel with the western ocean? A resident parliament. This is not theory—look at your statutes and your journals, and there is not one of those improvements which you cannot trace to some document of your own public spirit now upon that table, and to no other source or cause under heaven. Can this be supplied in Westminster?—could a committee of this house make a road to Yorkshire? No; nothing can supply a resident parliament, watching over national improvement, seizing opportunities, encouraging manufacture, commerce, science, education, and agriculture, applying instant remedy to instant mischief, mixing with the constituent body, catching the sentiment of the public mind, reflecting public opinion, acting upon its impulse, and regulating its excess. And yet a superior view of the danger of this measure would tempt me to abandon that argument as comparatively light and insignificant; it appears principally for-

midable to me, as removing the control of power, and as leaving not a vestige of the British constitution in the kingdom. What form of government is to be left in this country after a Union? A provincial despotism, and nothing else—every function of power will be resident, and the control of power will be remote—a Lord Lieutenant at the head of an executive government perfect in all its branches, a distinct army, judicature, church and revenue, is to govern this country, and he is to be controlled by what? By a parliament in Westminster—call this government by what name you please, it is not the British constitution.” The member for Callan says this happily and well, and goes on to say:—“Perhaps at some future day the various departments of the state may be filled with men selected for corruption and incapacity; and if that were to be the case, I ask you, where would be the protection for the life, liberty, or property of any honest man, too proud to bend his knee in submission to the provincial despot? Believe me, an iron military government must succeed to your present constitution. The government of this country must become the worst kind of absolute monarchy—a provincial monarchy.—In this point of view let England beware of the formidable precedent of five millions of men, governed by uncontrolled power—it is a formidable precedent. In this reign the influence of the crown, has made sufficient encroachments upon the liberty of the subject. Two parliaments in one empire have not been found too many bulwarks for the constitution; and if the liberty of Ireland sinks, let England beware of the vortex in which her own may be absorbed.” Is this the language of a factious lawyer? He continues:—“If this be factious language, Lord Somers was factious, the founders of the Revolution were factious, William the Third was a usurper, and the Revolution was a rebellion. For what did James the Second lose his Crown? Can the case of the seven bishops be compared with the case of Ireland? I shall not draw the parallel. I have too long troubled you but before I sit down let me for once conjure this house to consider whether this be a transaction altogether upon which they are willing to commit themselves, their properties, their characters, and their children. Let me conjure them to weigh that question well, if private honor and public virtue be not a name, and if every generous feeling be not banished from amongst us. Where is that spirit which in the year 1782 swelled the crest and glorified the character of Irish gentry, which achieved liberty for ourselves, and extorted justice from England, and admiration from Europe? Is it fled and extinguished for ever? I will not believe it.” I ask, too, the same question—where is that spirit which swelled the crest and glorified the character of the Irish gentry? Is it sunk?—is it gone?—is it forgotten for ever?—Were they not your fathers, your uncles, your relatives, who assisted in exalting the crest of Ireland, and raising her to the rank of a nation? Are you not the sons of these men, upon whom a Whig administration now calls to aid them in

lowering the crest of Ireland, and continuing her in a state of provincial degradation? But Irishmen know too well now their rights, ever again to permit themselves to be robbed of them. Mr. Bushe talked of “extorting justice from England.” We are not to presume to say any such thing; the language must be far different, and even though it be so, the Attorney General institutes a prosecution for libel. But listen again to the sentiments of the honourable member for Callan:—“But were every appeal to everything human fruitless and vain, I would invoke that Providence which even in my short life has so often stretched his protecting arm over my country—in my short life, my country from a province has become a nation—has been protected from a bloody rebellion and a formidable invasion, and has seen one desperate attempt against her liberties and constitution frustrated and overthrown—I will rely on God to save Ireland.”—And oh! may that life be spared, that he may again see his country rise to the rank of a nation—he sees it a province—may he behold it a nation! I feel that as the counsel for the publisher here—as an advocate at this bar my sentiments are tame and feeble when compared with his to whom I have referred. May we see the spirit revive which animated such sentiments!—may we see the country which is now a province rise to be a nation again? Is the wish—is the desire for this to be accounted a crime? Is it for this the gaol and the prison-house are to be prepared? Remember we do not talk, we do not dare to think of “extorting justice.” No; all that we ask—all that we seek for, is the discussion of facts and the consideration of arguments. Oh, God! what a miserable nation has this become! Why is it that we so long have submitted to this species of degradation? Have we not the blood of men amongst us? Can we watch the struggles of Poland for freedom—can we look on, and give our empty applause to her glorious achievements and mighty sacrifices? Is the aspiration but a cold feeling?—is it a mere theatrical exhibition? Are our sorrows and our tears only for the kings and queens of tragedy, and do we not enter into the interests of life? Are we men?—are we Irishmen? Are we so sunk in our paltry, pitiful, and disgraceful party struggles, that we forget we are Irishmen—that we forget we have a country, and that it is the duty of all to serve her? Should the notes of liberty sound so strangely in our ears, that the very echo will startle us? Can we not listen to them? Are we not even to dare to talk of freedom? We strive not to attain our ends by blood—for Ireland has not been a Poland, nor has it been subject to a Nicholas; but long, too long, has it been the victim of emaciating and cruel laws. Shall we not presume to speak of the Union, nor dare to show even that it has been violated? And what is this act which it is sought to prevent us even from discussing? It is an act which has been in repeated instances violated. It has been violated in reference to the English debt due in 1800. That debt amounted to 420 millions, and was subject to an interest of £15,800,000 a year. The act declared that with this debt Ire-

land should have nothing to do. It declared that this debt should be England's debt, and should be defrayed out of England's taxes exclusively. Ireland's taxes are now appropriated to the payment of its interest, and there is a violation of the act in one of its fundamental principles. The proportion of contribution fixed upon for Ireland was the 2-17ths—that is for every 7½ millions of English contribution here should have been one million for Ireland. This was founded upon a prodigious over estimate of the capability of Ireland. Her receipts of revenue proved that she was not able to raise one million for every ten or eleven millions raised by England. To make her then contribute one to 7½ was absolutely unjust; yet, if we are to judge from the amount of money borrowed in her name, she has been compelled to contribute far more. According to a parliamentary document lately published, Ireland owed 110 millions in 1816. As she owed only 26 millions at the Union, this was an increase in 16 years of 84 millions. What were her actual receipts of revenue in the interval? About 81 millions more. Then her expenditure in 16 years was 165 millions. And what were her liabilities under the act of Union? She was to pay the interest of her own debt, amounting in the aggregate to 16 or 17 millions, and two-seventeenths of the joint expenditure. The joint expenditure was enormous in the time, but two seventeenths of it did not require 165 millions, or anything like its amount. It did not require an additional borrowing of 84 millions, or half 84 millions. It has been calculated that if the affairs of the Irish exchequer were properly managed, and money borrowing year after year, to make up the deficiency in the Irish revenue, and that deficiency alone, the entire of the additional borrowing would not amount to more than 25 or 26 millions instead of 84. When more than that amount was borrowed in the name of Ireland, the proportions fixed upon at the Union, unjust as they were, were departed from, and the act was again violated. Then, this act, which it is sought to be made criminal even to discuss, guaranteed to us the application of our surplus revenue to the lessening of our debt, the reduction of our taxes, or the internal improvement of our country. Is our surplus revenue appropriated to such a purpose now? Not at all; it goes over to pay the interest of the debt which was declared to be exclusively English. Millions upon millions have gone over to be thus appropriated, and thus we have stationary debt, stationary taxes, and no internal improvement that can properly be called by that name.—Here again is a violation of this act. It has added a tax drain to our absentee rent drain. Even the case of the primate of Ireland cannot be unknown to you—the quit-rents sought from him were not to be applied to Irish purposes. The quit-rents are taken from this unfortunate country to be employed in beautifying London. If any of you should have the misfortune to go to London, look to Charing-cross, and you will there see how the quit-rents of Ireland are expended; while the poor and paltry sum of £300 which the merchants

of Dublin sought for, to get a survey executed for a ship canal, though the utility of such a national work is beyond all dispute, was refused with as much contumely and contempt as they would refuse a beggar who asked them for alms! Crown and quit-rents to the amount of 3 or £400,000 have, within a few years, been remitted from Ireland to be thus expended, and still they refuse a shabby grant of £300, though it is sought for to effect a work of the deepest importance to the whole country, but to this falling city especially! And after all this they tell us that we shall not dare discuss the measure of the Union. They take from us our property, and because we are robbed, they tell us that we must be silent. Is not this, I ask, the country of Bushe, of Jebb, of Saurin, and of John Foster, of 1800, and are we not, I ask, their countrymen? We are, and it is not a Whig trafficking cabinet that can defeat us by exciting divisions between Protestants and Catholics—prosecuting a printer here, and insulting a magistrate, and endeavouring to trick both. But we set them at defiance, and we tell them, that Ireland was a province—but she shall be a nation. Let us all perform an open and a manly part, and we must succeed—let us unite together, and our victory is certain. Is that, I ask, to be accounted in 1800, virtue and Protestantism, which, in 1833, is to be regarded a foul and calumnious libel, worthy only of the jail, and perhaps of the gibbet?—Such are not my sentiments—for I will “rely on God to save Ireland.” Such was the language of one when speaking on behalf of his country.—The prayer was not heard, but his piety was not the less sincere. The arm of God's vengeance has passed over this afflicted country—we are punished for the crimes of our people! Oh, let us, while we bow our heads in humble submission to the Divine will, also kneel and worship in the temple of our common country; and while we all fervently aspire for her liberty, let not, oh! let not this paltry prosecution disturb us in our devotion. How degrading it is to have to turn from so ennobling a theme to so paltry a subject! Be not you, gentlemen, the executioners of your country's freedom, and oh! stoop not to be the turnkeys upon Ireland—do not you impede her progress to liberty and independence. But I have one great man more, whose opinions I will read for you respecting the Union—his name at the time of the Union was William Conyngham Plunkett:—“But, Sir, the freedom of discussion which has taken place on this side of the house has, it seems, given great offence to gentlemen on the treasury bench. They are men of nice and punctilious honor, and they will not endure that any thing should be said which implies a reflection on their untainted and virgin integrity. They threatened to take down the words of an honourable gentleman who spoke before me, because they conveyed an insinuation; and I promised them on that occasion that, if the fancy for taking down words continued, I would indulge them in it to the top of their bent. Sir, I am determined to keep my word with them, and I now will not insinuate, but I will directly assert, that base and

wicked as is the object proposed, the means used to effect it have been more flagitious and abominable." Is this, gentlemen of the jury, the Union which you will protect with your verdict? "Sir, I, in the most express terms, deny the competency of parliament to do this act, I warn you, do not dare to lay your hand on the constitution; I tell you that if, circumstanced as you are, you pass this act, it will be a mere nullity, and that no man in Ireland will be bound to obey it; I make the assertion deliberately; I repeat it, and I call on any man who hears me to take down my words; you have not been elected for this purpose; you are appointed to make laws and not legislatures; you are appointed to act under the constitution, and not to alter it; you are appointed to exercise the functions of legislators, and not transfer them; and if you do so your act is a dissolution of the government, you resolve society into its original elements, and no man in the land is bound to obey you." Why is not this prosecuted? It is sold publicly—it is anxiously looked for, and it has been published again and again. Where is the Attorney General that he does not prosecute the miscreant offender who said this? William Conyngham Plunkett then proceeds—"If you transfer you abdicate, and the great original trust results to the people, from whom it emanated.—Yourselves you may extinguish, but parliament you cannot extinguish. It is enthroned in the hearts of the people—it is enshrined in the sanctuary of the constitution—it is immortal as the island which it protects. As well might the frantic suicide hope that the act which destroys his miserable body should extinguish his eternal soul. Again, I therefore warn you, 'do not dare to lay your hand on the constitution.' It is above your powers." The attempt which they made succeeded. They destroyed the body; but the soul survives. My weak and humble breath has endeavoured to sound the trumpet for her resurrection. The spirit is beginning to arouse, the stir of animation is returning, and yet the Whigs suppose that they will procure you to flit like the harpies of old, or the vampires of modern days, round the tomb, in which that spirit is now dormant, that you might suck up from the throbbing veins the red-life blood as it returned in its flow to circulate through them, and thus stop it for ever. Now, even now, you may feel the throbbing of the public heart. The spirit is raised—it appears glorious and immortal—it is robed in all the kingly majesty of national independence, and in its train is prosperity, peace, and blessings to our native land. "How will an Union effect those predisponent causes? Will you conciliate the minds of the northern, by caricaturing all the defects of the constitution and then extinguishing it, by draining his wealth to supply the contributions levied by an imperial parliament, and by outraging all his religious and moral feelings by the means which you use to accomplish this abominable project; and will you not by encouraging the drain of absentees, and taking away the influence and example of resident gentlemen, do every thing in your power to aggravate the poverty, and to sublimate the ignorance and bigotry of the south?

Let me ask again, how was that rebellion put down? by the zeal and loyalty of the gentlemen of Ireland, rallying round what?—a reed shaken by the winds; a wretched apology for a minister who neither knew how to give, or where to seek protection? No, but round the laws and constitution, and independence of the country. What were the affections and motives which called us into action? To protect our families, our properties, and our liberties. What were the antipathies by which we were excited? Our abhorrence of French principles and French ambition. What was it to us that France was a republic? I rejoiced when I saw the ancient despotism of France pulled down. What was it to us that she dethroned her monarch? I admired the virtues, and wept for the sufferings of the man, but as a nation it affected us not. The reason I took up arms, and am ready still to bear them against France, is, because she intruded herself upon our domestic concerns, because with the rights of man and love of freedom on her tongue, I see that she has the lust of dominion in her heart; because wherever she has placed her foot she has erected her throne, and that to be her friend or her ally is to be her tributary and her slave. Let me ask, is the present conduct of the British minister fitted to augment or to transfer that antipathy?—No, Sir, I will be bold to say, that licentious and impious France in all the unrestrained excesses which anarchy and atheism have given birth to, has not committed a more insidious act against her enemy than is now attempted by the professed champion of the cause of civilized Europe against friend and an ally in the hour of her calamity and distress, at a moment when our country is filled with British troops, when the loyal men of Ireland are fatigued and exhausted by their efforts to subdue rebellion—efforts in which they had succeeded before those troops arrived—whilst our habeas corpus act is suspended, whilst trials by court-martial are carrying on in many parts of the kingdom—whilst the people are taught to think that they have no right to meet or to deliberate, and whilst the great body of them are so palsied by their fears, and worn down by their exertions, that even the vital question is scarcely able to rouse them from their lethargy—at the moment when we are distracted by domestic dissensions—dissensions artfully kept alive as the pretext for our present subjugation, and the instrument of our future thralldom. Sir, I thank the administration for this measure, they are, without intending it, putting an end to our dissension—through this black cloud which they have collected over us, I see the light breaking in upon this unfortunate country; they have composed our dissensions, not by fomenting the embers of a lingering and subdued rebellion—not by hallooing the Protestant against the Catholic and the Catholic against Protestant—not by committing the North against the South—not by inconsistent appeals to local or to party prejudices. No, but by the avowal of this atrocious conspiracy against the liberties of Ireland, they have subdued every petty feeling and subordinate distinction. They have united every rank and description of men by

the pressure of this grand and momentous subject and I tell, them, that they will see every honest and independent man in Ireland rally round her constitution, and merge every other consideration in his opposition to this ungenerous and odious measure; for my own part, I will resist it to the last gasp of my existence and with the last drop of my blood, and when I feel the hour of my dissolution approaching, I will, like the father of Hannibal, take my children to the altar and swear them to eternal hostility against the invaders of their country's freedom." This was certainly spoken like a patriot, and which then really animated him. I am but an humble barrister, and yet as I am I have a true love for Ireland, and my feeble advocacy she never shall call upon, and do so in vain. He proceeds:—"I acquit the people of Great Britain of all share in this base transaction. I am satisfied it would be rendered finally abortive by their wisdom and patriotism, even if we were wanting to ourselves. I consider it merely as the project of a desperate minister, who feels that he may be called to a severe account by his country at no very distant period, and would enable him to say—"True, I have deluded and impoverished you; but, in return, I have subdued Ireland—there she lies fettered at your feet, use her as you please." These are the words of the speaker, and I now tell you, gentlemen of the jury, that this prosecution is part of that conspiracy, by which the Whigs seek to put down the people of the north as well of the south—the Orangeman as well as the Repealer—it is an attempt to stifle Irish prosperity. Will you prevent it, or will you punish the man who is honestly and anxiously desirous of serving his country? I suppose you think that the men who uttered the language I have quoted to you were, like felons, dragged to the bar of public justice.—I suppose you think that for such language they have wasted away their years in prison, or that they have lived beneath the withering effects of some doomed judgment. They were members of the bar, and of parliament. Since then one of them has been promoted to the very highest seat on the judicial bench—another has been for twenty-five years the Attorney-General for Ireland, and he might, during that period, have at any time obtained the place of Chief Justice. If they have been elevated, and justly rewarded, shall he who feebly imitates their language be denounced? Are you, gentlemen, in the presence in which you now stand, are you to pronounce it a crime to say, that Ireland ought not to be a province, and that she should be a nation? Is it a crime to say that Ireland shall yet erect her proud crest amongst the nations of the earth? Is it a crime to say that we will not "extort," but that we shall beg for justice? Is this a crime which you as Irishmen, are willing to punish? Gentlemen, I feel that I have exhausted you; but the subject upon which I have been engaged has led me far a field. Mighty consequences depend upon this trial. You are to say whether it will be allowed to use argument or not upon any matter in which our feelings or our rights are en-

gaged. The question here is—are we to have the right of discussing an act of parliament?—an act that has put down this great and glorious nation, and converted her as by fell magic into the paltry member of an empire, and reduced her to a mere province—an act which has taken from us the best protection for life and liberty, the best security for property—a domestic parliament. An act which has loaded us with a debt which we never contracted; which takes the income out of the country, and which sends over your representatives, one to five to be shouted at, not merely as I was, but as the advocate for the University, the representative of the Protestant Church was met—with shouts and scoffs. This is the act of parliament, which has inflicted more of misery and degradation upon a people, than any single ukase of the Autocrat of Russia—it is an act which has blotted Ireland out of the map of the world. And yet, because Irishmen struggle peaceably and constitutionally to repeal such an act, that you are selected as a jury, and put into that box, in the hope that you would allow ancient feuds to blind your eyes to your present wrongs, and the degradation of your country. It was with such a hope that you were selected by them. They, I believe, judged ill of you. You are sworn—you are bound to act according to the dictates of your conscience; and now I tell you, that you may by your verdict, baffle this Whig prosecution, and carry dismay, and I believe, hurl destruction upon them. You cannot, by your verdict, should it be adverse, destroy the repeal question, though you may turn it into a less legitimate channel. The repeal question is dear to the hearts and the minds of Irishmen. The youth of Ireland are awake—they have heard of it—they are rushing every hour into maturity and strength; and they have determined that Ireland shall be a nation and not a province. The young men of Ireland feel that they are superior to provincial degradation. The young blood of Ireland throbs for the exaltation of the country; and is it to be thought that this paltry prosecution can come in, and bar the way to the progress of that question, or that the consciences of a Protestant jury can be placed as an impediment to the liberties of Ireland for ever. This, I feel, is no ordinary case here my country is my client, and I am pleading for her that she may be a nation. I demand that the affairs of my country should be governed by Irishmen—that as France belongs to Frenchmen, England to Englishmen, that Ireland also be possessed by Irishmen, bound by the golden link of the crown to Englishmen, and perpetually connected by mutual utility, each having an independent local legislature, and composing, by the utility of the connexion, the best protection for each other. I demand for Ireland the guardianship of a local legislature, which will preserve her rights, foster her trade, extend her commerce, increase her agriculture, and which will before all, and above all, give liberty to Ireland. Are you to stand in the way of that question? Are you to allow sectarian feeling to lead you astray? I hope not. Gentlemen of the jury, I call

upon you, as you value your country, as you value the oaths you have taken, as you know what Ireland was before the Union, and as you must be conscious what it can be if the Union be repealed—I call upon you to spurn from you this prosecution, and give one more chance for liberty and independence to Ireland.

Mr. O'Connell sat down amid enthusiastic cheers, and which, notwithstanding all the exertions of the officers of the court, could not be suppressed for several minutes.

WEDNESDAY.

The Court sat at eleven o'clock, and the jury having been called over,

The Solicitor-General rose and said—They had yesterday the pleasure of hearing the statement of the case on the part of the crown by his right hon. friend the Attorney General, who, he was sorry to say, was then confined to his bed by a fit of sudden and severe indisposition. They had also heard the dexterous, able, and eloquent speech made by the learned counsel on behalf of the publisher of the libel (the writer had not been given up), and from the quantity of matter introduced into this long and able speech, he should not be surprised if they had forgotten Richard Barrett, the defendant. They, on the part of the crown, thought they came there to prosecute the publisher of the libel which appeared in the *Pilot* newspaper, signed Daniel O'Connell, but the defendant has shifted his position, and become the assailant. The learned counsel had usurped the office of his right hon. friend, the Attorney-General, (an office which he repudiated,) and had charged the ministry, the Attorney-General, and himself, with a conspiracy against the people of Ireland, and the jury were gravely told that this conspiracy was the question they had to try, and not the libel charged in the record. Even the venerable judges he bench were called to account for speeches made forty years ago in their capacity of barristers or senators, and those speeches are to be made similar and analogous to the case of the prisoner at the bar, and the jury were to be hurried away from the consideration of the real question which they had to try. This was, no doubt, as dexterous a manœuvre as had yet been practised by that learned counsel, who was famed for dexterity; but the jury, he was satisfied, knew their duty too well to be led away by any such dexterous manœuvre. The jury had been complimented by the learned counsel; they had been told by him that he placed the utmost reliance on their oaths. Who, he would ask, doubted them? But he (the Solicitor-General) was not in the habit of complimenting a jury while their verdict was in doubt, and afterwards assailing their characters in another place. They had been told that the question they had to try was not a question of crime or of offence, but it was part of a struggle to raise Ireland from a province into a nation; that it was part of a struggle to free his country—from what? A band of Saxon masters. They could not be called upon to try any such question, but the simple question they had to try was the question upon the record. The question was a libel upon the united parliament—that was the question,

as the learned judge on the bench would tell them. The publication had been manfully admitted by the learned counsel, but he expected the author would be avowed. Instead of this, however, they had merely an avowal that Mr. Barrett was the publisher. Why, he asked, should the jury be called upon to discuss the question of Repeal? It was, in fact, but a manœuvre to cajole and seduce them into the consideration of a question entirely irrelevant for this purpose. They were brought back to the glorious period of '82, from that to '89, and the memorable contest between England and Ireland. Their imagination had been dazzled by the extracts from speeches delivered by enthusiastic young men, glowing with pride and patriotism, and burning with zeal for the independence of their country. By these artifices they were to be carried away from the real question, and the culprit was to escape unpunished. If that had been a civil action, instead of a criminal prosecution, he would have been ashamed if he did not interrupt the learned counsel, and prevent him from wasting the public time by the discussion of such topics. He would now beg to call their attention to the time at which the libel was published, the persons to whom it was addressed, the person in whose name it was written, and the object and tendency of the matter which it contained. In the month of February a bill was introduced into parliament, for the purpose of putting down dangerous associations, which became law upon the 2d of April following. By some this act was called the coercion bill, by the learned counsel for the defendant the Algerine act, but others, and he was amongst the number, denominated it the protection bill. Here the learned Solicitor went into a detail of the objects of this act. One of its primary ones was, he said, to put down agitation. They all recollected the winter of '32, and the summer of '33, when these evils were at their height—when the laws were trampled under foot, and the power of the executive usurped by the prime agitator and his assistants. This bill placed all those evils under the controul of the executive. What had been the effect? Tranquillity was restored in the disturbed districts, and yet this act is denominated a gross act of despotism. Much opposition had been given to the passing of that act. It was not supported by the Whigs alone, but by the honest men of all parties, Whig and Tory; but there were some choice spirits in the house, the abettors and fomentors of agitation—men who pretended to be the advocates of liberty, while they were the open and undisguised opponents to free discussion, lawless, and revolutionary, who knew no liberty but the liberty of domination.—This was the class of persons who opposed the bill, and yet it passed in spite of their opposition.—Did he complain of this opposition? No, because it was the constitutional privilege of the people to complain and oppose any measure proposed in the House of Commons; but there was a time for opposition—there was a time for deliberation—there was a time for declamation.—The period proper for all this was, when the measure was going through its stages in the house; but when the bill received the sanction of both

houses of the legislature, and was ratified by the signet of the monarch; when, in fact, it became an act of parliament, and the settled law of the land, language which might be perfectly justifiable when applied to a bill, would be rank sedition in reference to an act of parliament. There was but one duty, then, and that duty was obedience.— Here the learned gentleman animadverted at some length upon the language of the libel, which, he said, derived additional weight and importance, and was calculated to do greater mischief, because it was published in the *Pilot* newspaper, a paper conducted with great talent, and he was free to admit, of immense circulation—a paper which was in fact, in the hands of every man in the country, and read at every chapel in Ireland, and by the class of persons who were likely to be influenced by it. It was idle to say that this was not a libel, because it contained passages inculcating peace; for, after all, it was only saying this—prime, load, keep yourselves ready for action, but do not fire, for that would be dangerous. The jury, he was sure, could not be cajoled by such language as this was. Was it possible that the passions of the people—nay, their very courage appealed to, could be assuaged by the milk and water (which the learned counsel had attributed to him) in the shape of an admonition to obey the law. The libel in question attributed all the evils of the country, Whiteboyism and Whitefeet, to the act of Union. Now, this he emphatically denied, because it was a well-known fact that these associations existed forty years before the Union took place. In another part of his address, the learned gentleman stated that these crimes were caused by agitation—that political agitation was the parent of all such offences, and that the coercion bill was introduced to put down this agitation. The learned gentleman, after some further observations, concluded by calling upon the jury to mark by their verdict the opinion they entertained of the publication which formed the subject of that prosecution.

The Chief Justice then proceeded to charge the jury, and said they had but one question to decide—namely, whether the publication had the ten-

dency to produce the effects charged in the indictment, or whether it did not transgress the liberty of the press. It was the province of the jury to judge of this. It was the undoubted liberty of the press to discuss the policy of either passing or repealing acts of parliament. The indictment charged that the publication was published with intent to excite hostility between his Majesty's subjects in England and Ireland, and stir up the people of Ireland by intimidation to effect the repeal of the Union. It also charged the publication with bringing into contempt the 3d William IV. If the publication had that tendency it should not be protected by the liberty of the press. The question was for the jury exclusively to inquire whether the publication had that tendency or not, and it was not the intention of the court to interfere with them, confident, as they were, that they would discharge their duty conscientiously.

When the jury retired, Mr. Sheil, K.C., called the attention of the court to an alteration which had been made in the record since the preceding day without the sanction of the court.

The Chief Justice said, that the present application could only be made in term.

Mr. Pigott contended that it was the duty of the court to take judicial cognizance of the fact.

The court ultimately consented to enter the objection on their notes.

After an absence of about ten minutes, the jury returned to their box with a verdict of *guilty*, accompanied by a recommendation to mercy.

The Chief Justice inquired the grounds upon which they founded their recommendation?

The Foreman replied, that several of his brother jurors had assigned different reasons for the recommendation, and if it was the wish of the court, they would state them individually.

The Chief Justice said, that there was no occasion for their doing so, and inquired of the crown counsel whether there were any objections to permit the traverser to stand out until next term?

Mr. Sergeant Pennefather said he should offer no opposition.

